REVITALIZATION OF RUPBASAN IN THE OPTIMIZATION OF ASSET MANAGEMENT OF CORRUPTION FOLLOWING RESULTS

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Abstract

Measures to eradicate corruption are not only focused on handling cases only but also the handling of evidence as an important part of creating justice and legal certainty. Rupbasan's confiscated asset management obtained from the Corruption Eradication Commission is currently not running optimally. All aspects related to the management of confiscated objects roommates should be carried out by Rupbasan by reviews their duties and functions to build a mechanism for managing assets, the resulting from criminal acts, as stated in the Criminal Procedure Code in creating a check and balance process for law enforcement, has not yet been fulfilled. According to the mandate of the law, this research will contribute in the form of a new view of strategic policymaking, especially in the field of law is directed at improving the organization to realize the confiscation of confiscated assets management by the provisions of the law. Juridical analysis using empirical methods. This study aims to describe the current management system in Rupbasan, analyze the problems that occur, and provide input through innovation revitalization of Rupbasan to maximize the management of confiscated assets, resulting from acts of corruption. Deviations to the provisions regarding the management of confiscated assets as a result of the limitations and discrepancies in the work process of Rupbasan, to the demands of an increasingly growing task, thus raising the urgency of the revitalization of Rupbasan which must be done immediately to realize justice and legal certainty.

Keywords: Rupbasan, Corruption, Confiscated, Revitalization

A. PRELIMINARY

Indonesia is a country of law\(^1\) is a phrase that became the foundation of the Indonesian state's constitutionally guaranteed rights for all citizens, as well as requiring all citizens to uphold the rule and the law without exception\(^2\). Binding legal implications for not only the citizens but also law enforcement officers acting itself by the provisions of applicable law. Law

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\(^1\) Constitution of the Republic of Indonesia Year 1945 (Republic of Indonesia, 1945), article 1, paragraph 3.

No. 8 of 1981 on the Law of Criminal Procedure, hereinafter known as the Book of the Law of Criminal Law (Criminal Code) as guidelines for law enforcement officers in the handling and settlement of criminal cases to protect human rights and guarantee every citizen is same in before the law, and are obliged to uphold the law and government (general explanation of the Criminal Procedure Code).

Step criminal law enforcement in general and specific crime is not only focused on the handling of the case alone, but also the handling of evidence as an important part in creating justice and the rule of law itself. Law enforcement procedures against objects proceeds of crime as evidence in criminal proceedings are often not aligned to establish the law, is to obtain the truth and justice that is proportional. No doubt in a criminal act either general or specific criminal punishment as an example is corruption, it takes forceful measures in the form of seizure of goods or objects that initially the right of a suspect to be used as evidence in judicial proceedings.

The application of the procedural law has been regulated in the Criminal Code that the means of coercion in the process is the process of investigation including the seizure of evidence a crime has been legalized by law. Confiscation is defined as a method, process, action or taking private property confiscated by the government without compensation. Foreclosure is the legal action in the form of the takeover of power for a short while goods from power a person or group for investigation, prosecution and judicial\(^2\), A foreclosure is a series of actions the investigator to take over or store objects under their control movable or immovable, tangible or intangible for the benefit of evidence in the investigation, prosecution and judicial\(^3\), Objects that can be seized include: objects belonging to the convicted person wholly or partially used alone or obtained from criminal offenses;

a. objects used for evil;

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\(^3\) *Law No. 8 of 1981 on the Law of Criminal Procedure* (Republic of Indonesia, 1981), Article 1 point 11.
b. objects with the help of evil deeds;

c. objects to help to hinder the investigation;

d. objects that will be used for evil deeds; and

e. rights to the material\

For the sake of certainty, justice and the truth of the law, the confiscated goods were confiscated stored in the storage house Confiscated Objects, hereinafter referred to RUPBASAN\footnote{Ibid, article 39.} must be legally defensible in the criminal justice process that respects the principle of checks and balances between the subsystems of the Indonesian criminal justice system. Physically responsible confiscated goods contained in Rupbasan intended to protect rights (owned goods) the suspect or a third party (rights of crime victims or other parties that are linked to a criminal offense committed). While the juridical responsibility is at the agency that handles the appropriate level of scrutiny.

The procedure of management of seized objects and loot the country in Rupbasan has been set in the Minister of Justice and Human Rights of the Republic of Indonesia Number 16 of 2014. The optimal management is required to maintain the integrity of objects seized for evidentiary purposes in nets judicial process, no change and the same as at the time of the criminal act by the perpetrator, and maintaining the value of the confiscated objects concerned.

Public participation survey shows 98\% consider that Indonesia was at 72\% corrupt and corruption due to weak law enforcement\footnote{Ibid, section 44.}, Data shows that the index enforcement by the Commission has increased from 62.27\% in 2016 become 71.03\% in 2018\footnote{The Corruption Eradication Commission, Annual Report of the Corruption Eradication Commission Tahun2018 (Jakarta: Corruption Eradication Commission, 2018), p 19.}, Bukri the total value of goods seized by the Commission been able to reach 24.4 Billion consisting of mobile and immobile objects. In connection with the escalation of law enforcement against corruption is certainly an impact in the form of increased volume of confiscated objects are so significant state. Between 2016 and 2018 the

\footnote{Ibid, P 20.}
number of investigations by the Commission increase. By 2016 the number of investigations carried out as many as 99 cases, while in 2018 as many as 199 cases\(^9\), the Total volume of confiscated goods would also increase. However, it is not offset by the addition of the Rupbasan capacity both in terms of infrastructure and in terms of human resources.

One word of fokus.tempo.co-wrote dozens of rusted motorcycle lined up in the backyard Rupbasan South Jakarta. Six vehicles were parked in the front yard office had a similar fate, some almost become a junkyard. All the vehicles as evidence of crimes that case is still under investigation\(^{10}\), This is a problem that until now have not found a way out because of the limitations in managing.

Similar research had previously been done by Lollong Manting and Sudarwanto which resulted in the conclusion that in carrying out its functions Rupbasan still has many obstacles such as still lacking in terms of number, the status of lands that are mostly not own property, and the number of warehouses that are still very far from adequate and standardized which exists. This causes the management is not optimal\(^{11}\). While the study reveals the importance Rupbasan Setyadi as guarantors of the existence and security of objects confiscated as evidence in court proceedings, as well as its value is very valuable, good value for the case, as well as the nominal value, especially in a big case like corruption\(^{12}\). In the study Hibnu, Boediono, and Pranoto providing recommendations to improve asset utilization optimization State of confiscated objects is carried out with more Rupbasan intensify coordination and cooperation with the Ministry of Finance through the Directorate General of State Assets\(^{13}\). In this study will describe the current state of Rupbasan, barriers both in terms of the statutory

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\(^9\) ibid, P 73.
\(^{13}\) Hibnu Nugroho et. al., " Optimalisasi Pemanfaatan Aset Bend Sitaan Negara," Rural Resources and Local Wisdom 7, no. 6 (2017): 1379-1386.
provisions, in terms of policy and implementation. In this study also contained a picture of the solution to the challenges and obstacles related to the duties and functions of Rupbasan.

Departing from the provisions of the legislation, combined with the circumstances on the ground that some of the points the problems we found to optimize the management of assets confiscated proceeds of corruption, namely:

1. How Rupbasan existence in the management of proceeds of corruption about the position, duties, and functions of Rupbasan?
2. How Rupbasan obstacles faced in implementing the management function and the booty seized objects so that implications for the optimal management is not done?
3. What strategy can be done through a revitalization to improve the performance of Rupbasan in carrying out its duties and functions optimally?

The study is expected to contribute to making strategic policy, especially in the field of law aimed at improving the organization to achieve the bureaucratic management of confiscated assets by the provisions of law. One solution that can be done is to revitalize and restructure the Rupbasan.

B. RESEARCH METHODS

This study uses empirical juridical analysis. The study was conducted by combining legal source materials in the form of laws and crustaceans to observe the empirical events that occurred. Legal sources used in this study include:
a. Law No. 8 of 1981 on the Law of Criminal Procedure
c. Justice Minister Regulation No. 16 of 2014 on the Procedures for Management of State Confiscated Objects and Goods Confiscated by the State on Rupbasan, as well as other regulations berkaitan the duties and functions Rupbasan.
While the empirical analysis done by observing directly related to the duties and functions Rupbasan, giving interviews to the Head of Administration and Maintenance Sub Section Sub-Section and Head of Safeguarding and Management of Class I Rupbasan on Rupbasan West Jakarta in Tangerang.

C. DISCUSSION

1. Existence Rupbasan about the status, duties, and functions Rupbasan

As stipulated by law, Rupbasan is the only institution that has the duties and functions for storage and management of seized objects that use as evidence in legal proceedings, including declared goods seized by the state based on the judge's decision. Objects with the status of state confiscated forbidden to be used by anyone without a clear legal basis.

The basic idea of the mandate of the legislation to establish Rupbasan is to keep maintaining the safety and security\textsuperscript{14} Confiscated objects of the state in one unit. This policy will facilitate the maintenance and supervision and there is a certain physical responsible person of the objects confiscated to keep confiscated items remain intact and do not experience shrinkage value. Integrity of the confiscated objects are very important not only to prove when the judicial process, but also to protect the property rights of individuals, both proprietary rights of suspects and other parties related to the crime.

Consider that to realize the establishment of Rupbasan require considerable time and a large budget, then before the formation of Rupbasan based on government regulation, storage of objects confiscated can be done in the office of the Indonesian National Police, in the office of State Attorney, in the office of the District Court and places another accordance with the provisions in the Criminal Code\textsuperscript{15}, It is also written Joint Regulation which states that the objects seized and the spoils can be

\textsuperscript{14} Government Regulation No. 27 Year 1983 on the Implementation of the Code of Criminal Procedure (Republic of Indonesia, 1983), chapter 27.

\textsuperscript{15} Ibid, article 39 paragraph 1.
stored outside rupbasan\textsuperscript{16}, Although a storage area in Rupbasan, Chief Rupbasan still have the full authority to make decisions locations where the objects will be confiscated in place\textsuperscript{17},

Duties and functions Rupbasan is to store and manage objects confiscated State (Bashan) and Goods Confiscated by the State (Baran) which is a series of activities starting from the admission process to the expenditure of Bashan and Baran. The series of these activities include:

1. Reception, research, assessment, registration and storage of Bashan and Baran;
2. Maintenance of Bashan and Baran;
3. mutating Bashan and Baran;
4. Expenditure and Elimination of Bashan and Baran; and
5. Rescue and Safety Bashan and Baran\textsuperscript{18},

Existence Rupbasan especially about manage becomes very vital, given the duties and functions very influential and participate in law enforcement, through the management of evidence for the benefit of the examination process and the decision making process of judges in imposing criminal is considered fair and right according to sunglasses applicable law in Indonesia.

2. Problems and Barriers

a. Comparison of the number of Technical Implementation Unit Rupbasan

Provisions of the legislation requires that the technical and operational units Rupbasan in shape in every capital of the

\textsuperscript{16} Regulation of the Joint Chief of Indonesian National Police, the Attorney General, the Corruption Eradication Commission, the Minister of Law and Human Rights, the Supreme Court, the Minister Keuangan About Synchronization System management Management of Confiscated Objects of State and Baran (Republic of Indonesia, 2012), article 2, paragraph 1.

\textsuperscript{17} Regulation of the Minister of Justice and Human Rights of the Republic of Indonesia Number 16 of 2014 on the Procedures for Management of State Confiscated Objects and Goods Confiscated by the State on the Home Storage Confiscated Objects State (Republic of Indonesia, 2014), article 2, paragraph 2.

\textsuperscript{18} Ibid.
regency/municipality\textsuperscript{19}, But the facts show until 2019 technical executing unit Rupbasan there are only 63 units spread across 32 provinces\textsuperscript{20}, West Kalimantan and Sulawesi west until now has not had a technical executing unit Rupbasan. Should the number of technical and operational units Rupbasan follow the number of District / City Se-Indonesia is approximately 530.

Table 1. Number of Units Rupbasan Office\textsuperscript{21}

<table>
<thead>
<tr>
<th>Technical Implementation Unit Rupbasan</th>
<th>amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>class I</td>
<td>35</td>
</tr>
<tr>
<td>class II</td>
<td>28</td>
</tr>
<tr>
<td>amount</td>
<td>63</td>
</tr>
</tbody>
</table>

Table 2. Number of Police Office\textsuperscript{22}

<table>
<thead>
<tr>
<th>Technical Implementation Unit Police</th>
<th>amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>502</td>
</tr>
</tbody>
</table>

Table 3. Number of the State Attorney's Office\textsuperscript{23}

<table>
<thead>
<tr>
<th>Technical Implementation Unit of the Attorney</th>
<th>amount</th>
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<tbody>
<tr>
<td></td>
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</tbody>
</table>

\textsuperscript{19} Government Regulation No. 27 Year 1983 on the Implementation of the Code of Criminal Procedure, Article 26, paragraph 1.


\textsuperscript{21} Ibid.


State Prosecutors | 410
---|---
District Attorney Branch | 72
amount | 482

Through these data, it appears the burden of responsibility which is not balanced. Rupbasan confiscated should be able to accommodate objects of technical implementation unit ratio amount of about 1: 9.

**b. Facilities and infrastructure are limited**

According to the data, there are 63 units Rupbasan, not one Rupbasan that meets the ideal standards as a Rupbasan which should have five types of warehouses are public warehouse closed, general warehouse open, sheds valuable, malicious ware and enclosures for the animals and plants as well as utility facilities and environmental infrastructure, The majority Rupbasan only have 2 or 3 types of warehouses, even there Rupbasan office that does not have a warehouse. This becomes a problem in the placement of objects confiscated in the Rupbasan office environment.

### Table 4. Status of land ownership Rupbasan

<table>
<thead>
<tr>
<th>Land tenure Rupbasan</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>One's own</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>7</td>
</tr>
<tr>
<td>Right to life</td>
<td>3</td>
</tr>
<tr>
<td>Owned offices</td>
<td>9</td>
</tr>
<tr>
<td>ex prison</td>
<td>3</td>
</tr>
<tr>
<td>Ex home offices</td>
<td>2</td>
</tr>
<tr>
<td>government grants</td>
<td>1</td>
</tr>
<tr>
<td>rent a house</td>
<td>2</td>
</tr>
</tbody>
</table>

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Most of the land status has not its own, and the number of warehouses that are still very far from adequate and standards then the implementation of the provisions governing Rupbasan to manage all the objects confiscated by the state can not be implemented optimally.

c. Echelon level is still low

One of the aspects that cause has not been the implementation of tasks and functions Rupbasan optimally at this time can be seen from the gap class technical and operational units Rupbasan with technical and operational units of law enforcement involved in the settlement of criminal justice that police and prosecutors who already are echelon III level units

25 Ibid.
technical implementation of the districts and municipalities. Meanwhile, Head of Rupbasan as the highest official in rupbasan only is in group IV echelon. This resulted in the Head Rupbasan not have sufficient authority and employees compared to its responsibility. Differences echelon group may disrupt the process of synchronizing between Rupbasan cooperation with other law enforcement agencies.

d. Maintenance cost

Pemliharaan load of confiscated objects was placed in Rupbasan not exactly lightweight. Objects confiscated by the luxury category, of course, require special maintenance so that the value of the goods is not shrinking. In an interview with fokus.tempo.co, Head of South Jakarta Rupbasan declared operational budget is only Rp 20 million per year\(^{26}\). The exact amount will not be sufficient for the maintenance of a special nature and emergency.

e. The ability of Human Resources Limited

Aspects of fulfillment quality and quantity of human resources (staff Rupbasan), including compliance and the availability of budget for the sake of duties and functions of the clerk is very important to note. Related to human resources, until now the officer has specific expertise in assessing confiscated objects and inadequate booty both quantity and quality, it can be said there are still many Rupbasan not have any at all expert investigators and assessors. The availability of human resources (personnel) who have expertise as a researcher and evaluator limited, Rupbasan just put the officer (general staff) to conduct research and assessment in general.

3. Solutions through Revitalization Rupbasan

Revitalization became one of the options solutions that can be taken to address the various problems that exist in Rupbasan. Revitalization is a process or act of turning on \(^{27}\). Revitalization can be defined as an attempt to make something or act becomes vital. Rupbasan revitalization

\(^{26}\) Firdiyanto, “Evidence in Rupbasan almost finished Junk.”

\(^{27}\) Dendy Sugono, Kamus Besar Bahas Indonesi (Jakarta: Language Center, 2008), pp 1206.
is an effort to optimize the whole process concerning the implementation of tasks and functions Rupbasan to store and manage objects seized and the spoils as well as the protection of the rights of ownership of the evidence.

To carry out the necessary revitalization of the involvement of other stakeholders such as law enforcement and government as stakeholders and decision-makers in creating a bureaucracy. Revitalization can run into several steps:

a. **Improvement Study echelonering**

The organizational structure should be developed to maximize the number and class of structural officials and employees through an increase echelon concerning:

a. The volume of work is increasing
b. Eselonering equality gap with other law enforcement agencies.
c. Rupbasan employee competency is not maximized

Based on the description of the increase echelon echelon echelon III-IV become indispensable to expectations:

a. There are additional structural positions and embrace opportunities for certain functional positions if an adequate number of employees in each Rupbasan.
b. Relevant law enforcement agencies responded quickly and pay attention to coordination in the Rupbasan if there is no equality echelonering
c. The implementation of technical assistance activities.

b. **Appointment of officers of certain functional positions**

As we know that one of the objectives is to conduct management Rupbasan formed in the form of maintenance of objects seized to maintain the value of the goods. Therefore, when the object is received by Rupbasan encumbrances, the research team and Appraisal Officer will conduct an assessment. Research Team is a team appointed by the Head Rupbasan Rupbasan composed of officers who have specific expertise to conduct the examination, research, and identification on Bashan and
Baran\textsuperscript{28}, Appraisal Officers are officers who have expertise Rupbasan assess and determine the quality and value of certified Bashan and Baran appointed by the Head Rupbasan\textsuperscript{29}, In case Rupbasan not have Appraisers Officer, Chief Rupbasan can appoint someone who has the expertise to assess the quality certificate and the value of Bashan\textsuperscript{30}.

Currently, researcher and evaluator positions on the team are still in the arrangement of structural positions under Sub Section Administration and Maintenance. Where do the job analysis using an approach workload's research team and a more precise assessor clerk entered into certain functional positions. Functional Apparatus State Civil is a group of positions that contain functions and duties related to the functional services that are based on the expertise and specific skills\textsuperscript{31},

Specific Functional based on the following criteria:

a. have the methodology, analytical techniques, techniques, and procedures are based on the disciplines of knowledge and specific technical training with certification;

b. has a set of professional ethics by professional organizations;

c. can be arranged in a ladder position based on:

1) level of expertise

2) skill level

d. Execution of tasks to be independent (required in the implementation of the basic tasks and functions) Specific Functional organization.

Placement Officers Appraisal Research Team and are in particular functional positions in supervisory positions clump of quality and security, affect the remuneration system will be based on a merit system, namely

\textsuperscript{28} Regulation of the Minister of Justice and Human Rights of the Republic of Indonesia Number 16 of 2014 on the Procedures for Management of State Confiscated Objects and Goods Confiscated by the State on the Home Storage Confiscated Objects State, Article 1 point 7,

\textsuperscript{29} Ibid, Article 1 point 8.

\textsuperscript{30} Ibid, Article 7, paragraph 3.

\textsuperscript{31} Law of the Republic of Indonesia Number 5 of 2014 On the State Civil Apparatus (Republic of Indonesia, 2014).
the determination of the remuneration based on performance, weight and grade work to improve work performance.\(^{32}\)

c. Changes to the Supreme Court Circular Letter No. 01 of 2011 on the Amendment Supreme Court Circular No. 2 of 2010 on the submission of copy and excerpt of the Decision

As one of the subsystems within the criminal justice system in Indonesia, Rupbasan needs to synchronize with other law enforcement agencies, related tasks, and responsible functions. For it has been made jointly Regulation, Management System, Benda Confiscated Goods Confiscated by the State, and management agreed upon by the Chief of Police, the Attorney General, the Corruption Eradication Commission, the Ministry of Justice, Supreme Court, and the Ministry of Finance.

If the case has obtained permanent legal force, the prosecutor is obliged to submit to the court decision excerpt Rupbasan.\(^{33}\) However, based on the results of empirical research in Rupbasan Class I Jakarta West, one of the problems that exist is Rupbasan it difficult to track the court decision document. Prosecutor parties as the executor does not always provide a copy of the court decision, so Rupbasan having only physical protection authority can not make further management in the form of mutations. It has an impact on the accumulated goods in Rupbasan, without any authority from the Chief Rupbasan to take further action on the item.

One step that can be done is to amend the Supreme Court Circular Letter No. 01 of 2011 on the Amendment Supreme Court Circular No. 2 of 2010 on the submission of an excerpted copy of the Decision. One of the circular points are excerpts of the verdict case is only given to the

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\(^{33}\) Regulation of the Joint Chief of Indonesian National Police, the Attorney General, the Corruption Eradication Commission, the Minister of Law and Human Rights, the Supreme Court, the Minister Keuangan About Synchronization System management Management of Confiscated Objects Nega and Baran,Article 7, paragraph 3.
accused, the public prosecutor, and the State Prison or Penitentiary after the decision is made.  

As one improvement bureaucracy then Rupbasan can be added as one of the units entitled to receive a copy of the judgment of the seized objects, so that management step further confiscated objects can be taken by the Head Rupbasan.

D. CLOSING

1. Conclusion

Home storage Confiscated Objects, hereinafter referred to as Rupbasan is the only institution that has the duty and function for storage of seized objects according to the Criminal State. In essence, Rupbasan has a vital position in the implementation process of the settlement of a criminal offense for Rupbasan tasks related to security and safety evidence of a crime will be one of the key aspects of decision-making by the judge. However, there are still some obstacles encountered in the implementation of Rupbasan proper function. Limitations in infrastructure, human resources, and imbalances in the levels of Rupbasan echeloning become an obstacle in carrying out its duties and functions. Through Revitalization as an option in reviving Rupbasan as one of the law enforcement agencies. The overall aim is the realization of justice, truth and the rule of law itself. While the specific goals to be achieved is to maintain the condition of confiscated objects that are not damaged, not abused and has fixed assets of high value, especially objects confiscated proceeds of corruption.

2. Suggestion

The spirit indeed fighting corruption should not be omitted. The turmoil of the rejection of the revision of the Law on Anti-Corruption Commission which happened some time ago as the proof of the spirit of combating corruption is still maintained and increased. In addition to the demonstration, one concrete step to fight against corruption is the research, analysis, and

\[34\] Circular of the Chief Justice of the Republic of Indonesia Number 01 Year 2011 on Amendment Supreme Court Circular No. 2 of 2010 on the submission of copy and excerpt of the Decision (Republic of Indonesia, 2011).
discussion of the issues related to corruption. Relation to the matter, further steps are needed in the form of:

1. Special attention to the Ministry of Justice and Human Rights in the improvement of Rupbasan and formation regulation as a legal umbrella for Rupbasan to make further progress towards the confiscated objects that have been in Rupbasan in a considerable period.

2. The theme of anti-corruption is very interesting and actual need to be discussed and analyzed further in a special forum was attended by various elements of both of the elements from the government, law enforcement, academics, practitioners, the general public and of course the younger generation, as one of the steps to find a way out and provide input in determining the anti-corruption strategy effectively and efficiently.

3. Research with the theme of recovery and asset management of confiscated proceeds of corruption about form an optimal anti-corruption system certainly requires a deepening of literature and field research in more depth as well as the necessary discussion from different perspectives in order resulting in a solution acceptable to all stakeholders.

E. REFERENCES


Regulation of the Joint Chief of Indonesian National Police, the Attorney General, the Corruption Eradication Commission, the Minister of Law and Human Rights, the Supreme Court, the Minister Keuangan About Synchronization System Management of Confiscated Objects of State and Baran, Republic of Indonesia, 2012.


Constitution of the Republic of Indonesia Year 1945, Republic of Indonesia, 1945.


Circular of the Chief Justice of the Republic of Indonesia Number 01 Year 2011 on Amendment Supreme Court Circular No. 2 of 2010 on the
