

Urgency of the Role of the Prosecutor's Office in Handling Confiscated and Confiscated Goods from the State (Case Study of the Batam District Attorney's Office)

**Melati Meliana Simbolon¹⁾, Andri Winjaya Laksana²⁾, Bambang Tri Bawono³⁾ &
Denny Suwondo⁴⁾**

¹⁾Faculty of Law, Universitas Islam Sultan Agung, Semarang, Indonesia, E-mail:
melatisimbolon2603@gmail.com

²⁾Faculty of Law, Universitas Islam Sultan Agung, Semarang, Indonesia, E-mail:
AndriWinjayaLaksana@unissula.ac.id

³⁾Faculty of Law, Universitas Islam Sultan Agung, Semarang, Indonesia, E-mail:
BambangTriBawono@unissula.ac.id

⁴⁾Faculty of Law, Universitas Islam Sultan Agung, Semarang, Indonesia, E-mail:
DennySuwondo@unissula.ac.id

Abstract. *This study highlights the importance of the role of the Prosecutor's Office in managing confiscated and seized state assets. These assets are very crucial and must be managed effectively to support the law enforcement process as well as increase state revenue. Unfortunately, various obstacles such as lack of coordination between institutions, limited use of information technology, and the need to increase human resource capacity are still major challenges in the implementation process. Through an empirical legal approach and descriptive analysis methods, this study evaluates the implementation and weaknesses in the management of confiscated assets at the Batam District Attorney's Office, and examines the important role of the prosecutor's office in this regard.*

Keywords: *Confiscated; Enforcement; Prosecutor's.*

1. Introduction

Management of confiscated and seized state assets is an important element to support effective law enforcement. In relation to criminal acts, confiscated assets are often related to corruption, money laundering, and other crimes. Major challenges in managing these assets include coordination between institutions and suboptimal management, which can ultimately lead to a decrease in the economic value of confiscated assets before execution. One major factor is the weak supervision of confiscated assets, which often experience a decrease in value while in state control. (YEP Aritonang, July Esther, & Herlina Manullang;

2024).

Previous studies have shown that despite efforts to strengthen regulations and institutional capacity, prosecutors often face obstacles related to transparency and accountability in managing confiscated goods. For example, there is often disagreement between law enforcement institutions regarding confiscation procedures, which causes the process of managing confiscated goods to be slow. (Simamora, J. 2024). Improper management has the potential to harm the state, both in terms of economic value and in terms of public trust in legal institutions.

In various countries, the practice of confiscated goods management shows mixed results. While in many jurisdictions, the application of technology in the management of confiscated goods is the main solution to increase efficiency. A study by StAR (2023) emphasizes the importance of an information system that can monitor and maintain the value of confiscated goods until the time of execution arrives. With proper management, these items can be used for social purposes or returned to victims of crime. In addition to the challenges in managing physical assets, regulations regarding confiscated and seized goods often face legal obstacles. In some cases, there is overlapping regulation that makes the process of managing goods slower. This raises the potential for lawsuits from third parties who feel disadvantaged by the confiscation decision. (Lisa Bostwick; 2023).

Post-confiscation supervision of seized goods is also often inadequate, leading to a decline in the value of the goods before execution. According to research by the United Nations Office on Drugs and Crime, several countries have implemented innovative policies by utilizing seized goods for social purposes during the legal process, which not only maintains the value of the goods but also contributes to the welfare of society.

This study aims to analyze the implementation of the handling of confiscated goods and state confiscated goods by the Batam District Attorney's Office, identify weaknesses in the management process, and evaluate the urgency of the prosecutor's role in more effective management efforts.

2. Research Methods

The research method involves several interrelated steps. The approach used is empirical juridical, where the law is not only understood as a collection of normative rules, but also seen from how these rules are applied in practice in the field. This approach is suitable for understanding the role of the Prosecutor's Office in managing confiscated goods and state confiscated goods. The research is descriptive-analytical, meaning that this research not only presents the facts found in the field, but also analyzes them based on relevant legal theories.

The data collected in this study came from two main sources: library research and field research. Library research includes a review of various legal literature, laws

and regulations, and articles from scientific journals related to the management of confiscated and seized goods. Meanwhile, field research was conducted through interviews with related parties at the Batam District Attorney's Office, who have a direct role in the process of managing these goods.

This data was then analyzed using a qualitative descriptive-analytical method. A method that involves a detailed description of the research results and an in-depth analysis of the role of the Prosecutor's Office in managing confiscated and seized goods, by comparing them to applicable legal theories and regulations. This method provides a comprehensive picture of the effectiveness of the policy of managing confiscated and seized goods at the Batam District Attorney's Office.

3. Results and Discussion

3.1. Implementation of Handling of Confiscated Goods and State Confiscated Evidence at the Batam District Attorney's Office

Handling of confiscated and seized state property is a crucial aspect of the criminal justice system in Indonesia. This process not only ensures the integrity of evidence in law enforcement, but also plays an important role in the management of state assets. At the Batam District Attorney's Office, the implementation of handling of confiscated and seized state property involves various stages and related parties, and is carried out based on applicable legal provisions. (Ilyas, WB, & Suhartono, R; 2012).

The process of handling confiscated goods at the Batam District Attorney's Office refers to two main legal instruments. First, the Criminal Procedure Code (KUHP) which is the fundamental basis for regulating the procedures for confiscation, storage, and management of evidence in the criminal justice process. The Criminal Procedure Code provides a legal framework that ensures that every action related to confiscated goods is carried out in accordance with the principle of due process of law. Second, the Attorney General's Regulation Number: PER-036/A/JA/09/2011 which contains the Standard Operating Procedure (SOP) for Handling General Criminal Cases. This SOP serves as a technical guideline for prosecutors and prosecutorial staff in carrying out daily tasks related to the management of evidence, thus providing clarity and consistency in practice. (Setiawan, T. 2020).

The process of handling confiscated and state seized goods at the Batam District Attorney's Office is divided into four main stages. First, the Confiscation Stage which is a crucial initial step. Confiscation must be carried out following strict procedures, where the authority to confiscate can only be carried out by investigators with a permit from the Head of the local District Court. This procedure ensures judicial supervision of confiscation actions, prevents abuse of authority, and protects the rights of suspects or related parties. In urgent

conditions, investigators are allowed to conduct confiscation without prior permission, but this action must be reported immediately to obtain approval. Documentation of the confiscation is also important to maintain the integrity of the evidence which includes detailed information about the confiscated goods, such as identification of the goods, quantity, and condition when confiscated. This process is important to prevent manipulation or replacement of goods at a later date, as well as to protect the rights of related parties, including the suspect and the legitimate owner of the goods.

Second, the Storage Stage is a crucial step to maintain the security and integrity of confiscated goods during the legal process. At the Batam District Attorney's Office, confiscated goods should be stored in the State Confiscated Goods Storage House (Rupbasan). (Rahayu, 2023). However, in practice, there are constraints on the capacity of the Rupbasan which is often unable to accommodate all confiscated goods, which causes the Prosecutor's Office to have to find alternative solutions for storing goods. For example, confiscated goods can be stored in a special warehouse managed by the Prosecutor's Office, or in collaboration with a third party to store certain goods, such as motor vehicles or electronic goods.

Third, the Management Stage of confiscated goods includes maintenance and security. The Batam District Attorney's Office implements routine checks to ensure the condition of the goods remains good, as well as a multi-layered security system to prevent theft or damage. In addition, perishable or dangerous goods, such as narcotics, are managed with special procedures, including submitting an application to the Chief Justice for an auction sale. Confiscated goods in the form of money are stored in a special account of the Prosecutor's Office at a government bank with transparent management and periodic reporting.

Finally, the Execution Stage is the final stage carried out after a court decision has permanent legal force. The execution process involves coordination between various parties, including the Ministry of Finance, to ensure that confiscated goods can be returned to the rightful owner, confiscated for the state, or destroyed if deemed dangerous. The entire execution process must be well documented to maintain accountability and transparency.

The implementation of handling of confiscated goods and state confiscated goods at the Batam District Attorney's Office is faced with challenges, such as limited storage capacity and the need for a more efficient management system. Therefore, efforts to improve the management of confiscated goods and state confiscated goods are very important to ensure that evidence is not only maintained, but also provides a positive contribution to the state and society. (Mardiansyah, D. 2017).

3.2. Weaknesses in the Implementation of Handling of Confiscated Goods and Evidence of State Confiscation

Weaknesses in the implementation of handling of confiscated goods and state confiscated goods at the Batam District Attorney's Office not only impact the effectiveness of law enforcement but also the management of state assets as a whole. Infrastructure limitations are one of the most significant obstacles. Inadequate storage facilities to accommodate large amounts of confiscated goods have caused problems such as damage to goods, loss of evidence, and difficulties in monitoring and inventory. The limited safe storage facilities increase the risk of damage to evidence which can affect the results of the evidence in court. These limitations also often prolong the court process, as it is difficult to maintain the integrity of the evidence in good condition during a lengthy legal process.

The lack of special facilities for seized items that require special handling, such as fragile items, hazardous materials, and digital assets, also makes matters worse. Many items of evidence, such as hazardous chemicals and electronics, require special handling and storage to prevent damage or misuse. (Pramono, S. 2022). However, such facilities are often not available in many prosecutors' offices in Indonesia, including in Batam. This condition causes goods such as narcotics or perishable goods to experience a decrease in value during the legal process.

One of the most striking weaknesses is the complex administrative procedures and layered bureaucracy. Excessive bureaucratic systems often slow down the process of handling confiscated goods, including lengthy approval procedures. Complicated administrative procedures are often the main obstacle in managing confiscated goods. When approval for auction of perishable goods takes too long, the value of the goods can be significantly reduced, resulting in state losses. In addition, the lack of clarity in the procedures for handling unusual goods adds to the workload and slows down the management process.

Limited human resources (HR) are also a major obstacle in the management of confiscated goods at the Batam District Attorney's Office. The lack of experts who are able to manage high-value assets and digital goods, such as cryptocurrency, results in these goods not being managed optimally. The lack of special training in digital asset management means that the prosecutor's office cannot optimize the use of technology in handling digital confiscated goods. (Kurniawan, R. 2024). This is further compounded by high workloads and frequent personnel rotation, leading to a lack of continuity in long-term case management.

The information technology system that has not been integrated is also one of the weak factors in the management of confiscated goods in Batam. The manual system that is still used for inventory of confiscated goods makes tracking of goods slow and prone to errors. Reliance on manual systems in managing evidence

increases the risk of administrative errors and slows down the decision-making process. In addition, the absence of a system that allows real-time tracking of goods makes coordination between agencies less efficient and often leads to overlapping responsibilities.

The lack of transparency and accountability in the management of confiscated and seized state property is also a weakness that cannot be ignored. The lack of transparency in the management of confiscated property can also damage public trust in the justice system. The public often does not have access to adequate information about how these assets are managed, and this raises suspicions about the integrity of the legal process. The Prosecutor's Office as a law enforcement agency must be able to demonstrate accountability in the management of confiscated state assets to strengthen legitimacy and public trust.

Solutions that can be implemented to overcome these weaknesses include improving storage infrastructure, simplifying administrative procedures, and increasing human resource capacity through continuous training. The application of cloud-based information technology for inventory management can speed up tracking of goods and increase the efficiency of confiscated goods management. In addition, modernization of security systems, including more extensive CCTV surveillance and the use of alarm systems, is essential to maintaining the integrity of evidence.

Increasing transparency through regular reporting to the public is also key to increasing accountability. Thus, existing weaknesses can be minimized, and the Batam District Attorney's Office can carry out the task of managing confiscated goods and state confiscated goods more effectively and efficiently, which will ultimately strengthen law enforcement and maintain public trust in the justice system.

3.3. Urgency of the Role of the Prosecutor's Office in Handling Confiscated and Confiscated Goods from the State

The role of the Prosecutor's Office in handling evidence is very important in determining public trust in the justice system, which shows the importance of transparency and accountability in this process. In addition, the management of confiscated goods is not limited to technical aspects, but also has an impact on efforts to prevent criminal acts. (Setiawan, T. 2024). In law enforcement, the integrity of evidence is the main key in building a strong criminal case. Confiscated goods often serve as an important element in revealing the truth and proving the defendant's guilt in court. Therefore, careful and professional management by the Prosecutor's Office is essential. The Prosecutor's Office has a responsibility to ensure that evidence is stored safely, remains authentic, and is easily accessible when needed in the trial process. Failure to maintain the integrity of evidence can

have fatal consequences and potentially derail the ongoing legal process. (Makausi, 2024).

The auction of confiscated assets from corruption by the Attorney General's Office in 2023 showed an increase in state revenue, indicating the important role of the Attorney General's Office in managing state assets. According to news from DDTC, PNPB revenue from the Attorney General's Office increased by 59.5% compared to the previous year, thanks to the auction results of confiscated goods related to corruption crimes. The effectiveness of the Prosecutor's Office in handling and executing confiscated goods has a significant psychological impact on crime prevention efforts. When the public witnesses that the legal system not only punishes perpetrators criminally, but also successfully confiscates the proceeds of crime, this has a strong deterrent effect. Potential perpetrators will think twice before committing a crime, because there is a real risk of losing illegally obtained assets. Thus, the role of the Prosecutor's Office also strengthens crime prevention.

The Prosecutor's Office's task in managing seized and confiscated goods faces significant challenges. Modern complex cases, such as economic crimes and corruption, often bring diverse and complex evidence. From property assets to financial instruments, the Prosecutor's Office must continue to improve its ability to manage these types of seized goods. This requires not only a strong understanding of the law but also cross-disciplinary skills such as asset management and finance.

The digital era presents new challenges for the Prosecutor's Office. With the increase in crimes involving information technology, the Prosecutor's Office needs to adapt in terms of managing digital evidence. Storing and managing digital data requires strong infrastructure and special expertise to maintain the integrity and security of the data. This is an important area where the Prosecutor's Office must continue to develop its capacity and skills to remain relevant and effective in law enforcement in the modern era.

Coordination between institutions is a crucial factor that should not be ignored. Management of confiscated and seized goods often involves many institutions, including the police and the courts. As an institution authorized in the prosecution process, the Prosecutor's Office plays a central role in ensuring smooth coordination. The success of the management of confiscated and seized goods depends greatly on the effectiveness of communication and cooperation between related institutions. (Rupbasan Yogyakarta. 2024).

The management of confiscated and seized goods is often a public concern that demands transparency and accountability from the Prosecutor's Office. The public has high expectations that these assets are managed with integrity. To meet these expectations, the Prosecutor's Office needs to develop a system that is not only

efficient but also transparent, allowing for public oversight. This includes regular reporting on the status of confiscated goods and the results of auctions of confiscated goods. In a broader context, the role of the Prosecutor's Office in managing confiscated and seized goods is closely related to efforts to eradicate corruption and money laundering. The ability to track, seize, and manage assets obtained from criminal acts is an important instrument in stopping the flow of funds for criminal activities. Thus, the Prosecutor's Office does not only function in reactive law enforcement, but also plays a role in a more active prevention strategy.

Given the complexity and urgency of this role, developing the institutional capacity of the Prosecutor's Office is a must. This includes improving the quality of human resources, upgrading information technology systems, and improving standard operating procedures. Investment in these aspects will enable the Prosecutor's Office to carry out its duties more effectively and efficiently. With the various challenges faced, the role of the Prosecutor's Office in managing confiscated and seized state goods is increasingly important. As dominus litis or case controller, the Prosecutor's Office holds a great responsibility to ensure that every step in managing confiscated and seized goods is carried out in accordance with applicable law. This responsibility is not only limited to procedural aspects, but also includes strategic efforts to maximize the economic value of confiscated goods for the benefit of the state.

The Prosecutor's Office is required to adopt a more innovative and efficient approach in managing confiscated and seized goods. One step that can be taken is to digitize the management system. By utilizing information technology, the Prosecutor's Office can create an integrated database to track and monitor the status of each confiscated and seized item. This system will not only increase management efficiency, but also strengthen transparency and accountability in the process.

The Prosecutor's Office needs to strengthen cooperation with various other institutions, including the Police, Courts, and financial institutions. Effective coordination between these institutions will facilitate the process of tracking, confiscating, and managing assets, especially in cases involving complex financial transactions or assets spread across various jurisdictions.

Improving human resource capacity in the Prosecutor's Office is also an important thing that should not be ignored. The increasingly complex types of assets that are the subject of confiscation require special training for prosecutors and support staff in asset management, economic value assessment, and digital asset management. Expertise in these areas will help the Prosecutor's Office to maximize the economic value of confiscated goods and increase its contribution

to state revenue.

The role of the Prosecutor's Office in the management of confiscated and seized goods also has an important aspect in crime prevention. When the system for managing confiscated and seized goods functions effectively and transparently, it will send a strong signal to the public that criminal acts are not profitable. Potential criminals will reconsider before committing criminal acts, considering the possibility of losing assets they have obtained illegally. Thus, the effectiveness of the Prosecutor's Office in this context indirectly helps efforts to prevent crime in the future.

Optimizing the management of confiscated and seized goods by the Prosecutor's Office is also closely related to the initiative to eradicate corruption and money laundering. The ability to track, seize and manage assets resulting from crime is a key instrument in cutting off the flow of funding for criminal activities. Therefore, increasing the capacity of the Prosecutor's Office in this area will not only strengthen law enforcement, but also support national efforts in combating organized crime and corruption.

The role of the Prosecutor's Office in managing confiscated and seized state property is very important and cannot be ignored. This role is a vital component of the broader criminal justice system, with impacts extending to various fields, including law enforcement, the economy, and crime prevention. In facing modern challenges, the Prosecutor's Office must continue to improve its capabilities, both in terms of infrastructure, human resources, and management systems. With a comprehensive and innovative approach, the Prosecutor's Office can meet public expectations and maximize its contribution to achieving justice and order in society.

In the digital and globalization era, the Prosecutor's Office must also consider the international dimension in the management of confiscated and seized goods. Increasingly complex cross-border crimes require better international collaboration in tracking and seizing assets. Therefore, the Prosecutor's Office needs to develop its capabilities in international legal cooperation, including an understanding of various international conventions relating to asset confiscation and mutual legal assistance. The aspect of sustainability in the management of confiscated and seized goods also requires serious attention.

For items with ecological or historical value, the Prosecutor's Office can consider a more comprehensive approach to their management. For example, for confiscated items such as endangered species, the Prosecutor's Office can collaborate with conservation institutions to ensure appropriate handling. Likewise, for historical objects, collaboration with cultural institutions and museums can be a better option than simply auctioning or destroying them.

Optimizing the role of the Prosecutor's Office in handling confiscated and seized state goods is not only aimed at increasing the efficiency and effectiveness of the existing system, but also reflects the state's commitment to fair and transparent law enforcement. By continuing to strengthen its capacity and integrity in carrying out this task, the Prosecutor's Office contributes not only to the technical aspects of law enforcement, but also to increasing public trust in the justice system as a whole. This is the essence of the Prosecutor's Office's role, which is not only as a law enforcement agency, but also as an important pillar in maintaining the integrity and credibility of the national legal system.

4. Conclusion

The role of the Prosecutor's Office in managing confiscated and seized state property is crucial not only in terms of law enforcement, but also in efforts to prevent crime and eradicate corruption. The Prosecutor's Office is expected to continue to improve its capacity through cross-agency cooperation, training for human resources, and adoption of modern technology. Through a comprehensive and transparent approach, the Prosecutor's Office can strengthen the integrity and credibility of the national legal system, while optimizing the economic value of confiscated property for the benefit of the state. Thus, contemporary challenges in the management of confiscated property can be better addressed, providing a positive impact on society and the justice system as a whole.

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