



RESEARCH ARTICLE

Optimizing the Management of Seized Goods: The Strategic Role of the Prosecutor's Office in Asset Recovery from Corruption Crimes

Tenriawaru¹, Syamsul Bachri², Nur Azisa³

^{1,2,3} Faculty of Law Hasanuddin University

ARTICLE INFO

Received: Nov 19, 2024

Accepted: Jan 22, 2025

Keywords

PNBP

Asset Recovery

Prosecutor's Office

Corruption

*Corresponding Author:

tenriawaruunhas@gmail.com

ABSTRACT

Managing seized goods plays a strategic role in asset recovery from corruption crimes. Effective management of confiscated goods not only serves to punish offenders but also aims to maximize the recovery of state losses caused by corruption. Asset recovery has emerged as a critical strategy in the fight against corruption. This study analyzes the role and efforts of the Prosecutor's Office in enhancing non-tax state revenue (PNBP) through the management of seized goods. This research adopts a normative-empirical legal method, combining doctrinal analysis with empirical investigation to examine the application of legal provisions in society. The study follows a theoretically rational approach using logical-deductive reasoning. The findings indicate that the Prosecutor's Office serves as the executing institution for implementing court decisions, including the authority to auction confiscated goods related to criminal proceedings. This authority is supported by Article 1(6)(b) and Article 13 of the Indonesian Criminal Procedure Code, along with the Attorney General's Regulation Number 10 of 2019. The Asset Recovery Center, established under the Attorney General's Office, plays a pivotal role in ensuring an integrated asset recovery system that operates effectively, efficiently, transparently, and accountably to optimize asset recovery in Indonesia

INTRODUCTION

The impact of corruption is hazardous to the integrity of the state and the nation's dignity. The title of a corrupt state will and must be borne by all country components, including most innocent people. Corruption in Indonesia has qualified as an extraordinary crime (extraordinary crimes) because the phenomenon of corruption is systemic and widespread and worries society nationally . Perpetrators of corruption tarnish the nation's self-esteem in front of the international public¹

Law enforcement can do the criminal justice system work objectively and impartially, and it may be considered to be careful about which values are alive and thriving in the community. Law enforcement must use a system approach that has a reciprocal relationship between the development of the multidimensional nature of the crime and the criminal policy implemented by law enforcement officers.²

Law enforcement and asset recovery are two sides of the same coin that cannot be separated in eradicating corruption. Management of confiscated goods has a strategic role in the asset recovery

¹ Reconstruction and Formulation of Wiring Authority by The Prosecutor In Corruption Crimes. (2024). *International Journal of Religion*, 5 (10), 1961-1968. <https://doi.org/10.61707/kfyy2e57h1961>

²Arifuddin, Arifuddin, et al. " Disparity of Punishment at the Court of the Crime of Corruption ." *Journal of Humanities*, vol. 3, no. 2, 1 Jul. 2015 page 19

framework of bribery. ³Optimizing the management of confiscated goods will affect the outcome of the crime, aiming to punish the perpetrators and recover as much state loss caused by the crime as possible. ⁴Returning assets from corruption is a strategic issue and is seen as a breakthrough in eradicating corruption today.

The process of resolving criminal cases takes a lot of time, starting from the arrest to the verdict, which includes the confiscation and seizure of assets, resulting in inflated asset maintenance costs and a decrease in the value of the assets, which then becomes a consideration in implementing the non-conviction mechanism. based (NBC) in the process of asset seizure.

The legal instruments that provide opportunities to recover state financial losses can be seen in Law Number 20 of 2001 concerning the Eradication of Corruption and Law Number 8 of 2019 concerning the Prevention and Eradication of Money Laundering (PTPPU) by looking at the actions taken by the Financial Transaction Reports and Analysis Center (PPATK). Recovery of assets from corruption crimes is part of the policy to achieve the scope and responsibility of criminal law policies and special criminal law.

Recently, the implementation of corruption eradication has focused on three main issues: prevention, eradication and return of assets from corruption (asset recovery). Efforts to eradicate corruption do not only talk about criminalization. Law enforcers must use this asset recovery approach to eradicate corruption cases as the latest path. Asset recovery is a process of handling assets from crimes carried out in an integrated manner. At every stage of law enforcement so that, the value of the assets can be maintained and returned in full to the victims of crime, including the state. Asset recovery also includes all preventive measures to prevent the value of the assets from decreasing.⁵

Eradication of corruption without asset recovery of the amount of state financial losses due to corruption means nothing; only punishing corruptors is the same as not returning the people's stolen rights. A person will dare to commit corruption if the results obtained will be higher than the risk of punishment (penalty) faced; even not a few perpetrators of corruption are ready to go to prison if they estimate that during their sentence, their families will still live prosperously from the proceeds of the corruption they have committed.⁶

The importance of confiscation of goods/objects related to corruption to return state losses as much as possible for the prosperity of the people, so the return of assets must be based on the principles of social justice that provide the ability, duties, and responsibilities to state institutions and legal institutions to provide protection and opportunities to each individual in society to achieve prosperity. As stipulated in Article 18 paragraph (1) letter a, Article 28, Article 29, and Article 30 of the Corruption Law, all goods/objects, both movable and immovable, related to corruption and TPPU must be confiscated and confiscated according to a legally binding judge's decision to minimize state financial losses caused by corrupt acts so that they can be utilized as much as possible by the state for the welfare of its people.

Proof in corruption adopts a balanced reversed evidence, meaning that in addition to the Public Prosecutor being obliged to prove, the defendant is also allowed to prove that his assets do not come from corruption. The right to balanced reversed proof is to uphold the rights of the defendant which remain protected and provide certainty over his assets whether they are related to corruption or not at all, and as a concern for APH to always be professional in carrying out their duties by prioritizing the principle of human rights.

³ Sangkilang, GM (2023). LEGAL REVIEW OF MANAGEMENT OF CONFISCATED GOODS AND ASSET RECOVERY OF THE CRIMINAL ACT OF CORRUPTION "PEMECAH OMBAK" IN LIKUPANG DUA SULUT (CASE STUDY OF DECISION NUMBER 15/PID. SUS-TPK/2021/PN. MND). *LEX CRIMEN*, 12 (2).

⁴Hadrian, E., Putri, AH, & Hakim, L. (2022). Corporate Criminal Liability in Corruption Crimes. *Pelita Law Journal*, 3 (2), 130-140.

⁵Riki Putro Dedi Dwiayatno, R. (2022). *EXECUTION OF CORRUPTION CRIMINAL ACTS AT THE PEKANBARU DISTRICT PROSECUTOR'S OFFICE BY PRIORITIZED STATE LOSSES RETURN (ASSET RECOVERY) REVIEWED FROM THE PERSPECTIVE OF FIQH SIYASAH* (Doctoral dissertation, Sultan Syarif Kasim State Islamic University, Riau).

⁶Ramadhani, AW (2023). *Asset Return in Money Laundering Case and Settlement by the High Prosecutor's Office of the Special Region of Yogyakarta* (Doctoral dissertation, Islamic University of Indonesia).

The provisions of Article 39 paragraph (1) of the Criminal Procedure Code determine that goods/objects may be subject to confiscation if:

- a. Goods/objects or bills of the suspect or defendant which are wholly or partly suspected of being obtained from a criminal act or as the result of a criminal act;
- b. Goods/objects that have been used directly to commit a crime or to prepare for a crime;
- c. Items/objects used to obstruct the investigation of a criminal act;
- d. Goods/objects specifically made or intended to commit criminal acts;
- e. Other items/objects that have a direct connection to the crime.

The provisions of Article 46 of the Criminal Procedure Code have outlined that the return of confiscated goods/objects must be carried out as soon as possible to those who are most entitled to them, with the following conditions:

- a. If it is accurate and objective that an investigative examination no longer requires it;
- b. Or if the case is not prosecuted because there is insufficient evidence or it turns out not to be a criminal act;
- c. The case is set aside/deponed for the public interest (by the Attorney General), or the case is closed by law, for reasons of ne bis in idem or the suspect/defendant has died or because the prosecution for the criminal act has expired, except if the object is obtained from a criminal act or is used to commit a criminal act (provisions of Article 46 paragraph (1) of the Criminal Procedure Code).

The provisions of Article 46 paragraph (2) in conjunction with Article 194 of the Criminal Procedure Code, the essence of which is that the party authorized to determine confiscated objects/evidence to be "returned/handed over" to the most entitled party is the court, namely the Panel of Judges who are trying the case. The return of goods/objects as evidence to the entitled party, either during the investigation or because of a court decision that has permanent legal force, is an extraordinary step taken by the lawmakers (Criminal Procedure Code), because with these provisions, it is very clear that the handling of any criminal case including corruption or TPPU must be in accordance with provisions that respect the rights of each individual that apply in general "equality before the law" and "equality in action" carried out by law enforcers.⁷

The confiscation of TPPU assets originating from corruption, "must be linked (dijuncto -kan)" with the articles in the Corruption Eradication Act as a predicate crime (predicate crime) as stipulated in Article 2 of the TPPU Law so that as much as possible confiscation of TPPU assets originating from corruption can be carried out in the hope of being able to return state financial losses and can lead to efforts to "impoverish corruptors" for the sake of public welfare and justice.

According to Lawrence R. France, it means: "Social justice as a structural commitment and political commitment of society to direct the resources of modern civilization for the benefit of many people, especially for those who are economically, socially, politically, and/or culturally deprived. The social justice perspective's implicit assumption is that a community's integrity will be threatened when its members are systematically impoverished from their dignity and that structural poverty is the main cause of this condition. One of the main causes of structural poverty is the crime of corruption".⁸

The provisions for implementing confiscation measures in the provisions of the Corruption Law are regulated in Article 18 paragraph (1), which stipulates that: In addition to the additional penalties referred to in the Criminal Code, the additional penalties are:

⁷Umar, N. (2019). BOOK Law on corruption in Indonesia & unique strategies for fostering corruption convicts (Complemented by Law Number 19 of 2019 concerning the second amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission.

⁸Lawrence R. Frey et.al., Looking For Justice In All The Wrong Places: On a Communication Approach to Social Justice, 1996, Communication Studies 47, p. 110

- a. Confiscation of tangible or intangible movable property or immovable property used for or obtained from criminal acts of corruption, including companies owned by convicts where criminal acts of bribery were committed, as well as the price of goods replacing such goods;
- b. Payment of compensation in an amount that is at most equal to the assets obtained from the criminal act of corruption;
- c. Closure of all or part of the company for a maximum period of 1 (one) year;
- d. Revocation of all or part of certain rights or the elimination of all or part of specific benefits, which have been or may be granted by the government to the convict.

Asset confiscation, as referred to in Article 39, paragraph (1) of the Criminal Code and Article 18, paragraph (1) letters a and b of the Corruption Law, is an additional penalty in criminalising corruption. In addition, the provisions of Article 7 paragraph (2) of the TPPU Law can also be applied to corruptors so that the threat and criminal sanctions are increasingly severe and maximum. The threat of criminal penalties, as referred to in Article 7 paragraph (2) letter e of the TPPU Law, stipulates that: "In addition to the fines as referred to in paragraph (1), additional penalties can also be imposed on corporations in the form of confiscation of corporate assets for the State."

The confiscation of corrupt assets that is implemented to "impoverish corruptors" is a spirit of renewal of the seriousness of the government through APH to take accurate and firm actions that are desired for the return of state financial losses until the confiscation of assets/halal property belonging to corruptors. Suppose the convict cannot return the state financial losses that are the same as the replacement money (UP). In that case, the last alternative is corporal punishment (imprisonment), which is the same length as the main sentence and may not exceed the main sentence that has been interacting with. Impoverishing corruptors is more of an "expected result of legal efforts in the form of implementing the confiscation of assets/property from corruption to optimally return state losses". This study aims to analyze the role and efforts of the Prosecutor's Office in increasing PNBPN through the management of confiscated goods. This study examines how the management of confiscated goods from corruption crimes to optimize Non-Tax State Revenue (PNBP) by the Prosecutor's Office

1. THEORETICAL BASIS

Overview of Confiscated Criminal Goods

Confiscation is taking over an object to be stored and placed under the investigator's control. Whether the object is taken from the owner, guard, storage, tenant and so on, or the object is taken directly from the control or ownership of the suspect. In the Indonesian dictionary, an object is a property or valuable goods, and everything is tangible or corporeal. At the same time, confiscation is taking and holding some of the goods carried out according to a judge's decision or by the police.

In the Regulation of the Minister of Justice of the Republic of Indonesia No. M.05.UM.01.06 of 1983 concerning the Management of State Confiscated Goods and State Confiscated Goods in RUPBASAN, it explains the meaning of confiscated goods and state confiscated goods, namely:

- a. State confiscated objects are objects confiscated by investigators, public prosecutors, or officials who, due to their position, have the authority to confiscate objects to use as evidence in the judicial process.
- b. State-confiscated goods are evidence that has obtained permanent legal force. They are confiscated for the state and then executed in the following manner: destroyed, auctioned for the state, handed over to the designated agency for use, and handed over to RUPBASAN for the purposes of evidence in other cases.

Confiscation itself is defined as the process, method, act of confiscating or taking private property by the government without compensation. The law enforcement process validates the existence of an action in the form of confiscation. In Article 39 and Article 1 point 16 of the Criminal Procedure Code, the legal principles in the confiscation of an object have been explained, regarding how the object can

be given or attached to the confiscation. Items that can be confiscated according to the Criminal Procedure Code are only objects related to criminal acts.⁹

If an object has no connection or involvement with a criminal act, the object cannot be attached to the seizure. The qualification of objects or goods in the legal sense includes tangible, intangible, movable, and immovable. The definition of objects or goods as such by law cannot be separated from the ownership of rights to them. This means that as far as rights can be attached to it, it is an object or goods in the legal sense. Therefore, even though the object is not tangible, the rights above it can and may be transferred because it can be owned.

Article 39 of the Criminal Procedure Code has outlined the legal principles for confiscating objects, which limit objects that can be confiscated. Article 39 of the Criminal Procedure Code explains that:

- a. Objects or bills of a suspect or defendant which are wholly or partly suspected of being obtained from criminal acts or as the result of criminal acts
- b. Objects used directly to commit a crime or prepare for it.
- c. Objects used to obstruct the investigation of a crime.
- d. Objects that are specifically made or intended to commit crimes.
- e. Other objects that have a direct relationship to the crime committed.
- f. Items that are in confiscation due to civil cases or bankruptcy can also be confiscated for the purposes of investigation, prosecution and trying criminal cases (Criminal Procedure Code, Article 39) ¹⁰.

The types of objects that can be subject to confiscation are:

- a. Objects or bills of the suspect or defendant which are wholly or partly suspected of being obtained from a criminal act or as the result of a criminal act (Article 39 paragraph (1) letter a of the Criminal Procedure Code).
- b. Packages or letters or objects whose transportation or delivery is carried out by a postal or telecommunications office, communications or transportation agency or company as long as the package, letter or object is intended for the suspect or originates from him (Article 41 of the Criminal Procedure Code).
- c. Letters or other writings from those who are obliged by law to keep them confidential as long as they do not concern state secrets (Article 43 of the Criminal Procedure Code).

Settlements for prohibited and prohibited objects from circulation can only be resolved in two ways:

- a. The object is confiscated to be used in the interests of the state. An object confiscated for the state is one that must be handed over to the relevant Department in accordance with the provisions of applicable laws and regulations (Explanation of Article 45 paragraph (4).
- b. The second alternative for prohibited objects or objects prohibited from being circulated, is to be destroyed.

That is the procedure for resolving confiscated objects that are prohibited or prohibited from being circulated; they can only be confiscated by the state or confiscated for destruction. If the object is confiscated for the state, its further use and control are handed over to the relevant Department. The Criminal Procedure Code Article 44 explains that confiscated objects are stored in the State Confiscated Objects Storage House.

RUPBASAN is the only place to store all kinds of confiscated objects needed as evidence in the trial process, including objects declared seized based on a court decision or a judge's decision, and these

⁹Sinaga, ICM (2019). *The Role of the Prosecutor's Office in the Management and Execution of Evidence* (Doctoral dissertation, University of North Sumatra).

¹⁰Anugrah, SH, Basri, M., & Mirzana , HA (2021). Handling of State Confiscated Goods and State Confiscated Goods Stored for a Long Time in the State Confiscated Goods Storage House. *Al-Qadau Journal: Islamic Family Law and Justice* , 8 (1), 130-145.

objects are prohibited from being used by anyone. Article 44, paragraph (1) determines the place to store confiscated objects, which must be stored in RUPBASAN. No one is permitted to use it, as stated imperatively in Article 44, paragraph (2).¹¹

The intention is to avoid abuse of authority and position. Structurally and functionally, RUPBASAN is under the Ministry of Justice, which will be the centre for storing all confiscated objects from all agencies. In the past, many law enforcement officials controlled and enjoyed confiscated objects. As a result, many confiscated objects are of uncertain origin, and at the time of execution of the confiscated objects, there are no more traces or traces.

Some have been transferred to the officials, and some have been destroyed or used up. For reasons of experience, the Criminal Procedure Code outlines provisions that can be expected to guarantee the safety of confiscated objects. For the rescue efforts, the means and equipment that guarantee their integrity have been determined, namely:¹²

- a. The storage facilities are in RUPBASAN.
- b. The person physically responsible lies with the Head of RUPBASAN
- c. Legal responsibility lies with law enforcement officials according to the level of inspection.

As mandated by Law Number 8 of 1981 concerning the Criminal Procedure Code and Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code in the context of storing confiscated objects, further and detailed regulations are contained in the following rules, namely:¹³

- a. Regulation of the Minister of Justice of the Republic of Indonesia Number: M.05.UM.01.06 of 1983 concerning the Management of Confiscated Objects and State Confiscated Goods in the State Confiscated Objects Storage House (RUPBASAN).
- b. Decree of the Minister of Justice of the Republic of Indonesia Number M.04.PR.07.03 of 1985 concerning the Organization and Work Procedures of Prisons and RUPBASAN.
- c. Decree of the Director General of Corrections Number E1.35.PK.03.10 of 2002 concerning Implementation Guidelines and Technical Guidelines for the Management of Confiscated and Confiscated State Objects at RUPBASAN

Overview of PNBP

Non-Tax State Revenue (PNBP) is a levy paid by individuals or entities that directly or indirectly benefit from services or utilization of resources and rights obtained by the state, based on laws and regulations, which becomes Central Government revenue outside of taxation and grant revenue and is managed in the state revenue and expenditure budget mechanism (Law Number 9 of 2018, 2018).

PNBP objects include all things, activities, and/or objects, which contribute to state revenues outside of revenues from the taxation sector and grants. PNBP subjects include individuals and bodies that use, benefit from, and/or are related to PNBP objects from within and outside the country. PNBP subjects have an obligation to pay PNBP and are referred to as Obligor.

In Law Number 9 of 2018, it is stated that PNBP objects can be grouped into 6, namely:¹⁴

- a. Utilization of Natural Resources

Utilization of natural resources, namely all utilization of the earth, water, air, space and natural resources that are under the control of the state.

- b. Service

¹¹Karindra, LR (2022). The Process of Managing Confiscated and Confiscated State Goods. *JUSTITIA: Journal of Law and Humanities*, 9, 618-624.

¹³ Kurniyawan, A., & Hasanah, YN (2020). The Role of Rupbasan as an Institution for Managing Confiscated Goods from Corruption Crimes. *Legal Reform*, 24 (1), 1-20.

¹⁴MULIANI, NKT (2022). *Review of the Management of Non-Tax State Revenue (PNBP) at the Karangasem District Attorney's Office* (Doctoral dissertation, State Finance Polytechnic STAN).

Services are all matters related to the provision of goods, services, or administrative services to meet the community's needs and the implementation of laws and regulations that are the government's responsibility.

c. Management of State Assets is Separated

The management of state assets is separated, namely the management of state assets sourced from the APBN, which are used for state capital participation or other legitimate acquisitions.

d. Management of State Property (BMN)

BMN management is all forms of use, utilization, and/or transfer of goods obtained at the expense of the APBN or from other legitimate acquisitions.

e. Fund Management

Fund management is the management of government funds for specific purposes sourced from the APBN or from other legitimate sources.

f. Other State Rights

Other state rights are rights other than the five types of PNBP objects and which are regulated by statutory regulations.

BNBP at the Attorney General's Office of the Republic of Indonesia

The Attorney General's Office of the Republic of Indonesia is one of the government agencies that also manages PNBP. The types of PNBP in the Attorney General's Office of the Republic of Indonesia include receipts from (Government Regulation Number 39 of 2016, 2016):¹⁵

a. Payment of Replacement Money for Corruption Crimes (tipi or)

Corruption convicts must pay corruption compensation as additional punishment. Money and/or goods originating from civil lawsuits in or out of court must also be paid.

b. Payment of Criminal Case Costs

Corruption court costs must be paid, the amount of which is determined in a court decision that has final effect.

c. Payment of Criminal Fines

Criminal fines must be paid by the convict as the principal penalty. The amount of the fine and the time of payment are determined and stipulated in a court decision that has become final.

d. Payment of Fines for Traffic Violations

Criminal fines for traffic violations must be paid by the violator as the main penalty according to the court's decision. The remaining money deposited for payment of fines that the violator does not take is also included in the payment according to the provisions of the legislation in the field of traffic.

e. Payment of Fines for Criminal Acts of Violation of Regional Regulations

The violator must pay fines for criminal acts of violating regional regulations as the main penalty according to the court's decision.

f. State Loot Money

State confiscated money includes confiscated money/evidence seized for the state according to a court decision that has become final . The scope of state-confiscated funds does not include state-confiscated money originating from corruption and money laundering cases, including income generated while managing the confiscated money/evidence.

g. Confiscated State Money Originating from Criminal Acts of Corruption

¹⁵ARAUNA, YC (2022). *Review of the Implementation of Cash Receipts and Expenditures at the Medan District Attorney's Office* (Doctoral dissertation , State Finance Polytechnic STAN).

The state's confiscated money from corruption includes confiscated money/evidence from corruption cases that are seized for the state by a final court decision, including income generated during the management of the confiscated money/evidence.

h. Confiscated State Money Originating from Money Laundering Crimes

Confiscated state funds originating from money laundering crimes include confiscated funds/evidence in money laundering cases that the state has confiscated based on a court decision that has become final and binding, including income generated during the management of the confiscated money/evidence.

i. Proceeds from the Sale of Confiscated State Goods

State-confiscated goods include evidence/confiscated goods confiscated by the state based on a final court decision, including income generated during the management of the confiscated money/evidence.

j. Proceeds from the Sale of Confiscated State Goods Originating from Criminal Acts of Corruption

State-confiscated goods originating from corruption include evidence in corruption cases that are confiscated by the state based on a final court decision, including income generated during the management of said evidence.

k. Proceeds from the Sale of Goods Confiscated from Execution of Corruption Crimes

Goods confiscated from corruption executions include goods or assets owned by corruption convicts that are seized after a final court decision. The proceeds from the sale are calculated as compensation payments.

l. Proceeds from the Sale of Confiscated State Goods Originating from Money Laundering Crimes

State confiscated goods originating from money laundering crimes include evidence of money laundering crimes confiscated by the state based on a final court decision, including income generated during the management of said evidence.

m. Proceeds from the Sale of Evidence Not Taken by the Entitled Person

Evidence that is not taken by the entitled party is evidence according to a court decision that has been inkracht and returned to the entitled party but not taken. The untaken goods can be auctioned by the Attorney General's Office of the Republic of Indonesia in accordance with the provisions of the law.

n. Sales Results of Found Goods

Found goods are goods found in the process of law enforcement. If the perpetrator of the crime is not found, the found goods can be auctioned according to the provisions of the law.

o. Found Money

Found money is money that is suspected of being related to a crime, but the owner is not found. Money used in cyberspace or virtual currency can also be included in found money.

p. State Refund Results

The results of the state refund come from cases that were not continued to the investigation stage. The amount of the refund for state losses is an amount of money deposited at the investigation stage or based on the internal audit calculations of the inspectorate or related agencies.

q. Results of State Financial Loss Recovery

The results of the efforts of the state attorney based on a special power of attorney to carry out his duties outside the trial or through a civil lawsuit process against:

1. corruption cases in cases where investigators make findings and are of the opinion that there is one or more elements of corruption for which there is insufficient evidence and against a verdict of acquittal in a corruption case, whereas there has been a real state loss.

2. investigation and/or prosecution of corruption cases that have not yet received a court decision because the suspect/defendant has died and there has been a real state financial loss.

r. Results of Legal Cooperation with Other Countries

The results of cooperation in the legal field are part of the assets sharing in the scope of asset recovery and/or other legal cooperation, based on the correlation between the Attorney General's Office of the Republic of Indonesia and overseas partners.

The Role of the Prosecutor's Office in Managing Assets Proceedings of Corruption

In addition to the authority of the Prosecutor's Office in the field of prosecution and investigation for special crimes, based on the provisions of Article 30 paragraph (2) of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, in the field of civil and state administration, the prosecutor's office with special powers can act both in and out of court for and on behalf of the state or government. The authority of the prosecutor's office in the field of civil and state administration includes if the convict of a corruption crime is unable to pay compensation or if the confiscated goods are not or are not sufficient for the amount of compensation or the convict's goods have run out, then the public prosecutor as executor can wait until the defendant has assets again and if it turns out that after some time (after completing the criminal sentence) he has assets, then the public prosecutor can request the shortfall in payment of compensation through a civil lawsuit to the district court in accordance with Circular Letter of the Supreme Court of the Republic of Indonesia Number 3 of 1990.

The development of corruption eradication has currently focused on three main issues, namely prevention, eradication, and return of assets from corruption (*asset recovery*). This shows that efforts to eradicate corruption do not only lie in efforts to prevent eradication in terms of criminalizing perpetrators but also include efforts to return state losses from the results of criminal acts of corruption. Assets can in the form of real estate (land), property physical property owned by a person , legal entity property , property public (state or public), and wealth intellectual (exclusive For someone) with creation , art , discovery , etc.).¹⁶ The seizure was carried out to treasure the object that is results act criminal in Meaning The return of state losses is intended so that the state losses that arise can be covered by the return of the proceeds of corruption so that it does not have a worse impact.¹⁷ Confiscation Action treasure suspected object strong related with act criminal the act of doing tool proof in investigation , prosecution and examination in court .¹⁸

Saving state finances is done in various ways, including tracking/pursuing and confiscating goods/wealth suspected of being related to corruption crimes. In general conceptual determination sanctions criminal to subject proven and viewed law fulfil element offense the article charged is things to want achieved from objective criminalization That Alone that is enforcement law material in legal process the proceedings .¹⁹ Eradication corruption in a way law is with depend on treated in a way consistent Constitution about Eradication Action Criminal Corruption and various provision related to the nature of repressive .²⁰ The imposition of criminal fines has been regulated in Law Number 3 of 1971 concerning the Eradication of Criminal Acts of Corruption which has been updated by Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption Amendment to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption and then Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption was also issued . Nompr 30 of 2002 concerning the Corruption Eradication Commission. Law Number 20 of 2021

¹⁶Ilmi, M., Muchtar, S., & Ilyas, A. (2022). Property-Based Confiscation as an Effort to Recover State Financial Losses in Corruption Crimes. *USM LAW REVIEW JOURNAL* , 5 (2), p. 497

¹⁷RIZA ARIANI, WENNY (2023). Analysis of the Role of the Prosecutor's Office in Handling and Managing Assets Proceedings of Corruption Crimes (Study at the Bandar Lampung District Attorney's Office).

¹⁸Saragih, EPH, Akub , MS, Halim, H., Halim, H., & Ilyas, A. (2024). Efforts of The Prosecutor as State Attorney to Recovery Recovery of State Losses Through Replacement Money . *Revista With Management Social E Ambiental* , 18 (6), p 7

¹⁹Saputra, IE, Irwan, M., & Rahman, A. (2022). Normative Analysis of the Prosecutor's Judicial Review Authority. *Sawerigading Law Journal* , 1 (2), 101-111.

²⁰Nuredah , N., & Haeranah , H. (2021). Inclusion in Criminal Acts of Corruption of Social Assistance Funds . *Journal of Law and Notary* , 5 (2), p. 355.

regulates sanctions for paying fines and compensation for acts of corruption committed by individuals or legal entities. The purpose of criminal compensation is to maximize the return of state money that has been corrupted.²¹

Returning losses from the proceeds of corruption will prevent the perpetrator from enjoying the proceeds of his actions. This can be done by confiscating certain goods obtained or produced in a crime as an additional penalty in addition to the principal penalty such as imprisonment and fines contained in Article 10 of the Criminal Code (KUHP). As contained in Article 39 of the Criminal Code:

1. Items belonging to convicts obtained from crimes or intentionally used to commit crimes can be confiscated.
2. In the case of criminal punishment for a crime that was not committed intentionally or because of a violation, a decision of confiscation may also be made based on matters stipulated in the law.
3. Confiscation may be carried out against guilty persons who are handed over to the government, but only for goods that have been confiscated.

Recovery of state financial losses with efforts to return state financial losses in corruption crimes in reality still faces obstacles both at the procedural and technical levels. At the procedural level, it requires certain legal instruments that are appropriate in accordance with the modus operandi of the crime and the object of the legal problem.

In cases of corruption, the proceeds of the crime in the form of state finances are in reality not only received or enjoyed by the accused, but are also received or enjoyed by third parties who are not accused. The Civil Lawsuit contained in the Corruption Eradication Law places the burden of proving the existence of an element of state loss on the State Attorney.

On the contrary, civil forfeiture adopts the principle of reversal of the burden of proof where the parties who object prove that the assets being sued have no connection with corruption. This makes it sufficient for the State Attorney to prove that there is an allegation that the assets being sued have a connection with a criminal act of corruption. Efforts to recover state financial losses from perpetrators of corruption will be successful if there is cooperation between law enforcement officers (Police, Prosecutors, KPK) to uncover criminal acts of corruption, especially in efforts to recover state losses.

Without such cooperation, it will be difficult to recover state financial losses/state economy. In reality, compensation payments in corruption crimes have not been implemented properly until now, due to many inhibiting factors both in the convicts, law enforcers, and in the implementing regulations, while the money from corruption has been spent, thus it is seen that the ability and professionalism of law enforcement officers are determining factors in eradicating corruption in addition to the legislative factor.

One of the agencies authorized by law to eradicate and deal with criminal acts of corruption, in addition to the Corruption Eradication Commission which was established in accordance with Law Number 30 of 2002, is the Attorney General's Office of the Republic of Indonesia. In addition to the authority of the Attorney General's Office in the field of prosecution and investigation for special crimes, based on the provisions of Article 30 paragraph (2) of Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, in the field of civil and state administration, the Attorney General's Office with special powers can act both inside and outside the court for and on behalf of the state or government.²²

The authority of the prosecutor's office in the civil and state administrative fields includes if the convict of corruption is unable to pay the replacement money or if the confiscated goods are not or

²¹ Kalbuadi, SA, Marsikun, IM, Kurniasih, D., & Faozanudin, M. (2023). Corruption and Multiple State Losses Case Study on the Policy for the Management of Confiscated and Confiscated State Objects from Corruption Crimes at Rupbasan Class II Purwokerto. *Journal of Economics and Business UBS*, 12 (3), 1951-1962.

²² BANGSA, MI (2019). *MANAGEMENT AND UTILIZATION OF STATE CONFISCATION ASSETS BASED ON THE REGULATION OF THE MINISTER OF FINANCE NO. 08/PMK/. 06/2018 (CASE ANALYSIS OF MA DECISION NO. 1261 K/ Pid. Sus/2015 Year 2015)* (Doctoral dissertation, Airlangga University).

are not sufficient for the replacement money or the convict's goods have run out, then the public prosecutor as the executor can wait until the defendant has assets again and if it turns out that after some time (after completing the criminal sentence) he has assets, then the public prosecutor can request the remaining payment of replacement money through a civil lawsuit to the district court in accordance with the Circular of the Supreme Court of the Republic of Indonesia Number 3 of 1990.

3. RESEARCH METHODS

This study uses the type of *normative-empirical legal research*. *Normative empirical research* is a legal research method that combines normative (doctrinal) research with empirical research. This method aims to analyze the implementation of normative legal provisions in practice in society. Furthermore, the nature of this research is theoretical rational with the reasoning model used is *logical-deductive*. The approaches used in this research are as follows:

- 1) Statute Approach This approach is carried out by examining all laws and regulations related to the legal problem to be studied. This approach is a study that prioritizes legal materials in the form of laws and regulations related to *Tax Collection with a Letter of Compulsion* as basic reference material in conducting research;
- 2) Conceptual Approach This approach is based on the views and doctrines that have developed in the field of legal science. This approach is used to clarify ideas by providing legal understanding, legal concepts, and legal principles that are relevant to the legal issues to be studied;
- 3) *Analytical Approach* This approach is carried out by examining the meaning or legal terms and seen in legal practices and court decisions. This study examines the understanding, principles, rules, systems, and legal concepts of all laws and regulations related to tax collection with a writ of execution;
- 4) *Theoretical Approach* This approach is carried out by testing or validating the concept against legal norms or rules, the legal principles underlying them, and the legal theory underlying the legal norms, so that the legal rules or legal principles that are constructed are supported by a strong legal theory.

The technique of collecting legal materials applied in this study is literature study. This technique is applied by reading, reviewing, and taking notes to make a review of library materials or internet searches related to the topic of this study. The legal materials collected by the author are inventoried, then reviewed and analyzed comprehensively using the theory of legal obligations as a touchstone of applicable norms or rules, thus producing research based on primary and secondary legal materials in order to achieve the formulation of arguments in answering the legal problems discussed in this study.

4. ANALYSIS AND FINDINGS

The Impact of Confiscated Goods Management on Increasing PNB

Referring to the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 16 of 2014 concerning Procedures for the Management of State Confiscated Goods and State Confiscated Goods at the State Confiscated Goods Storage House, by definition State Confiscated Goods or commonly called *Basan* are goods confiscated by the state for the purposes of the judicial process. While state confiscated goods, or commonly called *Baran*, are confiscated goods (*Basan*) based on a court decision that has obtained permanent legal force which are declared confiscated for the state. Every *Basan* , including *Baran*, must be stored at the State Confiscated Goods Storage House (*Rupbasan*). To assist the storage process, *Basan* is divided into 5 types of categories including :

1. General, placed in a public warehouse;
2. Valuable, placed in a valuable Warehouse;
3. Dangerous, placed in a dangerous warehouse;
4. Open, placed in an open warehouse; and
5. Livestock/plants, placed in the livestock/plant warehouse.

In situations where Baran and Basan cannot be stored in Rupbasan, the head of Rupbasan determines how to store Basan and Baran elsewhere. For Basan that has dangerous characteristics, is easily damaged, and incurs high maintenance costs, the Head of Rupbasan can recommend conducting an auction or destruction with the following mechanisms:²³

- a. If the case is still in the hands of the investigator or public prosecutor, the object can be sold at auction or can be secured by the investigator or public prosecutor, witnessed by the suspect or his attorney;
- b. If the case is already in the hands of the court, the object can be secured or sold at auction by the public prosecutor with the permission of the judge who is hearing the case and witnessed by the defendant or his attorney.

Objects that are subject to confiscation so that they become confiscated goods (Basan) can be returned to the owner from whom the object was confiscated or to the person/party most entitled, if:

- a. The interests of investigation and prosecution no longer require;
- b. The case was not prosecuted because there was insufficient evidence or it turned out not to be a criminal act;
- c. The case is set aside for the public interest or the case is closed by law, except if the object was obtained from a criminal act or was used to commit a criminal act.

If the case has been decided, then the Basan must be returned to the party mentioned in the decision, unless the judge's decision states that the Basan is confiscated for the state so that it becomes State Confiscated Goods (Baran). According to the Regulation of the Minister of Finance Number 145 of 2021, Baran is State Property (BMN) originating from confiscated objects or evidence that is determined to be confiscated for the state based on a court decision that has obtained permanent legal force, or other goods that are determined by a judge or court decision to be confiscated for the state.

There are 4 policy makers involved in the management and administration of Baran and Basan, including the Minister of Finance, the Indonesian Attorney General's Office, the Corruption Eradication Committee, and the Military Auditorate. The Minister of Finance acts as the State Treasurer who is the manager of BMN Goods originating from State Confiscated Goods and gratification. While the Attorney General's Office, the Corruption Eradication Committee, and The military auditorate is a law enforcement agency that in its activities deals with confiscated objects for the purposes of the judicial process. In the event that the confiscated objects are decided to be State Confiscated Goods, the three institutions carry out their duties as Managers of State Confiscated Goods.

Referring to PMK 145/2021, the settlement of State Confiscated Goods is divided into 2, namely administration and management. Administration is carried out through a sales mechanism by auction. If in the process of administration the State Confiscated Goods are not sold through auction, then management can be carried out which includes: a. determination of usage status; b. transfer; c. utilization; d. destruction; and d. deletion.

For the management of State Confiscated Goods through the auction sales mechanism has been regulated in Article 45 of the Criminal Procedure Code concerning the Execution Auction of Confiscated Goods. Where in the article explains that the auctioned goods are execution goods/auctions. The following is the execution auction process based on Article 45 of the Criminal Procedure Code:

- a. For an execution auction application, it is submitted by the seller to the Head of the State Assets and Auction Services Office (KPKNL) accompanied by the auction requirement documents.
- b. The auction organizer comes from the KPKNL/Auction Functional Officer or the Auction House through the Auction Functional Officer.

²³LOOT, SDB PROBLEMATICS OF MANAGEMENT OF OBJECTS.

- c. The conditions for execution auctions are as follows:
- d. Announcement of auction objects in the form of Immovable Goods or Immovable Goods sold together with Movable Goods, is carried out 2 (two) times and the Announcement of auction objects in the form of Movable Goods is carried out 1 (one) time at least 6 (six) calendar days before the auction day.
- e. If the auction object is an item that is easily damaged/rotten, it can be done in less than 6 (six) calendar days and at least 2 (two) working days.
- f. If the auction object is fish and similar goods resulting from fisheries crimes, it can be carried out in less than 6 (six) calendar days and at least 1 (one) calendar day.

If the auction is successful, an auction fee will be imposed with the mechanism for the seller's auction fee for Immovable Goods: 2% of the auction principal; and Movable Goods: 2.5% of the auction principal. While for the buyer's auction fee for Immovable Goods: 2% of the auction principal, and Movable Goods: 3% of the auction principal. In the auction process, confiscated goods and seized goods are prioritized by submitting an application to conduct an auction. If the application is accepted, an auction schedule will be determined.

The auction announcement will be carried out in two stages, for the first auction announcement for the auction of movable goods and the second auction announcement for immovable goods. Furthermore, *Aanwijzing* or explanation is carried out, but this is optional. After the second auction announcement and/or explanation, an auction deposit will be made, which is the starting point for the auction. If the auction is accepted, the next step is to make payment for the auctioned goods that have been obtained.

The sale of auction results can be said to be Non-Tax State Revenue (PNBP). According to Law Number 9 of 2018, Non-Tax Revenue (PNBP) is a levy paid by individuals or entities by obtaining direct or indirect benefits from services or utilization of resources and rights obtained by the state, based on laws and regulations, which become central government revenue outside of tax revenue and grants and are managed in the state revenue and expenditure budget mechanism. Based on the 2020 LHP LK of the Indonesian Attorney General's Office, it was recorded that the Attorney General's Office, through Non-Tax State Revenue (PNBP), contributed to state revenue of IDR 935.49 billion or reached 195.25% of the estimated revenue set.

Of that value, the contribution of income from the management of Confiscated Objects and Confiscated Goods reached Rp381.25 billion or 40.75% of the total contribution of the Attorney General's Office's PNBP. Although the contribution of income from the management of Confiscated Objects and Confiscated Goods was 40.75%, the income from the sale of TPPU and TPK auction results was relatively smaller compared to the income from the management of other Confiscated Objects and Confiscated Goods. This is in line with the sale of TPK and TPPU auction results at the Corruption Eradication Commission.

Legal and Administrative Issues in the Management of Confiscated Goods

The provisions of the legislation require that the Rupbasan technical implementation unit be formed in each district/ municipality capital (Government Regulation Number 27 of 1983, Article 26 paragraph (1). However, the facts show that until 2019, only 63 Rupbasan technical implementation units were spread across 32 provinces (Correctional Database System , 2019). West Kalimantan Province and West Sulawesi Province currently do not have a Rupbasan technical implementation unit . The number of Rupbasan technical implementation units should follow the number of districts/cities throughout Indonesia , which is approximately 530. Through the data, it can be seen that the burden of responsibility is very unbalanced. Rupbasan must be able to accommodate confiscated objects from technical implementing units whose ratio is around 1:9.

Limited facilities and infrastructure related to buildings/warehouses and budgets support the Rupbasan function's implementation. The readiness of the Ministry of Law and Human Rights to build Rupbasan in all regencies/cities by the mandate of the Criminal Procedure Code has not yet been implemented. Although legally the storage of confiscated state objects is in the State Confiscated

Object Storage House (RUPBASAN), the existence and number of Rupbasan are not comparable to the number of law enforcement agencies that carry out confiscations and are legally responsible for confiscated objects in this case the Police, Prosecutors and Courts.

Rupbasan units, none of which exist yet Rupbasan that meets the ideal standards as a Rupbasan that should have 5 types of warehouses, namely closed general warehouses, open general warehouses, valuable warehouses, dangerous warehouses and cages for animals and plants as well as utility facilities and environmental infrastructure. The majority of Rupbasan only have 2 or 3 types of warehouses, there are even Rupbasan offices that do not have warehouses. This is a problem in the placement of confiscated objects in the Rupbasan office environment.

One aspect that has caused the tasks and functions of Rupbasan not to be optimally implemented at this time can be seen from the gap between the technical implementing unit groups of Rupbasan and the technical implementing units of law enforcement related to the settlement of criminal justice, namely the police and the prosecutor's office, which are already in echelon III at the level of technical implementing units in districts and cities. Meanwhile, the Head of Rupbasan as the highest official in Rupbasan is only in echelon IV.

This results in the Head of Rupbasan not having enough authority and staff compared to the responsibilities he carries. This difference in echelon groups can disrupt the process of synchronizing cooperation between Rupbasan and other law enforcement agencies. The aspect of fulfilling the quality and quantity of human resources (Rupbasan officers), including the fulfillment and availability of the budget for the implementation of the duties and functions of officers is very important to note.

Related to human resources, until now officers who have specific expertise in assessing confiscated and seized goods are inadequate in both quantity and quality, it can even be said that many Rupbasan do not have any expert researchers and assessors at all. The availability of human resources (officers) who have expertise as researchers and assessors is limited, so Rupbasan only places officers (general staff) to conduct general research and assessments.

As is known, one of the objectives of establishing Rupbasan is to manage the maintenance of confiscated objects with the aim of maintaining the value of the goods. Therefore, when the confiscated objects are received by Rupbasan, the Research Team and Assessment Officers will conduct an assessment. The Research Team is a team appointed by the Head of Rupbasan consisting of Rupbasan officers who have certain expertise to conduct examinations, research, and identification of Basan and Baran (Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 16 of 2014 Article 1).

The Appraisal Officer is an Rupbasan officer who has the expertise to estimate and determine the quality and value of certified Basan and Baran appointed by the Head of Rupbasan (Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 16 of 2014 Article 7). In the event that Rupbasan does not have an Appraisal Officer, the Head of Rupbasan can appoint someone who has a certificate of expertise to estimate the quality and value of Basan (Law of the Republic of Indonesia Number 5 Concerning State Civil Apparatus of 2014).

Currently, the position of the research team and assessor is still in the structural position structure under the Administration and Maintenance Sub-Section. If a job analysis is carried out using a workload approach, the Research Team and Assessor Officer are more appropriately included in certain functional positions. The Functional Position of the State Civil Apparatus is a group of positions that contain functions and tasks related to functional services based on certain expertise and skills.²⁴

As one of the subsystems in the criminal justice system in Indonesia, Rupbasan must synchronize with other law enforcers, related to the tasks and functions that are its responsibility. For this reason, a joint Regulation, Management System, Confiscated Objects, State Confiscated Goods, and Administration has been made which has been agreed upon by the Chief of Police, Attorney General, Corruption Eradication Commission, Minister of Law and Human Rights, Supreme Court, and

²⁴ Kurniyawan, A., & Hasanah, YN (2020). The Role of Rupbasan as an Institution for Managing Confiscated Goods from Corruption Crimes. *Legal Reform*, 24 (1), 1-20.

Minister of Finance. In the case that the case has obtained permanent legal force, the Prosecutor is required to submit an excerpt of the court decision to Rupbasan . However, based on the results of empirical research at Rupbasan Class I West Jakarta , one of the problems that exists is that Rupbasan has difficulty tracking court decision documents.

The Prosecutor's Office as the executor does not always provide a copy of the court decision, so that the Rupbasan which only has the authority for physical protection cannot carry out further management in the form of transfer. This has an impact on the accumulation of goods in the Rupbasan , without any authority from the Head of the Rupbasan to take further action on the goods. One step that can be taken is to make changes to the Circular of the Supreme Court Number 01 of 2011 concerning Amendments to the Circular of the Supreme Court Number 2 of 2010 concerning Submission of Copies of Excerpts of Decisions.²⁵

One of the points of the circular is that the excerpt of the verdict of the case is only given to the defendant, public prosecutor, and the State Detention Center or Correctional Institution after the verdict is pronounced (Circular of the Chief Justice of the Supreme Court of the Republic of Indonesia Number 01 of 2011 concerning Amendments to the Circular of the Supreme Court Number 2 of 2010 concerning Submission of Copies and Excerpts of Verdicts, 2011). As one of the bureaucratic improvements, Rupbasan can be added as one of the units entitled to receive a copy of the verdict on confiscated objects, so that further steps for managing confiscated objects can be taken by the Head of Rupbasan .

5. DISCUSSION

Management of Confiscated Goods from Corruption Crimes to Optimize Non-Tax State Revenue by the Prosecutor's Office

The Attorney General's Office of the Republic of Indonesia, in carrying out its main duties functions and authority, acts based on the Laws and Regulations based on legal principles. In the case of implementing court decisions that have permanent legal force, especially against evidence whose verdict is Confiscated for the state. The Attorney General's Office of the Republic of Indonesia is guided by the Regulation of the Attorney General of the Republic of Indonesia Number: PER-002/A/JA/05/2017 Concerning Auction and Direct Sale of Confiscated Objects or State Confiscated Objects or Execution Confiscated Objects, which is made based on the background of the problem and based on other Laws and Regulations.

The Criminal Procedure Code has actually given full authority to the Attorney General's Office of the Republic of Indonesia as the executing institution in implementing judges' decisions that have permanent legal force. However, over time, problems often occur in the field that assets in the form of confiscated objects, seized goods, seized execution objects often cannot be executed or auctioned because supporting documents are missing/lost, there are differences in object data, unclear verdicts, lost verdict files, so that confiscated objects, even state confiscated goods and seized execution objects are still stored or even piled up in the Confiscated Objects Storage House, the Prosecutor's Evidence Warehouse, or other places, without any certainty of resolution and even the confiscated/state confiscated objects have been damaged so that their economic value is reduced or no longer have economic value.²⁶

The Prosecutor's Office is an executing institution in the implementation of court decisions, including through its authority to execute auction sales of objects related to criminal proceedings. This authority is regulated in Article 1 number 6 letter b in conjunction with Article 13 of the Criminal Procedure Code which states that "The public prosecutor is a prosecutor who is authorized by this law to prosecute and implement the judge's decision". The implementing regulations are the Regulation of the Attorney General of the Republic of Indonesia Number 10 of 2019 concerning Amendments to the Regulation of the Attorney General Number PER-002/JA/05/2017 concerning Auctions and Direct Sales of Confiscated Objects or State Confiscated Goods or Execution Confiscated

²⁵Syaputra, Desman . "Employee Performance Assessment at RUPBASAN Class II Blitas Office Using Fuzzy Logistics Simple Additive Weighted ." *Journal of Information Technology and Computer Science* Vol. 4, No. 2, 2019.

²⁶Harun, M., & Noegraha , A. (2023). Harmonization of Law on Management of Confiscated State Goods in Increasing Non-Tax State Revenue. *ELQONUN: Journal of Constitutional Law* , 1 (2), 171-183.

Objects and the Asset Recovery Center has been established as a work unit of the Prosecutor's Office which is responsible for ensuring the implementation of asset recovery in Indonesia optimally with an integrated asset recovery system pattern . assets recovery system) effectively, efficiently, transparently and accountably in its implementation. General provisions stipulate the Attorney General's Regulation on Auction and Direct Sale of Confiscated Objects or State Confiscated Goods or Execution Confiscated Objects in Article 1 of the Attorney General's Regulation.

This Attorney General Regulation is a guideline for the settlement of all confiscated objects and state confiscated goods handled by the Attorney General's Office throughout Indonesia. Further provisions regarding the form and format of the Absolute Responsibility Statement, Statement, Execution Seizure Order, and Execution Seizure Minutes, as well as other forms are further regulated by the Deputy Attorney General for Development.

Within a maximum of 1 (one) year since this Attorney General Regulation is enacted, all outstanding confiscated objects and state confiscated goods stored in the Rupbasan , the Prosecutor's Office's Evidence Warehouse or other places, will be settled by the District Prosecutor's Office or the District Prosecutor's Office Branch.

The Asset Recovery Center together with the Deputy Attorney General for Supervision conducts monitoring and evaluation of the implementation of this Attorney General Regulation, and reports the results to the Attorney General of the Republic of Indonesia periodically. When this Attorney General Regulation comes into effect, all provisions of existing regulations for the settlement of confiscated objects or state confiscated goods are declared to remain in effect as long as they do not conflict with this Attorney General Regulation.

the execution auction by the Prosecutor's Office is based on Article 273 of the Criminal Procedure Code (KUHP) Paragraph 3 which reads, "If the court decision also determines that the evidence is confiscated for the state, other than the exceptions as referred to in Article 46, the prosecutor authorizes the object to be confiscated by the state auction office and within three months to be sold at auction, the proceeds of which are deposited into the state treasury for and on behalf of the prosecutor" and paragraph 4 reads "The time period as referred to in paragraph (3) can be extended for a maximum of one month."²⁷

Based on this, the process of implementing the execution auction carried out by the prosecutor's office for confiscated goods is as follows:

- a. Planning, is the sale of goods that are open For general Good in a way direct and also through electronic media by way of verbal or written price offers preceded by efforts to gather interested parties. One thing that must be considered before the auction is carried out is the fulfillment of auction requirements by referring to applicable laws and regulations, auction requirements provisions .
- b. The implementation of the auction in general has three stages, pre-auction , implementation, and post-auction. These stages can be grouped as follows: first, pre-auction , the first stage in the implementation of the pre-auction has several steps in it. The auction application is the first step that the auction applicant must take. Based on Article 1 of the Regulation of the Director General of State Assets Number 2/KN/2017 concerning Technical Instructions for the Implementation of Auctions, the auction application must be submitted in writing to the State Assets and Auction Service Office (KPKNL) accompanied by complete auction requirement documents. Auction requirement documents consist of two types. first, general documents and second, special documents . For special documents, there are two conditions: a) Must be attached at the beginning of the auction application; and b) Must be attached before the implementation of the auction which is additional.

General documents that must be attached when submitting an auction application based on Article 5 of the Regulation of the Director General of State Assets Number 2/KN/2017 are as follows:

²⁷Ariyanto, AB (2024). *Synchronization of the Management System for Confiscated and Confiscated Goods (Case Study at the Corruption Eradication Commission)* (Doctoral dissertation , Pamulang University).

1. Copy of the Seller Appointment Decree/Seller's Assignment Letter/Seller's Power of Attorney, unless the Auction Applicant is an individual, or Agreement/Power of Attorney appointing the Auction House as the Seller;
2. List of items to be auctioned, except for first-hand auctions of wood and other forest products;
3. Letter of approval from the holder of Management Rights, in the case of the auction object being land and/or buildings with ownership documents for Building Use Rights or Usage Rights over the Management Rights land;
4. Written information required for submission/deposit of net auction proceeds in the form of:
 - a) Data required for filling out the Non-Tax Deposit Form (SSBP) at least includes the Seller's Work Unit code, State Treasury Service Office (KPPN) code, Taxpayer Identification Number (NPWP), Revenue Budget Item (MAP) code, if the net auction proceeds according to the provisions must be deposited directly into the State Treasury by the Revenue Treasurer; or b) The Seller's account number or a sufficiently stamped statement from the Seller stating that they do not have a special account and are willing to take or receive the net auction proceeds in the form of a cash check in the name of the Seller's Official, if the net proceeds must be deposited to the Auction Applicant.
5. A statement from the Seller regarding additional auction conditions (if any), as long as they do not conflict with laws and regulations, namely: a) the period for Auction Participants to see and physically examine the goods to be auctioned; b) the time period for the Buyer to collect the goods; and/or c) the auction explanation schedule to Auction Participants before the auction is held (aanwijzing).
6. A statement from the Seller regarding additional auction conditions other than those stipulated in point 5 (if any) along with the laws and regulations supporting them.
7. Letter of determination of limit value from the Seller, in the case of an auction using a limit value
8. A statement/letter of information from the Seller that the auction object is under the Seller's control, in the case of the auction object being tangible movable goods; and
9. Photos of auction objects in the case of auctions via the internet, except for auctions of wood and other forest products from first hand and auctions of movable goods in large quantities, can be representative samples. Meanwhile, special documents that must be attached when applying for an auction. Compulsory Execution Auction of confiscated objects Article 45 of the Criminal Procedure Code based on Article 6 Number 6 of the Regulation of the Director General of State Assets Number 2/KN/2017 are: a) a copy/photocopy of the Confiscation Permit from the Court; b) a copy/photocopy of the Confiscation Order; c) a copy/photocopy of the Confiscation Report; d) Auction permit from the Chief Justice or Chief Justice who is hearing the case, if the case has been transferred to the Court; e) original and/or photocopy of proof of ownership/rights if based on laws and regulations, proof of ownership/rights is required, or if proof of ownership/rights is not controlled, there must be a statement/letter of information from the seller that the goods are not accompanied by proof of ownership/rights stating the reasons.

There are also special documents that must be submitted during the auction, consisting of:

- a. Approval from the suspect/his attorney or Auction Notification Letter to the suspect ;
 - b. Proof of auction announcement; and
 - c. Minutes of the implementation of the auction in the case of goods being auctioned in the form of movable goods with a limit value of more than IDR 1,000,000,000.00 (one billion rupiah)
- Auction Determination

The required document files that the Seller has completed, both general and specific in nature that have fulfilled the formal legality of the subject and object of the auction, the Head of KPKNL must determine and notify the Seller in writing containing: a) Determination of the time and place of the auction; b) Request to carry out the auction announcement and submit evidence of the auction announcement before the auction is carried out; c) Request for submission of the obligation of *aanwijzing* for auction of movable goods with a total limit value of at least IDR 1,000,000,000.00 and

above; and d) request for submission of other documents that need to be submitted, such as a Land Certificate (SKT) or Land Registration Certificate (SKPT).

- Auction Announcement

Auction announcement is one of the requirements that must be carried out and attached before the auction is carried out. Auction announcements are made to inform the public so that they can participate as Prospective Buyers in the auction. Auction announcements must use Indonesian as regulated in Article 21 of the Regulation of the Director General of State Assets Number 2/KN/2017 and may use foreign languages for additional announcements. Based on Article 54 of the Regulation of the Minister of Finance Number 213/PMK.06/2020, auction announcements must contain at least: a) the identity of the Seller; b) the day, date, time and place of the auction; c) the type and quantity of goods; d) location, land area, type of land rights, and the presence or absence of buildings, specifically for immovable goods in the form of land and/or buildings; e) specifications of goods, specifically for movable goods; f) time and place *aanwijzing*, in the event that the Seller makes an *aanwijzing*; g) auction offer guarantee which includes the amount, period, method and place of deposit; h) Limit value, except for Voluntary Non-Execution Auctions for movable goods; i) auction offer method; j) period of Auction Payment Obligation by the Buyer; k) domain address of the KPKNL or Auction House that carries out the Auction Through the Auction Application, or electronic mail address (e-mail) of the KPKNL or Class II Auction Official or Auction House that carries out the auction with auction offers via electronic mail (e-mail); and l) Additional requirements, in the event that the Seller submits. The auction announcement must be dated in order to be able to take into account the auction announcement period.

The media used in disseminating auction announcements in the Execution Auction of movable goods are: a) flyers, electronic media, or daily newspapers, for a total Limit Value of no more than Rp100,000,000 (one hundred million rupiah) in one auction application; or; b) daily newspapers, for a total Limit Value of more than Rp100,000,000 (one hundred million rupiah).

- Auction Bid Guarantee

The auction bid security deposit must be deposited by the Auction Participant who wishes to participate. Each Auction Participant can only deposit an auction bid security deposit of one item or package of items according to the amount of the deposit stated in the auction announcement. The seller can determine the amount of the deposit with a range of at least 20% and at most 50% of the limit value. The auction bid security deposit that has been deposited can be calculated with the Auction Payment Obligation if the Auction Participant is confirmed as the Auction Winner and can be returned to auction participants who are not confirmed as the Auction Winner.

- Auction Cancellation

The auction that will be held can be cancelled. Cancellation before the auction is held can only be done by the auction official based on (1) the Seller's Request, (2) the Determination or decision of the judicial institution and (3) other matters regulated in the laws and regulations. The Auction Cancellation must be submitted in writing by the Seller accompanied by the reasons and in accordance with the provisions of the laws and regulations applicable to the seller. The Auction Cancellation must be announced to the auction participants at the time of the auction.

Cancellation of the Auction can also occur after the auction has started and can only be done by the Auction Official in the case of (1) force majeure, majeure or force majeure, (2) technical disruptions that cannot be resolved until the end of working hours during the implementation of the Auction Without the Participant's Presence, and/or (3) the Auction Winner's Auction Bid Security Deposit due to certain reasons related to the banking system is debited back from the Auction Organizer's account and is not transferred back to the Auction Organizer's account on the day of the auction by the Auction Winner even though the Auction Organizer has notified him/her.

- Auction Implementation

The Auction Implementation Method is carried out by the Auction Participants in accordance with that stated in the Auction Announcement. The Auction Implementation begins by making an Auction Offer. Auction Offers can be made in three ways, namely: 1) verbally (increasing or decreasing offers); 2) written; or 3) written and verbal (in the event that the highest offer has not reached the Limit

Value). Written Auction Offers can be made with: a) the presence of the Auction Participants; or b) without the presence of the Auction Participants. In the Auction Implementation, Written Auction Offers without the presence of the Auction Participants can be made by means of electronic mail (e-mail), postal drum letters, or via an internet server in an open (open bidding) or closed (closed bidding) manner. bidding). Each Auction Implementation will result in two conditions: the ratification of the Auction Winner and the determination of the No Bid Auction (TAP).

The auction official determines the determination of the Auction with TAP results with several conditions: 1) no one deposits or submits an auction bid guarantee; 2) no bids are received; or 3) no bids meet the requirements. The implementation of the Auction, whether it is confirmed that there is an Auction Winner or the determination of TAP, the Auction Official must still make an Auction Minutes. The auction minutes state that there was no Bid Auction for auctions that TAP determines.

- Post-California

stage of the auction implementation is post-auction. This stage is the stage, both for the seller and the auction participants confirmed as Auction Winners, to make payments and settle the auction price and fees. The auction winner pays the auction price in the amount determined by the auction official as the highest bid. Meanwhile, the auction fee is determined according to the Government Regulation governing Non-Tax State Revenue (PNBP) types and rates. The auction fee rate is not only suspended by the seller and the Auction Winner. However, the Cancelled Auction Fee arising from the cancellation of the auction at the seller's request must also be paid, the amount of which is determined in the Government Regulation.

Settlement of Auction Price and Auction Fee must be made no later than five working days after the auction. After the Auction Winner has made payment and settled the auction price and auction fee, the Auction Officer must submit the original documents of ownership and/or the auctioned goods to the Auction Winner no later than one working day after the Auction Winner shows a receipt or proof of payment if the Seller submits the original documents of ownership to the Auction Officer. Suppose the Seller does not submit the original ownership documents of the auctioned goods to the Auction Officer. In that case, the Seller must submit the original documents of ownership and/or the auctioned goods no later than one day after the Buyer shows a receipt or proof of payment.

6. CONCLUSION

The Prosecutor's Office is an executing institution in implementing court decisions, including its authority to execute auction sales of objects related to criminal proceedings. This authority is regulated in Article 1 number 6 letter b in conjunction with Article 13 of the Criminal Procedure Code, which states, "The public prosecutor is a prosecutor who is authorized by this law to prosecute and implement the judge's decision". The implementing regulations are the Regulation of the Attorney General of the Republic of Indonesia Number 10 of 2019 concerning Amendments to the Regulation of the Attorney General Number PER-002/JA/05/2017 concerning Auctions. Direct Sales of Confiscated Objects or State Confiscated Goods or Execution Confiscated Objects and the Asset Recovery Center has been established as a work unit of the Prosecutor's Office which is responsible for ensuring the implementation of asset recovery in Indonesia optimally with an integrated asset recovery system pattern. assets recovery system) effectively, efficiently, transparent and accountable in its implementation.

BIBLIOGRAPHY

- Albuadi, SA, Marsikun, IM, Kurniasih, D., & Faozanudin, M. (2023). Corruption and Multiple State Losses Case Study on the Policy for Managing Confiscated and Confiscated Objects from the Proceeds of Corruption Crimes at Rupbasan Class II Purwokerto. *Journal of Economics and Business UBS*, 12 (3), 1951-1962.
- Anugrah, SH, Basri, M., & Mirzana, HA (2021). Handling of State Confiscated Goods and State Confiscated Goods Stored for a Long Time in the State Confiscated Goods Storage House. *Al-Qadau Journal : Islamic Family Law and Justice*, 8 (1), 130-145.
- ARAUNA, YC (2022). *Review of the Implementation of Cash Receipts and Expenditures at the Medan District Attorney's Office* (Doctoral dissertation, State Finance Polytechnic STAN).

- Ariyanto, AB (2024). *Synchronization of the Management System for Confiscated and Confiscated Goods (Case Study at the Corruption Eradication Commission)* (Doctoral dissertation , Pamulang University).
- BANGSA, MI (2019). *MANAGEMENT AND UTILIZATION OF STATE CONFISCATION ASSETS BASED ON THE REGULATION OF THE MINISTER OF FINANCE NO. 08/PMK/. 06/2018 (CASE ANALYSIS OF MA DECISION NO. 1261 K/ Pid . Sus/2015 Year 2015)* (Doctoral dissertation , Airlangga University).
- Hadrian, E., Putri, AH, & Hakim, L. (2022). Corporate Criminal Liability in Corruption Crimes. *Pelita Law Journal* , 3 (2), 130-140.
- Harun, M., & Noegraha , A. (2023). Harmonization of Law on Management of Confiscated State Goods in Increasing Non-Tax State Revenue. *ELQONUN: Journal of Constitutional Law* , 1 (2), 171-183.
- Ilmi, M., Muchtar, S., & Ilyas, A. (2022). Property-Based Confiscation as an Effort to Recover State Financial Losses in Corruption Crimes. *USM LAW REVIEW JOURNAL* , 5 (2).
- Karindra, LR (2022). The Process of Managing Confiscated and Confiscated State Goods. *JUSTITIA: Journal of Law and Humanities* , 9 , 618-624.
- Kurniyawan , A., & Hasanah, YN (2020). The Role of Rupbasan as an Institution for Managing Confiscated Goods from Corruption Crimes. *Legal Reform* , 24 (1), 1-20.
- Lawrence R. Frey et.al., *Looking For Justice In All The Wrong Places : On a Communication Approach to Social Justice* , 1996, Communication Studies 47, p. 110
- MULIANI, NKT (2022). *Review of the Management of Non-Tax State Revenue (PNBP) at the Karangasem District Attorney's Office* (Doctoral dissertation , State Finance Polytechnic STAN).
- Nuredah , N., & Haeranah , H. (2021). Inclusion in Criminal Acts of Corruption of Social Assistance Funds . *Journal of Law and Notary* , 5 (2).
- Ramadhani, AW (2023). *Asset Return in Money Laundering Case and Settlement by the High Prosecutor's Office of the Special Region of Yogyakarta* (Doctoral dissertation , Islamic University of Indonesia).
- LOOT, SDB PROBLEMATICS OF MANAGEMENT OF OBJECTS.
- Riki Putro Dedi Dwiayatno, R. (2022). *EXECUTION OF CORRUPTION CRIMINAL OFFICES AT THE PEKANBARU DISTRICT PROSECUTOR'S OFFICE BY PRIORITIZED STATE LOSSES RETURN (ASSE RECOVERY) REVIEWED FROM THE PERSPECTIVE OF FIQH SIYASAH* (Doctoral dissertation , Sultan Syarif Kasim State Islamic University, Riau).
- RIZA ARIANI, WENNY (2023). *ANALYSIS OF THE ROLE OF THE PROSECUTOR'S OFFICE IN HANDLING AND MANAGING ASSETS FROM CORRUPTION CRIMINAL ACTS* (Study at the Bandar Lampung District Attorney's Office).
- Sangkilang , GM (2023). *LEGAL REVIEW OF MANAGEMENT OF CONFISCATED GOODS AND ASSET RECOVERY OF THE CRIMINAL ACT OF CORRUPTION "PEMECAH OMBAK" IN LIKUPANG DUA SULUT (CASE STUDY OF DECISION NUMBER 15/PID. SUS-TPK/2021/PN. MND)*. *LEX CRIMEN* , 12 (2).
- Saputra, IE, Irwan, M., & Rahman, A. (2022). Normative Analysis of the Prosecutor's Judicial Review Authority. *Sawerigading Law Journal* , 1 (2), 101-111.
- Saragih, EPH, Akub , MS, Halim, H., Halim, H., & Ilyas, A. (2024). Efforts of The Prosecutor as State Attorney to Recovery Recovery of State Losses Through Replacement Money . *Revista With Management Social E Ambiental* , 18 (6).
- Sinaga, ICM (2019). *The Role of the Prosecutor's Office in the Management and Execution of Evidence* (Doctoral dissertation , University of North Sumatra).
- Syaputra, Desman . "Employee Performance Assessment at RUPBASAN Class II Blitas Office Using Fuzzy Logistics Simple Additive Weighted ." *Journal of Information Technology and Computer Science* Vol. 4, No. 2, 2019.
- Umar, N. (2019). *BOOK Law on corruption in Indonesia & special strategies for fostering corruption convicts* (Complemented by Law Number 19 of 2019 concerning the second amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission.