

# MANAGEMENT SYSTEM OF THE STATE CONFISCATED OBJECTS IN DISRUPTION ERA 4.0

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## ABSTRACT

*This research aims to analyze the management issues of the Storage House for the State Confiscated objects that stores objects for the evidence of investigation, prosecution and examination of a court in Gorontalo Province and also to analyze the proper management of state confiscated objects in the disruption era of 4.0. This normative research used the statute, case and conceptual approaches. The results of the study discover that there is only one RUPBASAN utilized in Gorontalo Province, which does not comply with the regulation of the Ministry of Law and Human Rights that instructs there must be one RUPBASAN in every district/city in a province. This condition causes many state confiscated objects kept separately in law agencies. Therefore, an intergrated website-based management system of confiscated objects needs to be built in order to maintain the quality of the confiscated objects and to allow the user integration into the inventory.*

**Keywords:** Management System, The State Confiscated Objects, Disruption Era 4.0.

## INTRODUCTION

The judicial system adopted in Indonesia explains that there are 4 (four) components, which are police as investigators and inspectors, the prosecutor's office as a public prosecutor, the court as a function of adjudicating cases and advocates as legal aid providers to those involved in legal issues, all of these components have a working relationship and cannot be separated from one another, which is called as the integrated criminal justice system (Harahap, 2001). The Prosecutors Office and the Police as part of the criminal justice system have a law enforcement function in the form of investigative actions, including confiscation of goods or equipment used by perpetrators in committing crimes or criminal acts (Puluhulawa et al., 2020).

Even though the most important and decisive effort in providing proof of activity is at the level of case examination before a court session, the effort to collect the evidence means that it has a role and function when the investigator starts to take an action, so that when the investigating official investigates in conducting an investigation, he or she does not understand or does not pay attention to the provisions relating to the means of evidence, the investigator's actions will meet the failure (Kuffal, 2008). Besides, efforts to prove a criminal offense or criminal offense are based on evidence so that it needs to be confiscated by the investigator, but

on the other hand even though legal confiscation is carried out legally by the investigator, but safeguarding the quality of the evidence seized by the police must be properly maintained and managed so that there is no deterioration in the quality and characteristics of the evidence.

The obligation to store the state Confiscated objects placed in a storage house for the state Confiscated objects refers to the provisions of Article 44 of the Criminal Procedure Code, which stated explicitly and firmly that Confiscated objects are stored in a storage house for the state Confiscated objects, this juridical affirmation was then derivated into Government Regulation Number 27 of 1983 as implementing provisions of the Criminal Procedure Code, which in Article 27 states that In RUPBASAN, the items must be stored for the purposes of evidence in examination at the level of investigation, prosecution and examination at a court hearing, including Confiscated objects based on the judge's decision. Placement of the state Confiscated objects carried out at all levels of criminal law enforcement is actually intended to ensure safety and security, even according to Ahmad Sanusi, the existence of RUPBASAN is an effort to prevent abuse of authority resulting from investigations in the form of confiscation (Sanusi, 2018).

If we look through the empirical conditions encountered in management of the state forfeited items, there is a law enforcement agency from the central to regency/city level, both the police and the prosecutor's office, and each of these institutions carries out law enforcement duties requiring confiscation as the state forfeited items, which in this case referring to the provisions of Article 44 of the Criminal Procedure Code that requires the placement of Confiscated objects in a storage house for the state Confiscated objects, while condition of the storage house is yet inadequate. When referring to the existence of storage houses for the state Confiscated objects throughout Indonesia, there are only 63 operational units, whereas in fact there are 530 regencies/cities that must have storage houses for the state Confiscated objects. (Ministry of Law and Human Rights, 2016)

The management of the state Confiscated objects and forfeited items lies on the RUPBASAN institution empirically encounters many obstacles both in human resources and infrastructure, eventually gains the government response by opening up the possible management of Confiscated objects and forfeited items in other law enforcement agencies. Aspects that must be responded by the law do not only occur in very dynamic changes and developments in society by formulating normative provisions in the form of legislation, but also the era development and technological developments must also be responded by the law. In the 4.0 era marked by technological advances, it must be read as an opportunity and utilized for the development of national law.

Legal development currently influenced by technological advances can be observed through policies to open up public access in order to see through and read decisions through services provided by internet-based courts. In addition, there are also services for the community to access various laws and regulations established by the government and legislative institutions for the central and regional levels. This indicates that the use of technological advances in the 4.0 era for legal development is one of the important aspects to facilitate the public accessibility, especially those who have an interest in the information, including cutting down the flow of the

bureaucracy in the process of accessibility for legal services, for example, as reflected in a lawsuit filing service in courts in Indonesia.

Rapid technological advances in the 4.0 era should also be utilized to strengthen policies and systems in the management of Confiscated objects and forfeited items carried out by RUPBASAN as its leading sector, and other law enforcement apparatuses such as the police, prosecutors, courts, corruption eradication commissions, and customs.

### **Empirical Portrait of Storage for the State Confiscated Objects**

Storage House for the State Confiscated objects or abbreviated in Indonesian as RUPBASAN is a place in which objects are confiscated by the state for the purpose of judicial process. RUPBASAN is established in each regency or city, and if necessary, a RUPBASAN Branch can also be formed. Inside the RUPBASAN, items are placed that must be stored for evidence in the examination (Madjid, 2018) In fact, the protection ensured by the aforementioned constitution, is the spirit contained in the management of the state confiscated objects and forfeited items, which is legally the authority of RUPBASAN. Although confiscation is a certain thing containing forced efforts (enforcement) that it must also still pay attention to aspects and values of human rights, therefore it must be protected thoroughly and carefully so that the confiscation must be in accordance with applicable law and be able to maintain the quality and characteristics of the Confiscated objects or items (Harahap, 2003)

This policy will facilitate maintenance and there are certain officials who are physically responsible for the confiscated object. Therefore, with management and maintenance by RUPBASAN, the condition or state of Confiscated objects remains intact and the same as when the objects were previously confiscated. The intactness of Confiscated objects is really necessary, not only for the purposes of evidence in court proceedings, so that witnesses can easily recognize the Confiscated objects as they did when the crime was committed or when the object was confiscated to be used as evidence, but also aimed to protect property rights of the suspects and especially the property rights of those who are victims of criminal acts or other parties related to criminal acts. Storage House for the State Confiscated objects (RUPBASAN) is the only place to store all kinds of Confiscated objects. Structurally and functionally, it is under the area of the Ministry of Justice, which will be the center for the storage of all confiscated objects from all agencies (Harahap, 2003)

The use of Confiscated objects for the purposes of investigation, prosecution and examination in the court must have a letter of request from the juridically official responsible for the Confiscated objects. Removal of Confiscated objects to carry out the court decisions that have obtained a permanent legal force, are carried out at the request of the prosecutor in writing. Annihilation of confiscated objects is carried out by the Prosecutor, and witnessed by the Head of RUPBASAN. The implementation mechanism of management of the state Confiscated objects and Forfeited Items is regulated in the Regulation of the Minister of Justice of the Republic of Indonesia Number: M.05.UM.01.06 of 1983. While as a guideline for its implementation has been regulated in the Decree of the Director General of Corrections Number: E2.UM.01.06 of 1986 as amended by the Decree of the Director General of Corrections Number: E1.35.PK.03.10

of 2002 on Implementation Guidelines and Technical Guidelines for Management of the State Confiscated objects and Forfeited Items in the Storage Houses of the State Confiscated objects. The implementation mechanism of management of the State Confiscated objects and forfeited items in RUPBASAN, which includes acceptance, examination, registration, storage, maintenance, mutation, redemption, security, removal, and annulment as well as reporting (Madjid, 2018).

In addition, RUPBASAN also has the main task of carrying out the storage and maintenance of the state confiscated objects and forfeited items. The other functions of RUPBASAN are administration of the state confiscated objects and forfeited items and also maintaining confiscated objects and forfeited items. The purpose of protection of state confiscated objects and forfeited items is to maintain the intactness of the evidence so that at any time such evidence is required in a criminal proceeding, it is still in the same condition as before. The form of management process of the state confiscated objects and forfeited items are divided into several activities, namely acceptance activities (Kadir & Nufus, 2012).

Implementation of management of the state confiscated objects and forfeited items carried out by RUPBASAN encounters several problems classified into two, first the internal problems which are include; (a) no office buildings, warehouses and employees in RUPBASAN; (b) no established RUPBASAN in all regencies/cities, as there were only 63 operations for almost 30 (thirty) years that it should have been as many as 530 regencies/cities; (c) some provinces have no RUPBASAN (d) some RUPBASAN buildings still occupy ex-correctional buildings, which is 17 RUPBASAN; (e) some RUPBASAN building status still use the regional government building; (f) 1 RUPBASAN building status is leased from another party; (g) minimum cost of maintaining confiscated objects and forfeited items received annually; (h) lack of expert appraisers or estimators of the total nominal value of each confiscated objects and forfeited items (Ministry of Law and Human Rights, 2016)

Second, the external problems encountered by RUPBASAN include (a) numbers of the state confiscated objects that have not been submitted, placed or stored in RUPBASAN; (b) lack of coordination and communication between law enforcement agencies and RUPBASAN especially with regard to confiscated objects and forfeited items stored at other law enforcement agencies; (c) accumulation of the state confiscated objects and forfeited items due to inconsistency in the application of legal certainty to the timeline of the state confiscated objects and forfeited items; (d) court decisions on confiscated objects, especially the results of criminal acts of corruption, are not identified by RUPBASAN; (e) untimely execution results in a drastic reduction in the economic value of confiscated objects and forfeited items at RUPBASAN; (f) RUPBASAN has not been involved in the annihilation and auction of the state confiscated objects and forfeited items. (Ministry of Law and Human Rights, 2016)

The data released by the Director General of Corrections of the Ministry of Law and Human Rights shows the number of RUPBASANs are only 63 units, 46 units of technical implementers have only managed the state confiscated objects and forfeited items as many as 8,565 (Ministry of Law and Human Rights, 2016). This amount does not actually include all the confiscated objects and forfeited items found in other law enforcement agencies, including the police, prosecutors, KPK, customs and other institutions, as RUPBASAN conditions are very

limited and yet insufficient. Very specific conditions for example, can be seen from the RUPBASAN in Gorontalo Province.

Gorontalo class 1 RUPBASAN manages the confiscated objects and forfeited items in the amount of 353 units of confiscated objects and forfeited items. In the management of confiscated objects and forfeited items, Gorontalo RUPBASAN is challenged with the problem of the number of Human Resources; in this case the officers in RUPBASAN are only 19 employees, which should be ideally 121 employees for class 1 RUPBASAN. In addition, the unavailability of expert estimators and appraisers of the nominal amount of each confiscated objects and forfeited items is an obstacle that the Gorontalo RUPBASAN encounters. While in terms of buildings and land, it is also still very far from ideal conditions, as the Gorontalo RUPBASAN building only has an area of 14,000 m<sup>2</sup>, while in accordance with the Minister's policy states that the ideal building land area is approximately 1 (one) hectare (Pateda, 2019).

In addition to the management of the state confiscated objects and forfeited items managed in Gorontalo Class 1 (one) RUPBASAN, there are also the state confiscated objects and forfeited items managed outside RUPBASAN. In Gorontalo Regional Police, for example, the number of the state confiscated objects and forfeited items are 2,645. While in Gorontalo Municipal Police are as many as 753 confiscated objects and forfeited items.

In the management of the state confiscated objects and forfeitd items in Gorontalo Regional Police and Gorontalo Municipal Police, they are carried out manually and also have the encountered constraints including limited numbers of personnel, space and storage area of the state confiscated objects and forfeited items, and personnel who specifically have management skills of the state confiscated objects and forfeited items. In addition, coordination in supervision conducted by RUPBASAN is not yet optimal for management of the state confiscated objects and forfeited items, which are managed by the police, even though the original authority to carry out management including supervision should be of RUPBASAN.

#### **Management System of the State Confiscated Objects in Disruption Era 4.0**

A postulate stating that the law must always follow the era development contains very deep philosophical meaning, as the essence of the law must always respond to developments and dynamics occurring in society, including the current disruption era 4.0. Transition from the old to the new era, especially the disruption era 4.0, has an impact on the perspective of understanding conception of law as part of an evaluation, mainly the community understanding from involvement or participation to comprehensive law enforcement. Industrial advancement will certainly correlate with the needs of human resources and other resources (Muin & Karsa, 2019).

Era 4.0 is strongly identified with the conception of the industrial internet of things, where there are 9 (nine) technologies, namely: independent robot, simulation, system integration, internet, cyberspace security, cloud, addictive manufacturing, additional reality, as well as big data and analytics (Alamsyah, 2018). The industrial development, which is now known as the 4.0 era with invention of internet and information technology, has a great opportunity to be utilized to overcome the current encountered problems, and strengthen the management function of the state confiscated objects and forfeited items of which original authority lies in RUPBASAN. In

addition, the need for an internet-based management system and information technology will greatly facilitate supervision so that it will prevent the potential for misuse of the state confiscated objects and forfeited items managed outside of RUPBASAN.

Management system of the state confiscated objects and forfeited items will be managed directly by RUPBASAN as the user. Consideration on the granting of management system of the state confiscated objects and forfeited items to RUPBASAN was caused by the original authority to manage the state confiscated objects and forfeited items in RUPBASAN, even if it refers to the responsibility for the state confiscated objects and forfeited items, which are juridically placed on RUPBASAN, those responsibilities should be at the head of RUPBASAN. Even though the user of the system is in RUPBASAN, but law enforcement officers who are currently storing the state confiscated objects and forfeited items will also get an account that will document all the state confiscated objects and forfeited items placed and managed in the law enforcement apparatuses. The documentation has been carried out since the process of registration, enlistment, placement, management, annihilation, mutation, to the issuance of the state confiscated objects and forfeited items. The account owned by the law enforcement agency will be integrated with RUPBASAN. The system will also list the progress and status of cases of which objects or items are used as evidence and placed in RUPBASAN or other law enforcement agencies or even other depository institutions.

If all this time, obstacles in management of the state confiscated objects and forfeited items are also often associated with institutional coordination aspects primarily related to management of the state confiscated objects and forfeited items by law enforcement officials with storage houses for the state confiscated objects (RUPBASAN), this can be bridged with the existence of the built up information technology system. William Paisley stated that Technological change has placed communication on the front of the line of a social revolution. Through management system of the state confiscated objects and forfeited items, institutional communication can occur as reflected in the status updates of case related to the state confiscated objects and forfeited items, its physical status whether in good or damaged condition, and so forth. This will also certainly cut the length of the bureaucratic flow in the management process of the state confiscated objects and forfeited items.

The stages of management of the state confiscated and forfeited items managed by RUPBASAN or other law enforcement apparatuses will be digitally documented at each stage, namely: (a) acceptance stage, which includes status of identification, research, and assessment; (b) registration stage, which contains confiscation and forfeiture documents; (c) classification stage of confiscated and forfeited items; (d) placement stage, which will indicate that the state confiscated or forfeited items is placed in certain unit or work unit at the law enforcement agency, for example if within the scope of the Gorontalo Regional Police, the confiscated or forfeited items will be placed in the Traffic Work Unit, General or Special Criminal Investigation Department; (e) maintenance stage that will reflect whether maintenance status is carried out periodically or not, for example for vehicles, electronic goods; (f) mutation stage, which will show the status of the item while being used in the authentication process in court; (g) annulment, which will give the status of the confiscated or forfeited items to be destroyed, such as liquor, narcotics drugs; and (h) removal, which will explain that the Confiscated objects have

been removed in the case related to the Confiscated objects has had an incraht decision through the court.

## CONCLUSION

It is undeniable that the development of the industrial era 4.0 has a positive impact that the development of law in Indonesia can exploit, especially in terms of management of the state Confiscated objects and forfeited items. If all this time the factual storage of confiscated and forfeited items is also placed outside Storage House for the State Confiscated objects (RUPBASAN), as in other law enforcement agencies including the police, prosecutors, courts, customs and other institutions, as an effort to bridge the obstacles and resistance that RUPBASAN encounters including the limited existence of RUPBASAN, which has not been formed in all regencies/cities and the limited storage buildings and so on, but continue to exercise original authority and physical responsibility for Confiscated objects and forfeited items, the establishment of a management system based on integrated information technology is a required choice this present.

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