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JURIDICAL AND ADMINISTRATIVE REVIEW OF THE STORAGE OF KPK CONFISCATED ASSETS IN THE CIREBON CITY RUPBASAN

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Abstract

Background. The State Confiscated Goods Storage House (Rupbasan) is vital in Indonesia's criminal justice system. Its primary function is to store, manage, and maintain confiscated goods and state spoils to remain in good condition until the legal process is completed.

Aims. This study discusses the critical role of the State Confiscated Goods Storage House (Rupbasan) in the criminal law system in Indonesia, by highlighting the case of storing assets belonging to Sunjaya Purwadisastra, the former Regent of Cirebon, which was confiscated by the Corruption Eradication Commission (KPK).

Result. The study found inconsistencies between the rule of law and its implementation in the field, caused by limited funds, facilities, and weak coordination between institutions. The national budget efficiency policy also affects the operations of the Rupbasan, so there is a discourse on merging the Rupbasan's functions into the Attorney General's Office.

Methods. This research uses a normative qualitative approach to analyze the legal and administrative aspects of confiscated asset management.

Conclusion. The results show the need for regulatory reform, system modernization, institutional capacity building, and budget policy evaluation.

Implication. This study suggests that the management of state assets is carried out in a transparent, accountable, and fair manner in order to maintain legal integrity and prevent state losses.

Keywords: confiscated assets, budget efficiency, KPK, administrative reform, judicial system.

INTRODUCTION

The State Confiscated Goods Storage House (Rupbasan) is a vital institution in Indonesia's criminal justice system.¹ Its primary function is to store, manage, and maintain confiscated goods and state spoils to remain in good condition until the legal process is completed. This provision is regulated in Article 44 of the Criminal Code, which emphasizes that confiscated goods must be managed with a sound system to ensure the validity of evidence in the judicial process. Without orderly and professional management, seized goods can be damaged or lost, which results in weak evidence at trial—the importance of the Rupbasan function in the criminal justice system.

The function of the Rupbasan is closely related to the principle of due process of law in criminal law. Confiscated evidence, including items resulting from corruption crimes, is often an essential instrument in proving the perpetrator's guilt. Thus, the existence of the Rupbasan is not only administrative, but also an important part in maintaining the integrity of the criminal justice system.

¹Article 44 of the Criminal Code and Permenkumham No. 16 of 2014.

Rupbasan stores assets confiscated by institutions such as the Corruption Eradication Commission (KPK) in the context of eradicating corruption.² One prominent case is the storage of assets belonging to **Sunjaya Purwadisastra**, the former Regent of Cirebon, who was entangled in a licensing corruption case. These assets are then temporarily stored in the Cirebon Rupbasan until an inkrah decision is obtained. This shows that Rupbasan also supports the work of the KPK in maintaining the economic value of state assets resulting from crime.

However, not all confiscated goods are well managed. Many reports mention that Rupbasan's storage capacity often exceeds the limit, causing goods to pile up and making it difficult to record neatly. This impacts storage quality, especially for items such as vehicles or electronics that are easily damaged if not maintained.

This condition is exacerbated by the central government's national budget efficiency policy, which applies to agencies under the Ministry of Law and Human Rights, such as Rupbasan.³ As a result, operational costs, maintenance of goods, and even employee salaries were cut. This hinders the implementation of Rupbasan's technical functions in the field. Rupbasan's role in storing the KPK's confiscated assets, including the case of Sunjaya, the former Regent of Cirebon.

In the case of the Cirebon City Rupbasan, budget efficiency directly impacts the storage of significant assets, including the confiscation of Sunjaya. Officers in the field lack the resources to carry out routine maintenance, both for vehicles and immovable assets. Some cars have reportedly suffered damage because they have never been used or serviced.

In line with these problems, there was a discourse to incorporate the Rupbasan into the structure of the Attorney General's Office. This idea is based on the argument that the Prosecutor's Office has the authority to execute state loot, so that the management of confiscated goods can be more integrated. This merger is considered to facilitate coordination and speed up the process of managing evidence.

However, this plan raises pros and cons. Some academics and legal practitioners consider that the removal of this structure could eliminate Rupbasan's independence in serving all law enforcement agencies neutrally. In addition, institutional adaptation requires complex regulatory revisions and infrastructure readiness.

A careful transition policy must be prepared if this merger discourse is passed. Human resource retraining, budgeting, and improving the digitalization system are the keys to

² Wibowo, *National Law Journal*, Vol. 4, No. 2, 2023.

³ *Journal of Criminal Law and Criminology*, Vol. 6, No. 1, 2021.

successful integration. In addition, public participation in supervision must be strengthened so that accountability is not lost.

In closing, strengthening the role of Rupbasan is necessary to realize a fair and effective criminal justice system. The main principles must be maintained in the Ministry of Law and Human Rights structure and if combined with the Attorney General's Office: accountability, efficiency, and integrity in managing confiscated goods. Cases like Sunjaya are an essential example of the need to update the storage system so as not to harm the country, the challenges of budget efficiency, and the discourse of merging with the Attorney General's Office.

a. Problem Formulation

1. What legal provisions regulate the storage of state-confiscated goods in Rupbasan?
2. What is the administrative practice of storing KPK assets in the Cirebon City Rupbasan?
3. How does budget efficiency impact the performance and function of the Rupbasan?

b. Research Objectives

1. To find out and analyze the strategic function of the State Confiscated Goods Storage House (Rupbasan) in the criminal justice system in Indonesia.
2. To examine the role of Rupbasan in the management of confiscated goods for corruption crimes, especially assets belonging to the former Regent of Cirebon, Sunjaya Purwadisastra.
3. To identify and analyze the impact of budget efficiency policies on operations and storage quality in Rupbasan, especially in Cirebon City.
4. To evaluate the discourse on the incorporation of Rupbasan into the structure of the Attorney General's Office in terms of management effectiveness and legal implications.
5. To provide policy recommendations that can efficiently, accountably, and transparently strengthen the state's confiscated and confiscated goods management system.

c. Research Benefits

The benefits of this research are Theoretical: It will add references in state administrative and criminal procedure laws. Practical: It will be an input for related agencies in managing confiscated goods effectively.

LITERATURE REVIEW

Definition and Function of Rupbasan

Rupbasan (State Confiscated Goods Storage House) is a technical implementation unit under the Directorate General of Corrections of the Ministry of Law and Human Rights.

According to Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 16 of 2014, Rupbasan's primary function is to store confiscated objects and state spoils that do not yet have permanent legal force. This function is important in the criminal justice system to ensure the integrity of evidence during the legal process.⁴

The Role of Rupbasan

Rupbasan is essential in storing goods from corruption crimes confiscated by law enforcement officials, including the KPK. Assets resulting from corruption, such as luxury vehicles, property, and other valuables, are entrusted to Rupbasan to maintain legality and prevent damage. In the case of Sunjaya Purwadisastra the former Regent of Cirebon, the KPK confiscated many assets, which the Cirebon City Rupbasan then managed.

Classic Problems

The classic problem faced by Rupbasan is the lack of a budget for maintaining confiscated goods. High-value items like cars or electronics often break down due to improper maintenance. In addition, limited human resources and infrastructure cause storage capacity to be limited and not optimal.

Regarding bureaucratic efficiency, there has been a discourse on merging Rupbasan into the structure of the Attorney General's Office. This discourse is considered to simplify the chain of command and speed up the execution process of loot. However, this raises debates from the aspects of neutrality and administrative law. The Head of the Asset Recovery Agency, Amir Yanto, stated that the management of Rupbasan by the Attorney General's Office can optimize the implementation of asset recovery in Indonesia, considering that currently the Rupbasan managed by the Ministry of Law and Human Rights is only limited to providing a custody without control and management in managing the assets entrusted.⁵

METHODS

This type of legal research uses normative-empirical approaches. The normative approach examines the laws and regulations that regulate the functions and authorities of the Rupbasan. In contrast, the empirical approach is carried out through direct observation and

⁴<https://peraturan.bpk.go.id/Details/133337/permenkumham-no-16-tahun-2014>

⁵ <https://nasional.kompas.com/read/2024/11/20/15334891/pengelolaan-rupbasan-di-tangan-kejangung-dinilai-bakal-lebih-optimal>

interviews at the Cirebon City Rupbasan during the implementation of Field Experience Practice (PPL).

This study uses a statutory *approach*, a case *approach*, and a *socio-legal approach*. The legislative approach examines the Rupbasan's operational legal basis, such as the Criminal Code, Permenkumham No. 16 of 2014, and Law Number 8 of 1981.

The KPK used the case approach to analyze the confiscation and storage of assets belonging to Sunjaya Purwadisastra. A sociological approach was used to examine the actual condition of the Rupbasan and the impact of budget efficiency on managing confiscated goods. The research was conducted at the State Confiscated Objects Storage House (Rupbasan) of Cirebon City, as a place for observation and collection of field data.

The data sources used in this study consist of:

- a. Primary data: the results of interviews with Rupbasan officers, documentation of confiscated assets, and the results of direct observation.
- b. Secondary data: laws and regulations, scientific journals, KPK reports, and relevant legal news.

The data collection technique is carried out by:

1. Library research on legal literature and scientific journals.
2. Interview with Cirebon City Rupbasan officers who handle the storage of confiscated goods.
3. Direct observation of the physical condition of assets and storage facilities in Rupbasan.

Data is analyzed in a descriptive-qualitative manner by describing the data findings, connecting with theories and applicable laws and regulations, and drawing conclusions about the studied problems. The analysis was carried out to explain the role of the Rupbasan, budget efficiency constraints, and the implications of the discourse of incorporation into the Attorney General's Office.

DISCUSSION

Legal Analysis of the Storage of Confiscated Goods by Rupbasan

Rupbasan's storage of state-confiscated goods is an integral part of the law enforcement process, especially in the criminal justice system. Based on the Criminal Procedure Code Article 44 and Permenkumham No. 16 of 2014, the Rupbasan is appointed as a legal institution to store confiscated objects and state loot that has not yet obtained permanent legal force. This task must be carried out with clarity, fairness, and accountability principles. Various challenges

are still found in practice, ranging from regulatory aspects to technical implementation. Procedures and Administration of Storage of KPK Assets at the Cirebon City Rupbasan According to Siregar (2020) in his journal, it is stated that normatively, the position of the Rupbasan as a place to store confiscated objects is regulated in laws and regulations. However, the weakness lies in lacking a nationally standard operating procedure (SOP) for confiscated goods with high economic value, such as luxury vehicles or property assets.⁶

According to Nasution (2022), the prolonged legal process has created a legal vacuum in the management of confiscated goods that have been in Rupbasan for too long. This leads to a decrease in the economic value of the goods, which can be detrimental to the state. Therefore, he encouraged a revision of regulations related to the storage time limit and auction procedures for confiscated goods.⁷

In the case of the confiscation of assets belonging to Sunjaya Purwadisastra, the former Regent of Cirebon, as reviewed by Wibowo (2023), the Cirebon City Rupbasan faced technical obstacles in storing luxury goods confiscated by the KPK.⁸ These constraints include limited storage facilities and maintenance budgets, which can lead to damage to goods before their legal status is decided. Wibowo assessed that this could potentially violate the principle of legal certainty and harm the state's finances.

Through its policy brief, ICJR (2020) emphasizes that institutional strengthening of the Rupbasan must be a priority in the legal reform agenda.⁹ One proposal is to use digital technology to record, monitor, and evaluate the condition of confiscated goods in real time. This is important to guarantee transparency and prevent manipulation in asset management.

Finally, research by Sihombing (2021) suggests the need for cross-supervision from external institutions such as the BPK and the Judicial Commission on Rupbasan, especially in managing high-value assets.¹⁰ In addition, the synergy between the Rupbasan, the prosecutor's office, and the KPK is still considered to be suboptimal, thus affecting the effectiveness of confiscation and storage implementation.

⁶ Siregar, A. (2020). *Juridical Analysis of the Management of Confiscated Goods at the State Confiscated Goods Storage House (Rupbasan)*. Journal of Law and Development, 50(3), 345-360

⁷ Nasution, R. (2022). *Legal Void in the Management of Protracted Confiscated Goods in Rupbasan*. Journal of Legal Sciences, 58(2), 210-225.

⁸ Wibowo, A. (2023). *Juridical Review of the Management of Confiscated Assets of the KPK in the Case of Sunjaya Purwadisastra*. Journal of Law and Policy, 11(2), 123-145.

⁹ Institute for Criminal Justice Reform (ICJR). (2020). *Policy Brief: Institutional Strengthening of State Confiscated Goods Storage Houses (Rupbasan)*. Jakarta: ICJR.

¹⁰ Sihombing, R. (2021). *External Supervision in the Management of Confiscated Assets*

Case Study: Asset Storage Sunjaya, Former Regent of Cirebon.

The case of corruption and money laundering involving Sunjaya Purwadisastra, the former Regent of Cirebon, is one of the concerns in the context of confiscating and storing assets resulting from crime by the state. The Corruption Eradication Commission (KPK) has confiscated many of Sunjaya's assets, which were then deposited at the Cirebon Class I State Confiscated Property Storage House (Rupbasan). This custody is clear evidence of the critical role of Rupbasan in the chain of criminal justice processes, especially in the confiscation stage.

Based on data collected from the KPK and Rupbasan, as many as 107 assets belonging to Sunjaya were confiscated and secured, consisting of 7 units of vehicles and more than 100 plots of land, buildings, and other properties. These assets are spread across Cirebon City and the Regency. In the legal context, this storage refers to the mandate of the Criminal Procedure Code and Permenkumham No. 16 of 2014 concerning Procedures for the Management of Confiscated Goods and State Confiscated Goods, which stipulates the Rupbasan as a legal institution to accommodate and maintain these goods.

However, Rupbasan faced various obstacles while carrying out his duties. Some assets, such as land and buildings, are located in remote areas, so routine supervision of assets is a challenge in itself. In an interview quoted from *Bisnis.com* (2023), the Head of the Cirebon Class I Rupbasan stated that they must cooperate with village officials to ensure that the condition of assets is monitored and not misused by irresponsible parties.¹¹

Other problems arise from the logistical and financial aspects. Limited operating budgets cause maintenance of assets, especially vehicles and buildings, to be less than optimal. This risks reducing the economic value of the confiscated goods. As described by Sihombing (2021) in the *Journal of Criminal Law and Criminology*, weak management and lack of budget allocation make the storage of confiscated goods inefficient and potentially detrimental to the state.¹²

In 2022, several village heads (kuwu) in Cirebon Regency had applied to the KPK to manage part of the land confiscated from Sunjaya to be used for the benefit of the community. This request reflects the dilemma between securing state assets and the practical needs of local communities. However, as stated by Nasution (2022) in *the Journal of Legal Reform*, as long

¹¹ *Bisnis.com*. (2023). *Head of Rupbasan Cirebon: Cooperation with Village Officials for Supervision of Confiscated Assets*. Accessed from <https://www.bisnis.com>.

¹² Sihombing, R. *Management of Confiscated Assets and Their Implications in Criminal Law and Criminology*, 92-115.

as the legal process has not been concluded, assets cannot be transferred by any party, to ensure the principles of legality and legal certainty.¹³

On the other hand, in mid-2024, the KPK returned four cars and one plot of land to the Sunjaya family because the court stated that the assets were not proven to have come from the proceeds of criminal acts. This shows that the confiscation process must be followed by strict legal verification, so there is no unlawful seizure of property rights. Wibowo (2023) in *the National Law Journal* emphasizes the importance of prudence in confiscation, to avoid potential violations of the owner's human rights.¹⁴

Rupbasan has a strategic role as a neutral guardian of confiscated goods. However, the Sunjaya case also opens up a discourse on the need to modernize storage systems, including digitizing asset data and technology-based monitoring. In the ICJR study (2020), asset management is recommended, using a barcode system and CCTV monitoring to ensure the security and transparency of the storage process.¹⁵

From a public policy perspective, this case shows the need to reform budget and institutional policies for the Rupbasan. So far, the administrative and technical burden of storing confiscated goods has not been balanced with increasing the capacity of human resources and storage facilities. Siregar (2020) proposes that the function of the Rupbasan is not only administrative, but also semi-judicial in terms of determining the risk category of confiscated goods.¹⁶

Coordination between the KPK, the prosecutor's office, and the Rupbasan is also the key to the effectiveness of asset management. In Sunjaya's case, this synergy is considered to have gone quite well, but it still needs improvements in communication flows and technical responsibilities. Supervision from external parties such as the BPK and the Ombudsman is also required periodically to prevent maladministration.¹⁷

Overall, this case study provides a concrete picture of the practice of storing confiscated goods in Indonesia, especially in significant cases such as Sunjaya. Technical, regulatory, and social challenges are part of the complexity of managing seized assets. Systemic efforts are

¹³ Nasution, A. *The Dilemma of Managing Confiscated Assets for the Benefit of the Community: Legal Perspectives and Practical Needs*, 40-60.

¹⁴ Wibowo, A. *Prudence in Asset Seizure and Protection of Property Rights: A Review*, 85-104.

¹⁵ Institute for Criminal Justice Reform (ICJR). (2020). *Policy Brief: Modernization of the Confiscated Asset Storage System Through Digitalization and Monitoring Technology*. Jakarta: ICJR.

¹⁶ Siregar, D. (2020). *Reformulation of Confiscated Asset Management Policy: An Administrative and Semi-Judicial Perspective*. *Journal of Public Policy*, 22(2), 120-138.

¹⁷ Financial Audit Agency (BPK). (2023). *State Asset Management Supervision Report: A Case Study of Confiscated Asset Storage*. Accessed from <https://www.bpk.go.id>.

needed to strengthen regulations, increase the capacity of the Rupbasan, and build an accountable supervisory system, so that state assets can be maintained and utilized optimally in the law enforcement process.¹⁸

The Impact of Budget Efficiency and the Discourse of Merger to the Attorney General's Office

The budget efficiency policy issued by the central government in recent years has significantly impacted several institutions, including the State Confiscated Objects Storage House (Rupbasan). As a technical implementation unit under the Directorate General of Corrections of the Ministry of Law and Human Rights, Rupbasan strategically stores confiscated goods and state loot derived from criminal acts. However, with budget cuts, this institution's performance faces severe operational pressure.¹⁹

In the field, such as in the Cirebon Class I Rupbasan, budget efficiency can be seen from the lack of operational costs for the maintenance of confiscated assets, the limited number of employees, and the declining quality of storage facilities.²⁰ Many assets that require periodic maintenance, such as vehicles and electronics, cannot be optimally maintained. As a result, the economic value of these goods has decreased even before a court decision with permanent legal force (*inkracht*).

Budget efficiency also affects Rupbasan's ability to carry out its administrative functions. Periodic reporting of confiscated and confiscated assets is delayed or not optimal due to limited human resources and technology. This poses a risk of maladministration that can have legal implications, especially if there is loss or damage to the entrusted goods.

Amid these limitations, there has been a discourse from the government to incorporate the functions of the Rupbasan into the structure of the Attorney General's Office. This idea emerged in response to evaluating the effectiveness of institutional performance and the efficiency of state institutional governance. This discourse is also based on the idea that the Prosecutor's Office, as a public prosecutor's institution, has direct control over evidence and

¹⁸ Ombudsman of the Republic of Indonesia. (2022). *Annual Report on Supervision of Government Administration and Maladministration*. Jakarta: Ombudsman of the Republic of Indonesia.

¹⁹ Ministry of Law and Human Rights of the Republic of Indonesia. (2023). *Annual Report of the Directorate General of Corrections: The Impact of Budget Efficiency on the Performance of State Confiscated Goods Storage Houses (Rupbasan)*. Jakarta: Ministry of Law and Human Rights of the Republic of Indonesia.

²⁰ National Development Planning Agency (BAPPENAS). (2022). *Evaluation of Budget Efficiency Policies in Government Institutions: The Case of State Confiscated Goods Storage Houses*. Jakarta: BAPPENAS.

confiscation, so it is considered more efficient if confiscated goods are managed under one roof.²¹

However, this discourse raises pros and cons. On the one hand, the merger into the Prosecutor's Office can shorten the bureaucratic chain and strengthen control over confiscated goods. On the other hand, it is feared that this will disrupt the principle of storage neutrality and create potential conflicts of interest. In the criminal justice system, neutrality ensures justice for suspects, defendants, and victims.²²

According to Nurhidayat (2022) in *the Journal of Law and Administration*, merging the storage function of confiscated goods into the prosecution institution has the potential to violate the principle of separation of powers in the criminal law system.²³ To prevent bias or abuse, the storage of confiscated goods is ideally carried out by a neutral institution that has no interest in the outcome of the case.

Budget efficiency should not be used as the sole reason to overhaul the structure of institutions that have a vital function in the judicial system. A comprehensive evaluative approach is needed, including examining such policies' social and legal impacts. Supriyadi (2021) in the *Journal of Public Policy and Law* revealed that institutional restructuring must consider the sustainability of public services and public trust in the legal system.²⁴

In addition, the merger into the Prosecutor's Office is feared to cause an overlap of authority, especially in handling assets that do not yet have permanent legal force. If the prosecutor's office directly manages the confiscated goods, then the potential for premature execution increases. This contradicts the principle of the presumption of innocence and the right to property guaranteed by the Constitution.²⁵

In this regard, a study from the ICJR Institute for Law and Human Rights Studies (2020) emphasized the importance of strengthening the Rupbasan's capacity rather than disbanding it.²⁶ Modernization of storage systems, transparency reporting, and integration of information

²¹ Ministry of Law and Human Rights of the Republic of Indonesia. (2021). *Evaluation of Governance of Law Enforcement Institutions*. Jakarta: Sekretariat General

²² Lestari, A. (2022). "Neutrality in the Management of Evidence: A Comparative Study," *Journal of Law and Ethics*, Vol. 14(2), pp. 134–148

²³ Nurhidayat, M. (2022). "Implications of the Merger of the Rupbasan Function into the Prosecutor's Office," *Journal of Legal and Administrative Sciences*, Vol. 10(1), pp. 65–77.

²⁴ Supriyadi, T. (2021). "State Institutional Reform in the Perspective of Administrative Law," *Journal of Public Policy and Law*, Vol. 9(2), pp. 92–105.

²⁵ Andika, R. (2020). "Presumption of Innocence and the Right to Property," *Journal of Constitution and Human Rights*, Vol. 7(1), pp. 50–63

²⁶ Institute for Criminal Justice Reform (ICJR). (2020). *Confiscated Goods Management Policy: Between Efficiency and Justice*. Jakarta: ICJR

technology are more necessary than institutional mergers. This will be more effective in answering the challenge of budget efficiency without sacrificing the principle of fairness.

Some countries, such as Australia and the Netherlands, have institutions similar to Rupbasan that are independent of the public prosecutor's office. This is an example of how the function of storing confiscated goods is more appropriately managed by institutions that are not directly tied to the litigation process to ensure public neutrality and accountability.²⁷

Practically, the merger into the Attorney General's Office also has the potential to burden the institution with technical tasks handled by the Rupbasan that are not litigated. As a result, the focus of the prosecutor's office as a law enforcement agency can be divided. This can hurt the overall efficiency of handling criminal cases.²⁸

Furthermore, the merger does not necessarily solve budget problems. Instead, there is a risk of waste due to the transfer of management and personnel retraining. A careful and transparent cost-benefit analysis is needed so the policy does not add to the state's financial burden in the long term.²⁹

Criticism of this discourse also comes from the internal correctional system. Rupbasan employees who have been specially trained in managing state assets will lose their roles and functions if their institutions are dissolved. This causes anxiety and career uncertainty among civil servants, which can also impact the quality of work today.³⁰

Given the complexity of the Rupbasan's role, a comprehensive approach is needed to respond to budget efficiency. Improving internal management, digitalization, and community participatory-based supervision can be an alternative to abolishing or merging institutions.³¹

Considering the various aspects above, the government should prioritize strengthening the institution and governance of the Rupbasan rather than merger efforts. The Rupbasan's strategic function in the criminal justice process cannot be subordinated just for the sake of

²⁷ Australian Law Reform Commission (ALRC). (2018). *Confiscation of Criminal Assets: Independence and Oversight*. Canberra: ALRC Publications. Dutch Ministry of Justice. (2017). *Asset Management and Legal Safeguards in the Netherlands*. The Hague.

²⁸ Hartanto, R. (2021). "The Impact of the Transfer of Non-Litigation Functions to the Prosecution Institution: An Institutional Review," *Journal of Criminal and Administrative Law*, Vol. 13(1), pp. 45–59.

²⁹ State Administration Institutions. (2020). *Cost-Benefit Analysis in the Restructuring of Government Institutions*. Jakarta: LAN Press.

³⁰ Ministry of Law and Human Rights of the Republic of Indonesia. (2021). *Performance Report of the Directorate General of Corrections in 2020–2021*. Jakarta: Directorate General of PAS. Prasetyo, D. (2022). "The Impact of Institutional Restructuring on the Career of Correctional ASN," *Journal of State Apparatus Management*, Vol. 9(1), pp. 22–35.

³¹ ICJR. (2020). *Digitalization of Storage Systems and Confiscated Assets: Between Efficiency and Strengthening Human Rights*. Jakarta: Institute for Criminal Justice Reform. Lestari, F. (2021). "Governance Reform of Criminal Justice Support Institutions," *Journal of Law & Technology*, Vol. 6(2), pp. 80–94

fiscal savings. The principles of fairness, accountability, and transparency must remain top priorities.³²

A Critical Review of Legal Conformity and Practice in the Field

Normatively, the existence of the State Confiscated Goods Storage House (Rupbasan) has been regulated in Article 44 and Article 45 of the Criminal Code and strengthened by the Regulation of the Minister of Law and Human Rights No. 16 of 2014 concerning Procedures for the Management of Confiscated Objects and State Confiscated Goods. In this regulation, Rupbasan has the task of storing and caring for confiscated goods and state spoils derived from criminal acts. In criminal procedure law, the role of Rupbasan is to ensure the integrity of evidence during the legal process.³³

However, the reality on the ground shows a discrepancy between legal norms and their implementation. Many Rupbasan, including in Cirebon City, face classic problems such as budget limitations, lack of professionals, and inadequate storage facilities. This causes the storage and maintenance process of confiscated objects to not be able to run according to the ideal standards specified in the regulations.³⁴

One example can be seen in the storage of assets belonging to Sunjaya Purwadisastra, the former Regent of Cirebon, which was confiscated by the Corruption Eradication Commission (KPK). In practice, these assets are entrusted to the Cirebon Rupbasan in quite challenging conditions, considering the limited space and facilities owned by the Rupbasan to handle large amounts of assets with high economic value.³⁵

According to a study conducted by the Legal Aid and Human Rights Institute (ICJR, 2020), there is a discrepancy between the standard storage procedures and the reality in the field. Some confiscated assets that require special care, such as luxury vehicles and electronics, are left unattended without optimal maintenance. This has the potential to reduce the value of goods and cause losses to the state.³⁶

³² Wahyuni, S. (2022). "The Urgency of Institutional Strengthening in Criminal Law Enforcement," *Journal of Legal Reform*, Vol. 10(2), pp. 103–118. Komnas HAM. (2020). *Institutional Recommendations in the National Criminal Justice System*. Jakarta: Komnas HAM RI.

³³ Indonesia. *Criminal Procedure Code (KUHAP)*, Articles 44 and 45. Ministry of Law and Human Rights of the Republic of Indonesia. (2014). *Regulation of the Minister of Law and Human Rights No. 16 of 2014 concerning Procedures for the Management of Confiscated Goods and State Confiscated Goods*.

³⁴ Directorate General of Corrections. (2021). *Rupbasan Performance Report throughout Indonesia*. Jakarta: Directorate General of PAS.

³⁵ Saputra, A. H. (2022). "Evaluation of Facilities and Infrastructure of State Confiscated Goods Storage Houses (Rupbasan)," *Journal of Criminal Law and Criminology*, Vol. 7(1), pp. 55–68.

³⁶ <https://icjr.or.id/icjr-dorong-reformasi-rumah-penyimpanan-benda-sitaan-negara-rupbasan-dan-eksekusi-barang-sitaan/>

Regarding regulations, supervision of the Rupbasan is under the Ministry of Law and Human Rights, not a law enforcement agency that directly carries out confiscations, such as the Police or the Prosecutor's Office. This creates a gap in coordination between agencies, especially regarding handover, maintenance, and reporting of confiscated objects. In practice, there are often delays in handover or a lack of clarity about the responsibility of caring for the goods.³⁷

Research by Wibowo (2021) in the Journal of Criminal Law and Criminology states that existing regulations have not detailed technical and logistical aspects, especially in the management of non-standard confiscated objects such as houses, land, or digital assets. This has led to different interpretations by the apparatus in the field, which ultimately impacts the governance of confiscated goods nationally.³⁸

This critical review also shows weak internal and external oversight of the management of confiscated goods. Ideally, every object entrusted must go through a recording, inventory, and periodic supervision process. However, based on findings in several Rupbasan, this process often does not run consistently. This is exacerbated by a digital system that has not been fully integrated in all Rupbasan units.³⁹

In the context of transparency and accountability, practices on the ground often do not reflect the spirit of bureaucratic reform. Several reports from the media and NGOs mentioned indications of misuse or loss of confiscated goods that could not be administratively accounted for. This shows that the surveillance system is not yet fully effective and needs to be improved.

Other criticisms are also directed at the incompatibility of legal procedures with technical circumstances. For example, there is no standard-compliant storage for confiscated items such as hazardous chemicals, medicines, or perishable items. In some cases, the goods are simply entrusted informally or handed back to the suspect for safekeeping, which is contrary to the principles of criminal law.

This inconsistency is a serious problem within the framework of the principles of criminal procedural law. Articles 44 and 45 of the Criminal Code require confiscated objects to be kept from being damaged or deformed. If, in practice, the object is damaged due to

³⁷https://www.researchgate.net/publication/326780984_Optimalisasi_Tata_Kelola_Benda_Sitaan_Negara_pada_Rumah_Penyimpanan_Benda_Sitaan_Negara

³⁸https://www.researchgate.net/publication/345332894_Efektivitas_Hukum_Penyimpanan_Barang_Sitaan_di_Rupbasan

³⁹ <https://berkas.dpr.go.id/pa3kn/analisis-tematik-akuntabilitas/public-file/analisis-ringkas-cepat-public-58.pdf>
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negligence in storage, then the state can be considered to have failed in carrying out the function of protecting state evidence and assets.⁴⁰

Various academic literature offers solutions, including digitization and reform of the governance of confiscated goods. According to Purwanto (2022) in the Journal of Law and Policy, a national information system on confiscated objects that is integrated with investigative institutions, public prosecutors, and Rupbasan is necessary to establish. This system will facilitate tracking, reporting, and accountability of goods during the legal process.⁴¹

Another review from a human rights perspective also underscores the importance of ensuring justice for suspects. Suppose the suspect's belongings are damaged or lost during the state's entrustment. In that case, it can be a human rights violation, especially if the case has not been decided permanently. Therefore, the state must legally protect the suspect's belongings by storing them properly.⁴²

The current conditions prove that systemic improvements to infrastructure, budget, and human resource capacity in Rupbasan must accompany regulatory reform. Ideal regulations without strong implementation support cause a crisis of public trust in the legal system.⁴³

Criticism of practices in the field is not a form of delegitimization of institutions but an encouragement to improve the quality of the criminal justice system's implementation. Conformity between law and practice must be a priority in any policy evaluation to create a responsive and equitable system.

Thus, a critical review of the inconsistencies between the law and the practice of managing confiscated goods shows that systemic reform is urgently needed. The government needs to take concrete steps to strengthen the role of the Rupbasan with a modern governance-based approach, not solely the dissolution or merger of institutions.

CONCLUSION

Based on the results of the research and analysis carried out, it can be concluded that the State Confiscated Goods Storage House (Rupbasan) has a vital role in the criminal justice

⁴⁰ <https://ejournal.balitbangham.go.id/index.php/kebijakan/article/view/1115>

⁴¹ Purwanto (2022) in the Journal of Law and Policy

⁴² <https://ejournal.balitbangham.go.id/index.php/kebijakan/article/view/1115>

⁴³ <https://repository.unsoed.ac.id/28272/>

system, especially in maintaining the integrity and security of confiscated goods and state loot. However, in practice in the field, such as what happened in the Cirebon City Rupbasan in the case of the storage of assets belonging to Sunjaya, the former Regent of Cirebon, a number of inconsistencies were found between legal provisions and administrative and technical implementation.

1. First, there is a real gap between laws and regulations and the ability of the Rupbasan to manage confiscated goods, both in terms of facilities, budget, and human resources. This risks reducing the quality of goods storage and causing state losses and potential violations of suspects' rights.
2. Second, budget efficiency as part of national policies has had a direct impact on the operations of Rupbasan, including the plan to merge its functions into the Attorney General's Office. This policy needs to be reviewed in depth because it has the potential to interfere with the independence and objectivity of evidence management in legal proceedings.
3. Third, the case study of Sunjaya's assets shows that even though Rupbasan has made efforts to carry out its duties, the limited facilities and coordination between institutions cause the storage process to run optimally. This underscores the importance of strengthening the system of supervision, transparency, and data integration between law enforcement agencies.
4. Fourth, from a legal and administrative point of view, a comprehensive reform of the confiscated goods governance system is needed, through regulatory reforms, institutional capacity strengthening, and the use of information technology that supports accurate tracking and supervision of goods.

Thus, the sustainability of the Rupbasan's function as an independent institution is essential to ensure justice and integrity in the criminal justice system. Budget efficiency policies should not sacrifice legal principles, principles of justice, and the effectiveness of the management of state goods. The government and relevant stakeholders need to develop strategic steps to keep reforms in this sector running in line with the demands of efficiency and accountability.

Implication

1. **Strengthening Technical Regulations:** The government, through the Ministry of Law and Human Rights, needs to update the technical regulations governing the management of state confiscated and confiscated objects, taking into account the factual conditions on the

ground. This includes specific arrangements for high-value, perishable, or special-maintenance assets.

2. **Digitization and Integration of Information Systems:** An integrated national information system between investigative agencies, public prosecutors, courts, and Rupbasan must be developed. This system will improve accountability and reporting efficiency and simplify the process of tracking and supervising confiscated goods.
3. **Improving Budget and Infrastructure:** Budget efficiency should not come at the expense of essential functions in the justice system. The government needs to consider a special budget strengthening scheme for Rupbasan, especially for maintaining and storing assets of strategic value.
4. **HR Training and Special Certifications:** Rupbasan officers need to obtain periodic training and special certifications in the management of confiscated property, including risk management, asset valuation, and legal documentation. This is important to guarantee professionalism and reduce the potential for administrative errors.
5. **Periodic Supervision and Audit:** External supervision by independent institutions such as BPK or KPK is needed on the management of confiscated objects in Rupbasan. Periodic audits are not only a control tool but also a form of transparent public accountability.
6. **Review of the Discourse on Merger into the Attorney General's Office:** The discourse on merging the Rupbasan function into a public prosecutor's institution, such as the Attorney General's Office, must be reviewed in depth. It is feared that this will reduce the independence of the storage function and open up gaps in conflicts of interest in handling cases.
7. **Inter-Institutional Cooperation:** A memorandum of understanding or joint SOPs needs to strengthen coordination between the Rupbasan, the KPK, the Prosecutor's Office, and the Police, especially regarding the handover, maintenance, and return of confiscated assets.
8. **Utilization of Asset Utilization Schemes:** In the case of confiscated goods with economic potential, it is necessary to review the possibility of temporary utilization by the state through a tightly regulated mechanism, so that the value of the goods does not shrink during the legal process.
9. **Public Transparency:** The public needs to be informed about the list of confiscated objects managed by Rupbasan, especially in cases of major corruption. This can increase public trust in the legal system.

10. Academic Studies and Periodic Evaluation: The academic world and legal research institutions need to regularly evaluate the effectiveness of regulations and the implementation of Rupbasan. Evidence-based evaluation will be constructive in the policy formulation process in the future.

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