



Storage of state seized goods at the class I Banda Aceh state seized goods storage house according to Law Number 8 of 1981

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Abstract

The State Seized Goods Storage as a place for items seized by the state for judicial process purposes. However, the Class I State Seized Goods Storage House in Banda Aceh does not play an optimal role in carrying out its duties due to many obstacles faced, which causes its tasks and authority to not function optimally. This research aims to determine the role of the Class I Banda Aceh State Property Storage House in law enforcement, particularly concerning State Seized Goods. The research method used is juridical-empirical, with data sources obtained from interviews with respondents and informants. The research results show that the State Property Storage House is tasked with storing and managing State Seized Goods and State Abandoned Goods to maintain their quality until they are used in legal proceedings. During the period 2021–2024, there has not been full compliance with the regulations regarding the safekeeping of State Seized Goods at Rupbasan Class I Banda Aceh. Several inhibiting factors include the lack of strict regulations, limited facilities and infrastructure, and sectoral egos among law enforcement agencies. In addition, the lack of synergy and adherence to regulations often results in State Seized Goods not being reported to Rupbasan. The Head of Rupbasan Banda Aceh proposed strengthening regulations, periodic supervision of large State Rampsan Goods, and enhancing inter-agency coordination to address this issue. These efforts are expected to strengthen the function of Rupbasan as an effective and integrated institute.

Keywords: Seized goods, prosecutor's office, police, state seized goods storage

Introduction

Law always exists in society, and society is the place where law is enacted, so it can be said that the legal community or social organization is the main basis for the continuation of legal life ^[1]. In a country, the government must ensure the enforcement of the law and the achievement of legal objectives. In law enforcement, there are three important elements that need to be considered: justice, utility, and legal certainty ^[2]. The State Seized Goods Storage House is a place for the storage and management of seized goods and state confiscated items. The State Seized Goods Storage House became known after the enactment of Law Number 8 of 1981 concerning the Criminal Procedure Code, commonly referred to as KUHAP. Provisions regarding the State Seized Goods Storage House are regulated in Articles 44 to 46 of the Criminal Procedure Code.

Article 1 point 2 of the Regulation of the Minister of Law and Human Rights Number 16 of 2014 concerning the Procedures for the Management of State Seized Goods and State Confiscated Goods in the State Seized Goods Storage House states that the Storage Place for State Seized Goods outside the State Seized Goods Storage House is a storage place for seized goods located elsewhere as determined by the Head of the State Seized Goods Storage House based on applicable laws and regulations. Article 2 paragraph (1) explains that every state confiscated.

In the event that seized goods and confiscated items as referred to in paragraph (1) cannot be stored at the State Seized Goods Storage House, the Head of the State Seized Goods Storage House may determine the method of storing State Seized Goods and State Confiscated Items elsewhere.

This is an effort to implement the principle of neutrality and the principle of separation of law enforcement functions ^[3] protection of Human Rights and the rescue of State Assets

resulting from criminal acts in the management and storage of state confiscated and seized goods at the State Confiscated Goods Storage House is to ensure the efficiency and effectiveness of services in the judicial process regarding BASAN as evidence. With the preservation of seized items in a single unit, it becomes easier to maintain them, and there are specific officials who are physically responsible for these seized items ^[4].

According to the Appendix of the Attorney General Regulation Number 7 of 2020 concerning Asset Recovery Guidelines Chapter III point (4), it is stated that seized items from the Prosecutor's work unit and/or seized items received by the Prosecutor's work unit from Police investigators, Civil Servant investigators, and the Military, are stored in the Prosecutor's seized/forfeited goods building or in the State Seized Goods Storage House.

Attorney General Regulation Number 2 of 2022 concerning the Management of Seized Goods, Evidence, and State Confiscated Goods within the Environment of the Indonesian Prosecutor's Office Chapter II point (3) states that the legal responsibility for seized goods, evidence, and state confiscated goods within the Prosecutor's Office lies with the officials who manage the seized goods, evidence, and state confiscated goods. Meanwhile, point (4) states that in the case of seized goods and evidence based on a court decision that has obtained permanent legal force at the District Attorney's Office, it is carried out by the Executor Prosecutor with the knowledge of the Head of the General Criminal Section or the Head of the Special Criminal Section, and the Head of the Evidence and Seized Goods Management Section. In the Branch of the District Attorney's Office, it is carried out by the Executor Prosecutor with the knowledge of the Head of the General Criminal Subsection and the Special Criminal Subsection.

The State Seized Goods Storage House, as one of the Technical Implementation Units (UPT) under the Ministry of Law and Human Rights of the Republic of Indonesia, is granted the authority by law to carry out the tasks of storing and managing seized and confiscated goods, while also fulfilling the obligation to protect the human rights of citizens who are in legal trouble, particularly concerning the right to ownership of the goods in their possession based on the presumption of innocence principle.

The State Property Seizure Storage House, as an institution operating in the field of law enforcement, plays a very important role, especially in carrying out its duties and functions related to law enforcement. The State Property Seizure Storage House is obligated to provide protection and management of state-seized and state-confiscated items, ensuring that these items are well-preserved and maintained in terms of quantity, quality, and condition until the specified time, so that they do not get damaged or lost. The evidence from confiscated or seized items is a vital support for prosecution and the needs of the investigation process^[5]. To obtain legal certainty regarding seized and confiscated goods, they are necessary for the purpose of evidence. Seizure according to Article 1 point 16 of Law Number 8 of 1981 concerning the Criminal Procedure Code states, "Seizure is a series of actions by investigators to take over and/or store under their control movable or immovable, tangible or intangible objects for the purpose of evidence in investigation, prosecution, and adjudication."

Article 39 paragraph (1) of Law Number 8 of 1981 regarding seizure, the items that can be seized include:

1. Objects or claims of the suspect or defendant that are wholly or partially obtained from a crime or partially the proceeds of a crime.
2. Objects that have been directly used to commit a crime or to prepare for it.
3. An object used to obstruct the investigation of a criminal offense.
4. Made specifically to commit a crime.
5. And other items directly related to the crime committed.

The five items can be used and categorized as evidence and function in the examination process of a criminal case, so in the process of obtaining evidence, seizing it, and placing the seized items, a place that serves as a central storage for all kinds of seized items is needed. Regarding the storage of state confiscated items as evidence in criminal cases, it is regulated in Article 44 paragraph (1) of the Criminal Procedure Code, which states: "State confiscated items are stored in the State Confiscated Item Storage House."

Article 28 paragraph (1) of the Minister of Justice Decree Number: M.04.PR.07.03 of 1985 concerning the organization and work procedures of detention centers and state confiscated goods storage houses states that the state confiscated goods storage house has the duty to store state confiscated goods and state seized goods. Article 1 point (1) of the Regulation of the Minister of Law and Human Rights Number 16 of 2014 concerning the management procedures for state confiscated goods at the state confiscated goods storage house states that the state confiscated goods storage house, hereinafter referred to as the State Confiscated Goods Storage House, is a place for the storage and management of confiscated goods and state seized goods.

State Seized Objects are items confiscated by the state for the purposes of judicial proceedings. Seized objects obtained due to criminal cases have caused complex problems because, in addition to their importance as evidence in court proceedings, they also have significant value, both in terms of their relevance to the case and their nominal value, especially in major cases such as corruption^[6].

Article 27 paragraph (1) of Government Regulation number 27 of 1983 and the amendment to Government Regulation Number 58 of 2010 states that in the State Seized Goods Storage House, items must be stored for the purpose of evidence in the investigation, prosecution, and trial stages, including items declared confiscated based on a Judge's decision. The existence of the State Seized Goods Storage House is a concrete effort by lawmakers to guarantee and protect the rights of suspects/related parties involved in legal cases.

Based on the decision of the Minister of Justice Number: M.04.PR.03 of 1985 regarding the operational procedures of detention centers and the State Seized Goods Storage House, it is stated that the main task of the State Seized Goods Storage House is to store and manage seized goods and state confiscated items, while the functions of the State Seized Goods Storage House include administering seized goods and state confiscated items, maintaining and mutating seized goods and state confiscated items, securing and managing seized goods and state confiscated items, and handling correspondence and archiving.

The storage of seized items and state confiscated goods in the State Seized Goods Storage aims to provide guarantees of safety and security for items seized for evidence purposes at the investigation, prosecution, and trial examination stages, as well as items declared confiscated for the state based on court decisions^[7].

The duties and functions of the State Seized Goods Storage House, in addition to maintenance, management, and security, also have quite a heavy task, namely law enforcement, protection of human rights, and the rescue of state assets resulting from criminal acts. The important role of the State Seized Goods Storage in supporting a simple, quick, and low-cost judicial process is required to ensure the smooth operation of the correctional system and the development of the legal field within a society. This is related to the number of criminal acts occurring in society, which often makes the State Seized Goods Storage House itself involved in them^[8].

The State Property Seizure Storage House is an institution that has the authority to seize goods for the benefit of the state. With the establishment of the State Seized Goods Storage House, it is hoped that the security of these important items will be guaranteed. For now, the storage of these items is still kept in separate places, such as the offices of the Indonesian National Police, the District Attorney's Office, the District Court, and other locations. The cost of storing these items is borne by each office that keeps them.

In practice, not all confiscated goods and state confiscated goods are stored at the State Seized Goods Storage House, but rather kept in other places such as the offices of the Indonesian National Police, the District Attorney's Office, the District Court, or other locations. This results in the overall responsibility of the State Seized Goods Storage House being uncertain according to Law Number 8 of 1981

concerning the Criminal Procedure Code, Article 44, paragraph (2), especially when in one case, the seized goods are located in different places, leading to coordination difficulties, as each agency feels it has the most right to them.

State Seized Goods based on the Decision of the Directorate General of Corrections Number: E1.35.PK.03.10 Year 2002 are items seized by investigators, public prosecutors, or officials who, by virtue of their position, have the authority to seize goods for the purpose of evidence in the judicial process. State confiscated items according to Article 1, paragraph 4 of Government Regulation Number 27 of 1983 on the Implementation of the Criminal Procedure Code are items seized by the State for the purposes of judicial proceedings. Meanwhile, state confiscated goods are pieces of evidence that have obtained permanent legal force, confiscated for the state, and subsequently executed by being destroyed, auctioned for the state, handed over to designated agencies for utilization, and stored in the State Seized Goods Storage for evidence in other cases ^[9].

Research Method

Empirical juridical legal research views law as a reality that encompasses social and cultural realities. Soerjono Soekanto argues that in sociological or empirical legal research, the data that is first examined is secondary data, followed by research on primary field data or on society ^[10].

Data sources are the data that will be obtained to support answering the research. Data is obtained through two sources, namely directly (primary data) or indirectly (secondary data) ^[11]. Primary Data, primary data is data obtained directly from its source without any intermediary. Data found through field research methods, which include the observation of unofficial documents and can also be conducted through interviews. Data collection was conducted through interviews with Respondents, namely the Apparatus of the State Seized Goods Storage House, Police (Investigators), and Prosecutors, while the Informants included Legal Experts (Academics, Judges, and Law Makers), Community Leaders, and Non-Governmental Organizations (NGOs).

The data collection technique used with the empirical juridical approach method is as follows: Library Study: Library data obtained through library research sourced from legislation, books, official documents, publications, and research results, and field study: Field data obtained through interviews with respondents and informants ^[12]. The respondents are the Head of the State Seized Goods Storage House Class I Banda Aceh, Prosecutors, and Police Investigators, while the informants are legal experts (Academics, District Court Judges, and Lawmakers), Community Leaders, and Non-Governmental Organizations (NGOs). The sampling technique used is random sampling through lottery or randomization.

In this research, the analysis method used is Descriptive analysis, which involves analyzing interview results and elaborating them to obtain an accurate and systematic picture of the issues related to this research problem ^[13]. The use of qualitative analysis techniques encompasses the data that has been collected, which is then elaborated to form descriptions or narrative explanations that support this research.

Results and Discussions

A. Basic Concept of the State Seized Goods Storage House

The State Seized Goods Storage House as a place for the storage and management of seized goods and confiscated items. Article 1 point 1 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 16 of 2014 concerning the Procedures for the Management of State Seized Goods and State Confiscated Goods at the State Seized Goods Storage House or abbreviated as the Regulation of the Minister of Law and Human Rights Number 16 of 2014. Generally, the State Seized Goods Storage House is built in every provincial city in Indonesia, but if necessary, branches of the State Seized Goods Storage House are allowed to be built in certain districts/cities as determined by necessity. Evidence/tools that are stored or deposited in the State Seized Goods Storage House will be used for the needs of the criminal case examination process, including investigation, prosecution, examination in court hearings, including items declared confiscated by the State based on the court's decision.

State Seized Property according to Article (1) paragraph (4) of Government Regulation Number: 27 of 1983 on the Implementation of the Criminal Procedure Code is property seized by the State for the purpose of judicial proceedings. Meanwhile, state confiscated items are pieces of evidence that have obtained permanent legal force, confiscated for the state, and subsequently executed by being destroyed, auctioned for the state, handed over to designated agencies for utilization, and stored in the State Seized Goods Storage for evidence in other cases.

Beda Sitaan is an object seized by the state for the purposes of judicial proceedings (Article 1 sub 3 of the Minister of Law and Human Rights Regulation No. 16 of 2014). BASAN is an item seized based on a court decision that has obtained permanent legal force and is declared confiscated for the state, as explained in Article 1 sub 4. Article 27 paragraph (1) states that in the State Seized Goods Storage House, items that must be stored for the purpose of evidence in the investigation, prosecution, and trial stages, as well as items declared confiscated based on a Judge's decision, are placed. The purpose of storing evidence in the State Seized Goods Storage House is to ensure its safety and security, as explained in Government Regulation Number 27 of 1983 Article 27 Paragraph (3).

Based on the Minister of Justice's Decree Number: M.04.PR.03 of 1985 concerning the Organization and Work Procedures of State Detention Centers and State Seized Goods Storage Houses Chapter II State Seized Goods Storage Houses Section One, Position, Duties, Functions, and Classification Article 27 states that the State Seized Goods Storage House is a technical executor unit in the field of storing state seized goods and state confiscated goods, which is under and directly responsible to the Head of the Regional Office of the Ministry of Justice of the Republic of Indonesia. Considering the basis for the implementation of the storage of the aforementioned seized goods, the State Seized Goods Storage House has the following main duties and functions:

1. main task is to carry out the storage of State Seized Goods and State Confiscated Goods.
2. The Function of the State Seized Goods Storage House:

- a. Implementing the administration of state confiscated items and state seized goods.
 - b. Conducting maintenance and mutation of state confiscated items and state seized goods.
 - c. Conducting security and management of the State Seized Goods Storage House.
3. The responsibility of the head of the State Seized Goods Storage House, as previously mentioned, is that according to the provisions of Article 44 of the Criminal Procedure Code (KUHAP), seized goods are stored in the State Seized Goods Storage House. Article 30 paragraph (3) of Government Regulation Number 27 of 1983 on the Implementation of the Criminal Procedure Code states that, in addition to the physical responsibility for seized items, the Head of the State Seized Goods Storage House is also responsible for the administration of seized items. In this case, it differs from the legal responsibility for seized items borne by other agencies according to the level of case resolution; the physical responsibility for seized items at each stage in the criminal justice process.

In addition to the aforementioned functions, the State Seized Goods Storage House also serves as an institution, being one of the elements of the legal institution in the integrated criminal justice system (Criminal Justice System) as a storage place for seized goods. The State Seized Goods Storage House also functions as a law enforcement profession because it has its own primary duties and functions among the existing law enforcement ranks, managing seized goods to ensure their integrity and readiness to be used as evidence in the judicial process^[14].

B. The Role of the State Seized Goods Storage House in Law Enforcement Regarding Seized Goods

State confiscated items according to Article 1 paragraph (4) of Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code are items seized by the State for the purposes of judicial proceedings. Meanwhile, state confiscated goods are pieces of evidence that have obtained permanent legal force, confiscated for the state, and subsequently executed by being destroyed, auctioned for the state, handed over to designated agencies for utilization, and stored in the State Confiscated Goods Storage for evidence in other cases.

The role of the State Seized Goods Storage House is regulated by the Minister of Justice's decree number M.04-PR.07.03 of 1985 concerning the organization and work procedures of state detention houses and state seized goods storage houses, which has now been amended to the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 16 of 2014 Article 28, which states that the State Seized Goods Storage House has the duty to store state seized goods and state confiscated goods. Regarding the regulation of the State Seized Goods Storage House, it is stipulated in Article 44 paragraph (1) of Law number 8 of 1981, which states, "State seized goods are stored in the State Seized Goods Storage House." The purpose of managing seized and confiscated goods in the State Seized Goods Storage is to handle these goods so that when needed as evidence in court, they can be easily accessed, to ensure that the seized goods do not easily deteriorate and their quality is maintained from the moment

they are received by law enforcement officers until their release. Based on Article 44 of Law Number 8 of 1981 concerning the Criminal Procedure Code and Article 28 of the Judicial Regulation of the Republic of Indonesia regarding the organization and work procedures of state detention centers and state confiscated goods storage, it is clearly stated that the State Confiscated Goods Storage is a place for storing state confiscated goods.

Based on the interview conducted on October 7, 2024, with the head of the Class I State Seized Goods Storage House in Banda Aceh, it was confirmed that from 2021 to 2024, there were only 16 (sixteen) seized and confiscated items deposited by Law Enforcement Agencies. These included 12 (twelve) motorcycles from the Banda Aceh City Police, 3 (three) motorcycles from the Aceh Provincial Narcotics Agency, and 1 (one) minibus from the Corruption Eradication Commission of the Republic of Indonesia. Meanwhile, the Banda Aceh District Court and the Banda Aceh District Attorney's Office have not deposited any confiscated items at the State Seized Goods Storage House during that period^[15].

Currently, the Province of Aceh only has 1 (one) unit of State Seized Goods Storage House, namely the Class I Banda Aceh State Seized Goods Storage House, which is located in the City of Banda Aceh. The Class I Banda Aceh State Seized Goods Storage Facility is responsible for managing seized goods, starting from their receipt from law enforcement agencies (Police, Prosecutors, and Courts) to their release to the depositing parties (Police, Prosecutors, and Courts) of all seized goods from all legal jurisdictions in Aceh. Currently, the State Seized Goods Storage House Class I Banda Aceh cannot accommodate a large number of BASAN from all law enforcement agencies in Aceh Province because the facilities and infrastructure at the State Seized Goods Storage House Class I Banda Aceh are still limited.

To address the issue, the head of the Class I Banda Aceh State Seized Goods Storage House cited Article 1 paragraph (5) of the Minister of Law and Human Rights Regulation No. 16 of 2014 concerning the Procedures for Managing Seized Goods and State Confiscated Goods at the State Seized Goods Storage House, which explains that the administration management of seized goods is the process of receiving, identifying, researching, assessing, registering, classifying, storing, and transferring seized goods. In essence, the head of the Class I State Seized Goods Storage House in Banda Aceh can also delegate its storage to other authorized agencies or organizations, or activities that are in accordance with the nature and place of storage of the seized goods in question.

The Head of the Class I Banda Aceh State Seized Goods Storage House revealed that the lack of seriousness from law enforcement agencies in storing seized goods at the Class I Banda Aceh State Seized Goods Storage House is due to the insufficiently strict legal regulations governing the storage of seized goods. The existing regulations also have not sufficiently highlighted the function of the State Property Repository as the sole institution authorized to manage confiscated and seized goods, resulting in some law enforcement agencies in Aceh still not storing confiscated goods at the State Property Repository Class I Banda Aceh, in addition to non-compliance with existing regulations and the significant role of sectoral egos among law enforcement agencies^[15].

State confiscated goods according to Article 1 paragraph (4) of Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code are items confiscated by the State for the purposes of judicial proceedings.

Regarding the regulation of the State Seized Goods Storage House, it is stipulated in Article 44 paragraph (1) of Law Number 8 of 1981, which states, "State seized goods are stored in the State Seized Goods Storage House." The purpose of managing confiscated goods in the state confiscated goods storage house is to manage confiscated and seized items so that they can be easily accessed when needed as evidence in court, to ensure that confiscated items do not easily deteriorate, and to maintain their quality from the time they are received from law enforcement officers until they are released.

Based on the interview conducted on October 7, 2024, Mr. Lestarian Putra Ginting, the head of the Class I State Seized Goods Storage House in Banda Aceh, also confirmed that from 2021 to 2024, there were only 16 (sixteen) seized and confiscated items entrusted by law enforcement agencies. These included 12 (twelve) motorcycles from the Banda Aceh City Police, 3 (three) motorcycles from the Aceh Provincial Narcotics Agency, and 1 (one) minibus from the Corruption Eradication Commission of the Republic of Indonesia. Meanwhile, the Banda Aceh District Court and the Banda Aceh State Prosecutor's Office have not deposited any confiscated state property at the State Seized Goods Storage House during that period ^[15].

To address the issue, the Head of the Class I Banda Aceh State Seized Goods Storage House cited Article 1 paragraph (5) of the Minister of Law and Human Rights Regulation number 16 of 2014 concerning the Procedures for Managing Seized Goods and State Confiscated Goods at the State Seized Goods Storage House. In essence, the head of the Class I State Seized Goods Storage House in Banda Aceh can delegate its storage to other authorized agencies or organizations, or its activities are in accordance with the nature and location of the seized goods in question.

The Head of the Class I Banda Aceh State Seized Goods Storage House revealed that the lack of seriousness from law enforcement agencies in not storing seized goods at the Class I Banda Aceh State Seized Goods Storage House is due to the insufficient strictness of the legal regulations governing the storage of seized goods. The existing regulations also have not sufficiently highlighted the function of the State Seized Goods Storage House as the sole institution authorized to manage seized goods, resulting in law enforcement agencies in Aceh still not storing seized goods at the State Seized Goods Storage House Class I Banda Aceh, in addition to non-compliance with existing regulations and the significant role of sectoral egos among law enforcement agencies ^[15].

The purpose of notifying the Class I Banda Aceh State Seized Goods Storage House is so that the institution responsible for storing the seized goods can supervise large seized items such as ships, land, buildings, or other seized items that cannot be stored at the Class I Banda Aceh State Seized Goods Storage House. So that the agency that seizes or stores the seized goods should inform the whereabouts of the seized goods to the Class I State Seized Goods Storage House in Banda Aceh, so that the Class I State Seized

Goods Storage House in Banda Aceh can send employees to conduct periodic supervision of the seized goods.

The Head of the Class I Banda Aceh State Seized Goods Storage House also revealed that law enforcement officers are still not serious about storing seized and confiscated goods at the Class I Banda Aceh State Seized Goods Storage House due to the lack of strict legal regulations governing the authority of the State Seized Goods Storage House. Thus, it results in some law enforcement agencies in Aceh not storing Loot and confiscated goods at the Class I State Seized Goods Storage House in Banda Aceh. In addition to non-compliance with existing regulations, law enforcement officers also still prioritize sectoral ego.

In general, sectoral ego is an interest in something that involves a certain group, where that group considers its own interests more important and views other groups as less important. Sectoral ego has the potential to lead to the abuse of authority or power. The Head of the Class I Banda Aceh State Seized Goods Storage also confirmed that the most serious issue related to the State Seized Goods Storage is the sectoral ego of each law enforcement agency concerning evidence or Loot and confiscated goods. In fact, the more interactive concept among law enforcement agencies, namely the nature of orderliness, should be one of the connectors in strengthening inter-agency relationships.

In this case, especially the Ministry of Law and Human Rights should establish a new Ministerial Regulation to support the effectiveness of the work of the State Seized Goods Storage House as the only institution with the function of managing seized goods. Other law enforcement agencies also still show a lack of compliance regarding the storage of seized items at the Class I State Seized Goods Storage House in Banda Aceh. This is evident from various related parties such as the Banda Aceh District Attorney's Office, Banda Aceh City Police, legal advisors, NGOs, and community leaders, who mention several factors that prevent related agencies from depositing seized items at the Class I State Seized Goods Storage House in Banda Aceh. The results of the interview with the Head of Evidence and Seized Goods Management at the Banda Aceh District Attorney's Office revealed several reasons for not depositing seized items at the Banda Aceh Class I State Seized Goods Storage House, such as:

1. The Banda Aceh District Attorney's Office already has its own room/storage

According to the Head of the Evidence and Seized Goods Management Section ^[16]. The Banda Aceh District Attorney's Office stated that the reason for not storing confiscated and seized items at the Class I State Evidence Storage House in Banda Aceh is that they already have their own evidence warehouse. This situation may be understandable because, until now, there has been a lack of commitment from law enforcement agencies regarding the optimization of the role of the State Seized Goods Storage House as the managing agency for seized and confiscated goods. However, if the storage warehouse at the Banda Aceh District Attorney's Office is not suitable for storing seized and confiscated items, then they are transferred to the Class I State Seized Goods Storage House in Banda Aceh, which means that storing seized and confiscated items at the Class I State Seized Goods Storage House in Banda Aceh is not a necessity but an alternative.

2. Obstructed by the location of the Class I Banda Aceh State Seized Goods Storage House

According to the Head of the Evidence and Seized Goods Section (PB3R) of the Banda Aceh City Prosecutor's Office, the distant location of the Banda Aceh District Attorney's Office makes the Public Prosecutor reluctant to store evidence at the Banda Aceh Class I State Seized Goods Storage House because if the evidence is requested to be presented in court, it will also become an obstacle, especially due to distance and time constraints.

3. Administrative management.

The Head of Evidence and Seized Goods Management also revealed that the lengthy administrative process for seized goods is a factor causing not all seized goods to be handed over to the Class I Banda Aceh State Seized Goods Storage House ^[16]. The administrative management referred to includes the examination of seizure letters for evidence, the matching of the quantity and type of evidence, the assessment of the evidence, and other administrative tasks, which take a long time and are considered convoluted, thus not aligning with the principles upheld by the Criminal Procedure Code (KUHAP), which are swift, simple, and cost-effective justice.

Meanwhile, the Banda Aceh Class I State Seized Goods Storage House, particularly the Head of the Banda Aceh Class I State Seized Goods Storage House, responded that the administration of seized and confiscated goods deposited by law enforcement agencies must be carried out in accordance with the regulations set by law. The purpose is to clarify the status of the seized and confiscated items. In addition, it is also to facilitate the performance of employees in placing the seized and confiscated goods, thereby avoiding any potential risks that may arise. This is what has led to outdated assumptions and a convoluted impression regarding the administration of seized and confiscated goods at the Class I State Seized Goods Storage House in Banda Aceh.

4. The limited budget.

The Banda Aceh District Attorney's Office also responded that the limited budget is an obstacle and a consideration for not depositing confiscated goods at the Banda Aceh Class I State Seized Goods Storage House. Therefore, it is deemed more appropriate if the confiscated goods are stored within the premises or building of the State Prosecutor's Office itself, so that no special budget is required for the storage of confiscated and seized items.

The Junior Prosecutor at the Banda Aceh District Attorney's Office also stated that it is less effective to store confiscated items at the State Seized Goods Storage House because the Prosecutor's Office already has its own warehouse and a dedicated section head to manage evidence and confiscated items. Therefore, it is more effective to store them in their own warehouse, and it does not take long to transport evidence to the State Seized Goods Storage House ^[17].

Furthermore, the Banda Aceh City Police Department also revealed the reasons why they did not deposit seized and confiscated items at the Banda Aceh Class I State Seized Goods Storage House as follows:

1. The Banda Aceh City Police Department already has its own evidence storage warehouse.

The head of the Detention and Evidence Unit of the Banda Aceh City Police stated that the reason the police

investigators did not deposit the seized goods to the Banda Aceh Class I State Seized Goods Storage House is because they already have their own storage warehouse. The legal basis for the investigators not storing seized items and confiscated goods at the Class I Banda Aceh State Seized Goods Storage House is in accordance with the Regulation of the Chief of the Indonesian National Police Number 10 of 2010 concerning the Procedures for Managing Evidence within the Indonesian National Police ^[18].

The Detention and Evidence Unit is a new division of the Police, one of whose tasks is to store and secure evidence along with its administration within the precinct. Evidence that has been seized by the criminal investigation unit is then handed over to the Detention and Evidence Unit, which is authorized to receive and manage the evidence during the investigation process. However, if the found evidence cannot be stored at the Banda Aceh City Police Resort, it will be transferred to the Class I Banda Aceh State Seized Goods Storage House.

2. To facilitate the City Police Resort in examining suspects and witnesses.

The Head of the Detention and Evidence Unit of Polresta Banda Aceh also stated that to facilitate the performance in conducting investigations and also the examination of suspects and witnesses in the future. If the evidence of the crime is stored at the Class I Banda Aceh State Seized Goods Storage, it will take a long time, especially when retrieving the seized items from the Class I Banda Aceh State Seized Goods Storage.

3. Borrow and use.

The Head of the Criminal Investigation Unit of the Banda Aceh City Police also stated that for evidence such as vehicles, both cars and motorcycles, which are still in good condition, they can be borrowed and used by the owner or investigator with the approval of the investigator's superior. Considering that the storage warehouse of the Banda Aceh City Police Resort is already full and there is no more space for storage ^[19].

The judge of the Banda Aceh District Court revealed that the Banda Aceh District Court does not have a warehouse to store evidence; the evidence presented in court is brought by the Public Prosecutor with the permission of the Chief Judge of the District Court. Not all pieces of evidence are presented in court, but only as guidance for the judge in accordance with Article 84 of the Criminal Procedure Code (KUHAP).

The judge also stated that the prosecutor adheres to the principles of speed, simplicity, and lightness because if the evidence is stored in the State Seized Goods Storage House and needs to be presented in court, it will take a long time and be less efficient, which is a factor considered by the prosecutor. For now, the law on the Criminal Procedure Code (KUHAP) has not yet been revised, so what law enforcement officers are doing does not violate the rules because legal certainty does not have to be formalistic. The regulations of the Attorney General and the regulations of the Chief of Police are reviewed beforehand to ensure they do not conflict with the law before being enacted ^[20].

Legal experts or academics here as respondents state that Indonesia is a rule of law state, clearly stipulated in Article 1, paragraph 3 of the 1945 Constitution which states, "Indonesia is a rule of law state." That article implies that all

state administration must be based on the law. This means that all organizers, especially law enforcement, must adhere to the law.

One of the principles of a rule of law state is the respect and practice of Human Rights. Philosophically, the establishment of Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP) is intended to protect human rights. Where every process in the judicial system must protect the rights of all parties involved, including the perpetrator and their property. Article 44 paragraph (1) of the Criminal Procedure Code states that state confiscated items are stored in the State Confiscated Goods Storage House. Whereas paragraph (2) states that the storage of confiscated items shall be carried out in the best possible manner and the responsibility for it lies with the authorized officials according to the level of examination in the judicial process, and the items are prohibited from being used by anyone.

In this case, legal experts/academics state that there are several strict provisions, namely that to prevent state confiscated items from being misused, they must be placed in appropriate locations to ensure their proper maintenance. In addition, the state tries to safeguard and protect state confiscated items with special places and resources ^[21].

Basically, law enforcement officers are bound by the law and subject to the law in accordance with the mandate of the 1945 Constitution of the Republic of Indonesia. The meaning is that law enforcement officers are required to deposit the seized items at the State Seized Goods Storage House. And if it is not implemented, then the officer has violated the law.

On the other hand, legal experts also say that every Law Enforcement Officer must adhere to the law because the law is higher than other regulations such as Government Regulations, Ministerial Regulations, Prosecutor's Regulations, Police Regulations, Regional Regulations, and Qanun. So if they do not carry out their duties in accordance with the mandate of the law, they are already considered to be violating the law or regulations. It is clearly stated in Law Number 8 of 1981 concerning the Criminal Procedure Code Article 44 paragraph (1) that state confiscated items are stored in the State Confiscated Goods Storage House ^[22]. On the other hand, the head of the Class I Banda Aceh State Seized Goods Storage House also revealed that there are several issues currently being experienced both internally and externally, such as:

1. Internal issues:

- a. The lack of quality and quantity of employees; in terms of the readiness of the employees at the Class I Banda Aceh State Seized Goods Storage House, which still has limited human resources when viewed from both quality and quantity aspects. From the quantitative aspect, the current number of officials/staff at the Class I State Seized Goods Storage House in Banda Aceh is 46 people. From the quality perspective, the knowledge of the State Seized Goods Storage House regarding the management of seized goods and confiscated items is still limited.
- b. Inadequate facilities and infrastructure; limitations in facilities and infrastructure related to buildings/warehouses, transportation equipment, Basan Baran maintenance equipment, and budget to support the functions of the State Seized Goods Storage House, where the buildings/structures do not meet the required standards/conditions. The building area of the Class I

State Seized Goods Storage House in Banda Aceh is only about 192m². whereas according to the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.01.P1.01.01 of 2003 dated April 10, 2003, regarding the building pattern of the technical implementation unit for correctional facilities, it is stated that the ideal land and building area is approximately 1 hectare. The staff of the Class I Banda Aceh State Seized Goods Storage House also mentioned that the Class I Banda Aceh State Seized Goods Storage House office was previously built in Lambaro District, Aceh Besar Regency, with an area of 1 hectare according to standards. Because a technical implementation unit, LPKA, was added, the office that was originally built for the State Seized Goods Storage House was repurposed and became the Class II Banda Aceh LPKA building/office.

- c. The structure of the office building of the Class I Banda Aceh State Property Storage House does not meet the standards and needs to be renovated because the concrete pillars are damaged and rotten. This is due to the very limited (not yet optimal) office maintenance budget and the maintenance budget for seized and confiscated goods at the Class I State Seized Goods Storage House in Banda Aceh.
- d. The storage facilities for seized and confiscated items are still inadequate. This is because the Class I Banda Aceh State Seized Goods Storage House is intended not only for small-sized seized items but also for large-sized seized goods such as cars and other motor vehicles. So the current storage space is not sufficient to store seized and confiscated items that are large in size.
- e. Technology factor. In the storage and maintenance of seized goods and confiscated items, the Class I Banda Aceh State Seized Goods Storage House has not yet utilized technology, including information technology. What should be done is that the State Seized Goods Storage House Class I Banda Aceh, in carrying out the storage of seized goods, should use technological devices such as forklifts for lifting and moving items, and cooling equipment for storing certain items like medical goods and others

2. The external problem is:

- a. The presence of unregistered seized goods at the State Seized Goods Storage House is due to the lack of synchronization and inconsistency among law enforcement agencies in addressing Article 44 of the Criminal Code, as well as the sectoral egoism of each law enforcement officer.
- b. The absence of notification from the party responsible in a legal sense regarding the progress of the examination of cases whose evidence is stored in the State Seized Goods Storage House.
- c. The deadline for storing confiscated goods at the State Seized Goods Storage House was not adhered to by the parties who deposited them.
- d. Seized goods that have already obtained permanent legal force or have received a court ruling are not immediately executed, resulting in the accumulation of seized goods in the State Seized Goods Storage House.

Community leaders expressed that something that is our duty must be carried out without violating it, because the law is an order. If law enforcement agencies do not deposit seized and confiscated items, it is the same as saying they

have violated the rules. Because it is clearly stated that the storage place for confiscated items is the State Repository for Confiscated Goods.

The Social Society Institution (LSM) also stated that there are several factors that make law enforcement officers unwilling to store seized goods at the Class I Banda Aceh State Seized Goods Storage House, namely;

- a. Lack of space and facilities;
- b. The security of seized goods is not guaranteed;
- c. The influence of the case is that in certain cases, seized items may be considered important for further investigation, so law enforcement agencies choose to keep them themselves.

On the other hand, the head of YARA revealed that the Prosecutor's Office and the Police already have their own regulations. And if the evidence is in large sizes, it will be difficult to execute to the State Seized Goods Storage House due to the time, distance, and cost for the storage process, so it is more efficient to store it in our own warehouse ^[23].

Conclusion

The Class I State Seized Goods Storage House in Banda Aceh is responsible for managing state seized goods, starting from receipt, identification, research, assessment, registration, classification, storage, and relocation. If law enforcement agencies (Police, Prosecutors, and Courts) do not entrust seized goods to the State Seized Goods Storage House, then the duties and functions of the State Seized Goods Storage House will not run optimally. The Head of the State Seized Goods Storage House also stated that the reason law enforcement agencies do not deposit seized goods is due to the lack of seriousness from law enforcement officers in responding to legal regulations related to the storage of state seized goods, especially Article 44 paragraph (1) of the Criminal Procedure Code (KUHAP). And the understanding of sectoral ego also plays a role in the attitude of law enforcement officers towards the storage of state confiscated goods. Legal experts, Non-Governmental Organizations, and community leaders also revealed that the relevant agencies do not adhere to the applicable legal regulations because the law is higher than the regulations of the Prosecutor or the regulations of the Chief of Police of the Republic of Indonesia. The State Property Storage House Class I Banda Aceh has also coordinated and socialized with all Law Enforcement Agencies.

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