



Legal implications of the storage confiscated and spoils in the class I Rupbasan Banda Aceh

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Abstract

The existence of the State Confiscated Objects Storage House (RUPBASAN) as a place for storing evidence related to criminal acts in the criminal justice process Article 44 paragraph (1) of the Law. - Law of Criminal Procedure (KUHAP), which states that confiscated objects are stored in RUPBASAN. But in reality, not all regencies/cities in Indonesia have RUPBASAN so that the regulation in the internal management of law enforcement in the regions does not materialize. This study aims to find out what underlies law enforcement officials not to keep goods and spoils stored at the RUPBASAN Class I Banda Aceh. And, to find out the legal implications that arise if the goods and spoils is not stored at the RUPBASAN Class I Banda Aceh. The research method used is qualitative with an empirical juridical approach. Sources of data obtained from interviews with research informants which include the RUPBASAN Apparatus, Police, and Prosecutors. The results of the study indicate that there are several basics for law enforcement officers not to keep goods and spoils in RUPBASAN Class I Banda Aceh, namely: Polresta/Polres and Kejari already have their own warehouse/evidence storage room; to make it easier for law enforcement officers to examine suspects and witnesses later; the location of the RUPBASAN Class I Banda Aceh which is far from the jurisdiction; and limited budget. Meanwhile, the Banda Aceh Class I RUPBASAN revealed that the law enforcement officers were not serious about the existing rules and the sectoral ego understanding became the basis for law enforcement agencies not to keep new bases at the Banda Aceh Class I RUPBASAN. Meanwhile, the legal implications that arise if the goods and spoils is not stored in the RUPBASAN Class I Banda Aceh have violated the existing rules, namely Article 44 of the Criminal Procedure Code and Government Regulation No. 27 of 1983 as amended by PP No. 58 of 2010 in conjunction with PP No. 92 of 2015 concerning the Implementation of the Criminal Procedure Code which confirms that the goods and spoils must be stored in the RUPBASAN.

Keywords: confiscated objects, spoils, RUPBASAN

Introduction

State Property which includes confiscated objects and confiscated goods determined based on court decisions have obtained legal force to be placed in the State Confiscated Goods Storage House (RUPBASAN) based on Article 44 paragraph (1) of the Criminal Procedure Code (KUHAP). This shows that the existence of RUPBASAN as a place to store evidence related to criminal acts in the criminal justice process has a very important position in the criminal justice system.

The function of a Criminal Procedure Code is to limit the power of the state in acting against every citizen involved in the criminal justice process ^[1]. Thus, the existence of RUPBASAN is an effort to prevent abuse of authority resulting from investigative actions in the form of confiscation (inbesilagneming). In addition, RUPBASAN is also obligated to provide protection and management of goods and spoils, so that the goods are well-maintained and well-maintained in terms of quantity and quality up to the specified time, so that unwanted things do not happen, which could potentially cause harm. Damage or loss of barbaric bases so that it leads to the failure of the judicial process. Because in terminology, confiscated or confiscated evidence is one of the vital supports for prosecution and the need for the investigation process.

Juridically, there should be 35 RUPBASAN Class I and 175 RUPBASAN class II spread across Indonesia. However, up to now, in Indonesia there are only 63 RUPBASAN, namely 37 RUPBASAN Class I and 26 RUPBASAN Class II. This shows that not all regencies/cities in Indonesia have RUPBASAN as a place to store goods and spoils. As a series of sub-systems in the criminal justice system, the storage of confiscated objects is also not free from problems, including problems related to the implementation of the main tasks and functions of RUPBASAN as a place for storing State confiscated objects, organizational structure, operational cost support, human resources, and operational handling of confiscated objects.

Moving on from law enforcement that provides legal certainty for the entire community, basically legal awareness for law enforcers must be strengthened, sectoral egos in the implementation of the management of confiscated objects that are regulated by all law enforcement agencies need to be evaluated, because apparently

not all regions have RUPBASAN, so the regulation in internal management of law enforcement in the regions did not materialize. Currently, Aceh Province only has 1 (one) RUPBASAN located in Banda Aceh City, but not in other areas in Aceh Province.

Studies related to the storage of Goods and spoils have been studied previously by several previous researchers, such as that conducted by Rachmatika Lestari, Nila Trisna, and Dara Quthni Effida (2020) ^[2] which revealed that many assets or goods were confiscated from defendants in criminal cases by law enforcement officers. which are still not managed properly, meaning that the assets have been confiscated or simply taken from the defendant, but have not been managed properly. So far there has been a RUPBASAN institution as regulated in Law NO. 8 of 1981 concerning the Criminal Procedure Code, PP No. 27 of 1983 concerning the Implementation of the Criminal Procedure Code, and the Regulation of the Minister of Justice Number: M.05.UM.01.06 of 1983 concerning the Management of Confiscated Goods and State Loot in the State Confiscated Goods Storage House, but that was not utilized. The confiscated goods/objects are all stored at the police office or the prosecutor's office ^[2].

Based on the previous description, what will be studied in this paper are the things that underlie law enforcement officials not storing goods and spoils in RUPBASAN Class I Banda Aceh and the legal implications that arise if Goods and spoils is not stored in RUPBASAN Class I Banda Aceh.

Literature Review

To analyze the problems studied in this article, several theories or concepts are used, namely law enforcement, the legal system and State confiscated goods and spoils.

1. Law Enforcement

Law enforcement is an attempt to bring the ideas of justice, legal certainty and social benefits into reality. Law enforcement is the process of making efforts to enforce or actually function legal norms as a guide for actors in traffic or legal relationships in social and state life. Law enforcement is an effort to realize the ideas and legal concepts that are expected by the people to become a reality. Law enforcement is a process that involves many things ^[3].

Law enforcement is carried out by law enforcement officers and by everyone who has an interest in accordance with their respective authorities according to the applicable legal rules. The enforcement of criminal law is an integral part of the process, beginning with the investigation, arrest, detention, trial of the accused and ending with the prison of the convict ^[4].

Criminal law enforcement is the concrete application of criminal law by law enforcement officers. In other words, the enforcement of criminal law is the implementation of criminal regulations. Thus, law enforcement is a system that involves the harmonization of values with rules and real human behavior. These rules then become guidelines or benchmarks for behavior or actions that are considered appropriate or should be. The behavior or attitude of the act aims to create, maintain, and maintain peace ^[5].

Disturbance to law enforcement may occur if there is a mismatch between values, rules and behavior patterns. The disturbance arises when there is a mismatch between paired values, which is manifested in confusing rules and undirected behavior patterns that interfere with peaceful social life ^[6].

2. Sistem Hukum

Legal theory is a theory in the field of law that serves to provide convincing arguments that the things described are scientific, or the things described meet theoretical standards ^[7]. According to Hanskalsen, legal theory is the science of applicable law, not what the law should be. The legal theory in question is a pure legal theory, which is called a positive legal theory ^[8]. Meanwhile, according to W. Friedman, legal theory is a science that studies the essence of law which is related to legal philosophy on the one hand and political theory on the other.

The legal system in Indonesia is a legal system originating from mainland Europe, namely Continental Europe which is also known as Civil Law. Indonesia adheres to the Civil Law legal system. This was motivated by the hegemony of Dutch power in Indonesia, so that Indonesia adopted a system which was a legacy of the Dutch. The Civil Law system has three characteristics, namely the existence of codification, judges are not bound to the president so that the law becomes the main source of law, and the judicial system is inquisitorial. The main characteristic that forms the basis of the Civil Law legal system is that the law gains binding power, because it is embodied in regulations in the form of laws and systematically arranged in codification ^[9].

In its development, this legal system recognizes the division of public law and private law. Public law includes legal regulations that regulate the power and authority of the ruler/state as well as the relations between society and the state. While private law includes legal regulations that regulate the relationship between individuals in meeting their needs for their lives ^[10].

This legal system has both positive and negative aspects. The positive side is that almost all aspects of community life and disputes that occur have available written laws/laws, so that cases that arise can be resolved easily, besides that, with the availability of various types of written law, it will ensure legal certainty in the resolution process. While the negative side, many cases that arise as a result of the progress of the times and human civilization, the law is not available. So this case cannot be resolved in court ^[11].

3. State Confiscated Goods and Spoils

State confiscated object storage house, or abbreviated as RUPBASAN, is a place for goods confiscated by the state for the purposes of the judicial process. Regarding objects stored in RUPBASAN, it is regulated in Article 27 of Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code and refers to Article 1 paragraph (1) of the Regulation of the Minister of Justice of the Republic of Indonesia Number M.05.UM.01.06 of 1983 which states that in RUPBASAN it is placed objects stored for the purposes of evidence in the examination in court, including goods declared confiscated based on the judge's decision.

State confiscated objects based on the decision of the Directorate General of Corrections Number: E1.35.PK.03.10 of 2002 are objects confiscated by investigators, public prosecutors or officials who because of their positions have the authority to confiscate goods for the purposes of evidence in the judicial process. State confiscated objects according to Article 1 point (4) Government Regulation no. 27 of 1983 concerning the Implementation of the Criminal Procedure Code are objects confiscated by the State for the purposes of the judicial process. Meanwhile, State confiscation is evidence that has obtained permanent legal force, confiscated for the state which is subsequently executed by means of destruction, auctioned for the state, handed over to the designated agency to be utilized and stored in RUPBASAN for evidence in other cases ^[12].

After confiscation of objects involved in a crime, the criminal object must be secured by the investigator, namely placing it in a special place for the storage of confiscated state objects. Starting from the provisions of Article 44 of the Criminal Procedure Code, confiscated objects are stored in RUPBASAN. This RUPBASAN which later is the only place to store all kinds of confiscated objects. RUPBASAN is structurally and functionally under the Ministry of Justice, which will be the center for storing all kinds of confiscated goods from all agencies. Following are the Standard Operational Procedures (SOP) for Goods and spoils at RUPBASAN.

Research Method

The research method used is qualitative with an empirical juridical approach, namely a legal research regarding the enforcement or implementation of provisions in the field ^[13]. Sources of research data obtained from interviews with research informants which include the RUPBASAN Apparatus, Police, and Prosecutors as primary data. In addition, secondary data is also used to support primary data in the form of Laws, Government Regulations, Criminal Law Books, articles and research relevant to the topic of this research. The data analysis technique in this study was carried out with qualitative data analysis, where this analysis focused more on concluding a study to drawing conclusions.

Discussion

1. The Basis of Law Enforcement Officials Not Storing Goods and Spoils in RUPBASAN Class I Banda Aceh

Confiscated objects are objects confiscated by the State for the purposes of the judicial process, this refers to Article 1 paragraph (4) Government Regulation Number 27 of 1983 concerning the implementation of the Criminal Procedure Code. A clearer regulation regarding this RUPBASAN is regulated in Article 44 paragraph (1) of Law Number 8 of 1981 concerning the Criminal Procedure Code which states: "Confiscated objects are stored in the State confiscated object storage house".

The purpose of the management of goods and spoils in RUPBASAN is based on the Regulation of the Minister of Justice of the Republic of Indonesia Number E.2.UM.01.06 of 1986 dated February 17, 1986 and refined on November 7, 2002 Number E.1.35.PK.03.10 of 2002 concerning Implementation Guidelines (Juklak) and Technical Guidelines (Juknis) RUPBASAN is to manage the new base, so that at any time it is needed by the interested parties, it is easy and fast to get it. Carrying out the maintenance of the goods and spoils means taking care of the goods and spoils so that it is not damaged and does not change in quality or quantity from receipt to discharge ^[14].

The following are some of the reasons law enforcement agencies do not keep messages at RUPBASAN Class I Banda Aceh: *First*, the Law Enforcement Institutions (Police and Kejari) already have their own warehouse of evidence. This condition may be understandable because until now there has not been a commitment from law enforcement agencies related to optimizing the role of RUPBASAN as a new base management agency.

Second, the problem is the location of the RUPBASAN Class I Banda Aceh. Law enforcement officials revealed that the location of the jurisdictions that were far apart made the Public Prosecutor reluctant to keep a barbaric ballot at RUPBASAN Class I Banda Aceh. In addition, the risk that will arise to the security of new bases when going in and out between agencies or on a long journey such as being damaged and lost is a consideration for storing in RUPBASAN Class I Banda Aceh. So that it is easier if the goods and spoils is stored in the jurisdiction in question.

Third, the old administrative management. The administrative management factor for goods and spoils, which seems old, is the reason that not all goods and spoils can be submitted to RUPBASAN Class I Banda Aceh. The administrative arrangements in question are such as research on a new confiscation letter. Matching the number and types of new bases, assessing the confiscated objects and other administrative arrangements so that it takes a long time and is also felt to be convoluted so that it is not in accordance with the principles adopted by the Criminal Procedure Code, namely a fast, simple, and low-cost trial.

Fourth, limited budget. Law enforcement agencies consider that the limited budget is part of their consideration not to leave a new base at RUPBASAN Class I Banda Aceh. The budget referred to here is the cost of transportation to carry or transport the goods so that they are carried and managed at the RUPBASAN Class I Banda Aceh. Therefore, it is considered more appropriate if the goods and spoils is stored in the Kejari environment of each case area so that it does not require a special budget in terms of storing goods and spoils.

On the other hand, the Head of RUPBASAN Class I Banda Aceh also stated that there are several problems currently being experienced, both internally and externally. From an internal perspective, the existing problems are: *First*, the lack of quantity and quality of employees. In terms of the readiness of RUPBASAN employees whose human resources are still limited (officers) in terms of quality and quantity. In terms of quantity, there are only 40 officers/officers of RUPBASAN Class I Banda Aceh. From the quality point of view, there is still limited knowledge (officers) of RUPBASAN regarding knowledge about RUPBASAN itself. *Second*, the facilities and infrastructure that have not been fulfilled. Limited facilities and infrastructure related to buildings/warehouses as well as budget in supporting the implementation of RUPBASAN functions where buildings or buildings do not meet the requirements. The building area of RUPBASAN Class I Banda Aceh is only about 192m². Meanwhile, according to the Decree of the Minister of Justice and Human Rights of the Republic of Indonesia Number: M.01.P1.01.01 of 2003 dated April 10, 2003 concerning the building pattern of the correctional technical implementing unit, it is explained that the ideal land and building area is approximately 1 hectare.

Third, the structure of the RUPBASAN Class I office building in Banda Aceh does not meet the standards and needs to be rehabilitated because the concrete pillars are damaged and weathered. This is because the budget for the maintenance of bases and bars at RUPBASAN Class I Banda Aceh is still very limited (not yet maximized). *Fourth*, the storage area for goods and spoils is still inadequate. This is because the RUPBASAN Class I Banda Aceh is intended not only for small confiscated objects, but also for large confiscated objects such as cars and other motorized vehicles. So that the existing storage space is not sufficient for large sized barbs. *Fifth*, the technology factor. In the storage and maintenance of goods and spoils, RUPBASAN has not used technology, including information technology. The functions of various RUPBASAN in carrying out should be equipped with technological devices such as forklifts to lift and move goods, coolers for storage of certain goods.

In addition to internal problems, there are also external problems experienced by RUPBASAN Class I Banda Aceh, namely: *First*, there are still bases that are not deposited in RUPBASAN. This is due to the inconsistency and inconsistency of law enforcement agencies in responding to Article 44 of the Criminal Procedure Code. As well as the ego-sectoral principles of each law enforcement officer. *Second*, there is no notification from the legally responsible party regarding the progress of the level of case examination which is usually in the RUPBASAN. *Third*, the parties did not comply with the time limit for storing bases in the RUPBASAN. This is because until now there is no rule regarding the storage time limit in RUPBASAN. *Fourth*, goods who has received a court decision and has permanent legal force will not be executed immediately; resulting in the accumulation of alkaline in RUPBASAN.

The next problem is that the institutional position of RUPBASAN as a Sub-directorate led by an echelon IV is not very supportive in carrying out the task of coordinating with agencies or law enforcement agencies that have confiscation authority both at the central and provincial levels. For the provincial level, for example, how could a head of Echelon IV RUPBASAN be able to coordinate with the Kapolres or Kejari at a higher echelon.

Therefore, to optimize the function of RUPBASAN in the management and maintenance of confiscated goods, it is necessary to make the institution an echelon I unit, the Directorate General at the central level and echelon IIIa at the province. As a result of the lower echelons, it certainly affects the budget, personnel and supporting facilities and infrastructure. Thus, RUPBASAN cannot work optimally in carrying out its function as a storage area, which is able to manage and care for confiscated goods and looted goods professionally ^[15].

Lastly, the lack of seriousness of other law enforcement agencies not to store goods and spoils in RUPBASAN Class I Banda Aceh is due to the lack of strict legal rules governing the issue of authority to manage goods and spoils. Existing regulations are still not sufficient to lift the function of RUPBASAN as the only institution authorized to manage goods and spoils. As a result, there are still law enforcement agencies in Aceh that do not keep new bases in the RUPBASAN Class I Banda Aceh. In addition to non-compliance with existing regulations, the understanding of sectoral ego between law enforcement agencies also plays an important role.

Sectoral ego has the potential to lead to abuse of authority/power. The Head of RUPBASAN Class I Banda Aceh confirmed that the most serious fundamental problem of RUPBASAN was the sectoral ego of each law enforcement agency regarding evidence or new evidence. Even though the concept is more interactive between law enforcement institutions, the nature of order must be one of the catalysts in strengthening relations between institutions.

Therefore, it is necessary for the Government's efforts, in this case the Ministry of Law and Human Rights to enact a new regulation for the Minister of Law and Human Rights, which can support the effectiveness of the work of RUPBASAN Class I Banda Aceh as the only institution that has the function of managing the goods and spoils.

2. Legal Implications If Goods and spoils Is Not Stored in RUPBASAN Class I Banda Aceh

The basis for the confiscation and the law for storing goods and spoils in RUPBASAN Class I Banda Aceh is derived from Article 44 of the Criminal Procedure Code and Government Regulation Number 27 of 1983

concerning the implementation of the Criminal Procedure Code as amended by Government Regulation no. 58 of 2010 in conjunction with Government Regulation no. 92 of 2015 concerning the Implementation of the Criminal Procedure Code. So that there are no regulations other than those mentioned above that authorize other ministries/agencies to store goods and spoils. This means that the storage of new bases at law enforcement agencies other than at RUPBASAN Class I Banda Aceh has violated the existing rules.

Likewise, the implementation of the storage of state confiscated goods at the State Confiscated goods Storage House is also guided by the applicable laws and regulations, namely the Regulation of the Minister of Law and Human Rights Number 16 of 2014 concerning Procedures for Management of State Confiscated Goods and State Confiscated Goods at the Confiscated Goods Storage House. State, hereinafter referred to as the RUPBASAN Regulation.

The justification for storing confiscated goods by investigators usually refers to the provisions of the Criminal Procedure Code Article 1 point 16 which authorizes investigators to store confiscated goods. The provisions of the articles in the Criminal Procedure Code do not stand alone but are a series of interrelated articles. According to Article 1 paragraph (16) of the Criminal Procedure Code must be linked to Article 44 paragraphs (1) and (2) of the Criminal Procedure Code which mentions RUPBASAN as the only place for storing confiscated goods and the responsibility lies with the authorized official according to the level of examination in the judicial process.

Then it is linked again with Article 27 of Government Regulation No. 27 of 1983 which also confirms that in the RUPBASAN objects are stored for the purposes of evidence in the examination at the level of investigation, prosecution and court. Unfortunately, the provisions of the PP are not followed by sanctions for investigators who do not place confiscated goods and spoils in the RUPBASAN. In fact, RUPBASAN has almost no access to information on the goods and spoils. So it is not an exaggeration to say that goods and spoils is very vulnerable and has the potential for abuse to occur which will harm the state's finances ^[16].

The provisions of Article 44 are contradictory to Article 1 point 16 of the Criminal Procedure Code which gives the investigator the authority to store bases as evidence. Investigators may argue that basic storage is carried out as evidence whose case is being processed in court as stipulated in Article 1 paragraph (16) of the Criminal Procedure Code. So that the authority of RUPBASAN as regulated in Article 44 of the Criminal Procedure Code and its implementing regulations cannot be carried out effectively, because the RUPBASAN cannot act against investigators and prosecutors who do not submit a goods and spoils.

So that in practice law enforcement agencies play two roles at once, namely confiscation and selection of confiscated goods. In various positions and roles of law enforcement there will be conflict (status conflict, and conflict of roles), if there is a gap between the role that should be and the role that is actually being carried out, according to Sardjono Soekanto there is a role-distance ^[17].

So far, law enforcement agencies (Polresta/Polres and Kejari) that keep barracks in their jurisdiction are still guided by Article 1 Number 16 of the Criminal Procedure Code which allows investigators to take over and/or keep under their control. This is contrary to the function of RUPBASAN, which is to provide protection for ownership of goods as part of human rights. In the Universal Declaration of Human Rights, property rights are protected. This is stated in Article 17 paragraphs (1) and (2).

The protection of property rights in the Declaration of Human Rights has also been adopted in the 1945 Constitution of the Republic of Indonesia Article 28 paragraph (4) which states that: "Everyone has the right to have private property rights and such property rights may not be taken over arbitrarily by anyone." In line with these rules, the storage of new bases other than in RUPBASAN is also not in accordance with Law Number 39 of 1999 concerning Human Rights Article 29 which states that the State is obliged to provide protection to individuals, families, and property.

The current construction that places RUPBASAN as a supporting system by placing it as an agency that is used at any time when managing confiscated goods and booty causes RUPBASAN to have functions similar to Detention Centers, Witness and Victim Protection Institutions, and Correctional Institutions. The nature of the subordination of the main system in the investigation, prosecution and implementation of judicial power. In this case, RUPBASAN is designed not to have independent authority, but only implementers from the authority of other officials/institutions ^[18].

This procedure shows that the legal politics in the implementation of the Criminal Procedure Code emphasizes that the authority to store confiscated objects (evidence) at RUPBASAN is "imperative", because Article 44 paragraph (1) of the Criminal Procedure Code does not contain words (mandatory or must). that describes it. In addition to Article 44 paragraph (2) of the Criminal Procedure Code, the responsibility regarding confiscated objects (evidence) is not with the Head of RUPBASAN, but on the authorized official in the judicial process in accordance with the level of examination in the judicial process.

The Criminal Procedure Code and its implementing regulations have authorized RUPBASAN to store goods and spoils as material to be presented in the evidentiary process in court. Meanwhile, the police, prosecutors and judges are given their respective powers as investigators, prosecution and adjudicating criminal cases. In carrying out their duties, the police and the confiscation needs of the prosecutor are given authority over evidence for court proceedings. Thus, a legal structure for law enforcement agencies has been formed which consists of the police, prosecutors, judges and prisons (in this case including RUPBASAN). These four institutions must work in an integrated criminal justice system, which complement each other. Therefore, these law enforcers must coordinate with each other ^[19].

The authority of RUPBASAN is mostly taken by other law enforcement institutions that have the authority to confiscate. As a result, the storage of goods and spoils is scattered everywhere, making it difficult to control and supervise. The responsibility for the confiscated goods is only with the institution that carried out the confiscation along with the data from the confiscated goods. The storage of barracks by law enforcers within their own agencies shows a lack of synchronization between criminal justice institutions (law enforcement), especially with RUPBASAN as the institution authorized to manage barracks. In the judicial system, in order to achieve the system's objectives, it is necessary to have an integration within the system. One indicator of the integration of the system is the creation of structural synchronization, namely synchronization and harmony within the framework of relations between law enforcement agencies ^[20].

Conclusion

There are several reasons why law enforcement officers do not store material in the RUPBASAN Class I Banda Aceh because: Law Enforcement Agencies already have their own warehouse/room for evidence; goods and spoils remains in the legal area in order to facilitate law enforcement officers in examining suspects and witnesses later; the location of the RUPBASAN Class I Banda Aceh which is far from the legal area so that it takes a long time and risks that can occur; new bases must go through a long administrative process so that it can be time-consuming; as well as the limited budget of law enforcement agencies such as transportation costs to bring new bases out of the jurisdiction. On the other hand, the RUPBASAN Class I Banda Aceh stated that the basis for law enforcement agencies not to entrust the ban was due to the lack of seriousness of law enforcement officials in responding to legal rules related to the management of the barbaric, especially Article 44 paragraph (1) of the Criminal Procedure Code. And the notion of sectoral ego also plays a role in the attitude of law enforcement officers towards the management of goods and spoils.

Furthermore, the legal implications that arise if the goods and spoils is not stored in the RUPBASAN Class I Banda Aceh is a violation of the existing rules, namely Article 44 of the Criminal Procedure Code and Government Regulation Number 27 of 1983 as amended by Government Regulation No. 58 of 2010 in conjunction with PP No. 92 of 2015 concerning the Implementation of the Criminal Procedure Code which stipulates that the goods and spoils must be stored in the RUPBASAN. Currently, the storage of goods and spoils in their respective jurisdictions is guided by Article 1 Number 16 of the Criminal Procedure Code which allows investigators to take over and/or keep under their control for the benefit of the judiciary. However, this is contrary to human rights as stated in the Universal Declaration of Human Rights Article 17 paragraphs (1) and (2) and the 1945 Constitution of the Republic of Indonesia Article 28H paragraph (4) where the property rights of every person are legally protected.

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