The Role Of The Prosecutor As Executor Of Court Decisions In Returning Confiscated Objects and State Spoils

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ABSTRACT

This research aims to find out the role of the prosecutor as the executor of court decisions in the return of evidence, as well as what factors affect the prosecutor as the executor of the court’s decision. The formulation of the problem in this research is: (1) What is the role of the prosecutor in carrying out the execution of the court’s verdict on the return of evidence?. (2) What are the factors that affect the prosecutor as the executor of the court’s decision in the return of evidence?.

The research method used in this research is qualitative research method with a type of socio-legal studies. The type of data in the form of interview result with related sources, secondary data includes primary legal materials, namely various laws and regulations, and secondary legal materials including books, journals, and research result. The results of the research show that: (1) The execution of the court’s decision on the status of the evidence carried out by the Prosecutor after the adjudicator’s decision has been signed. (2) There are 4 (four) factors that influence the level of effectiveness of the Prosecutor as the executor of court decisions with regard to evidence, including the legal factor itself, the community factor, the law enforcement officer factor, as well as the legal facilities and facilities factor. Various regulations have been drafted, however,
none of them have explicitly regulated the threat of sanctions for prosecutors who do not immediately carry out executions, lack of coordination between related parties, and limited legal facilities and facilities are factors that affect the effectiveness of prosecutors in carrying out their duties.

KEYWORDS
Prosecutor; Court Decisions; Evidence

1 INTRODUCTION

The Attorney General’s Office of the Republic of Indonesia plays a crucial role in the implementation of law-based democracy in the country. At the conclusion of the prosecution, the Prosecutor’s Office is given the ability to carry out court rulings (Suyanto and Adi Nugroho, 2020: 52).

Therefore, prosecutors have a crucial role in the criminal justice system. This is not only a domestic issue in Indonesia, but it is also attracting international attention. One of these is mentioned in the Prosecutor's Role Of Guidelines prosecutors play a crucial role on the administration of justice, and rules concerning the performance of their important responsibilities should promote their respect for the compliance with the above-mentioned principles, thus contributing to fair and equitable criminal justice and effective protection of citizen against crime (Tim Komisi Hukum Nasional RI, 2004 : 2)."

The Prosecutor's role and responsibilities are strategic enough that functional positions require experience in the Prosecutor's Office's organizational framework, therefore a Prosecutor with exceptional ability in carrying out his functions and powers is required (Tim Komisi Hukum Nasional RI. 2004 : 4). The Prosecutor's Office, as executive ambtenaar, is empowered to carry out court rulings, including those relating to the status of evidence. The implementation of court decisions is carried out after the court's decision is inkrah. The evidence that has been confiscated must be executed immediately, either to be destroyed, destroyed, or returned to the party that has been mentioned in the excerpt of the court's decision. The execution of the court decision is carried out within 7 (seven) days from the receipt of the order for the execution of the court decision. The prosecutor then immediately made a report on the return of the evidence (BA-20) and took the confiscated goods and the confiscated goods that had been deposited in the state confiscated goods storage house (Rupbasan). However, in practice not all of the
Evidence can be immediately executed by the Prosecutor for various reasons. Rupbasan, on the other hand, as the agency in charge of storing evidence, faced numerous hurdles and challenges both inside and externally in carrying out its tasks and functions. Limited human resources, economic limits, and a lack of infrastructural recommendations are just a few of them. Furthermore, there is no law that specifies a time limit for the safekeeping of confiscated items and goods (Novita Eleanora, 2019: 11).

According to information received from the Rupbasan official website, there is evidence from 19 instances that have not been prosecuted by the Prosecutor as of August 2021. From 2005 through 2019, this litigation has been ongoing (http://rupbasansemarang.com/inkrah/). Various variables and impediments, both external and internal, contribute to the execution of evidence or confiscated objects. As a result, there was an accumulation of confiscated goods and state confiscated goods in the Rupbasan, resulting in a reduction in quality and quantity of confiscated goods and state confiscated goods. Several major issues were discovered as a result of this backdrop, including:

1. What is the role of the Prosecutor in carrying out the execution of court decisions on the return of evidence?
2. What considerations influence the Prosecutor’s choice to return evidence as the executor of court decisions?

2 METHOD

This study employs a qualitative research method and a legal-sociological research design. Where original data from interviews with related sources is combined with secondary data from primary legal texts such as laws and regulations, as well as secondary legal materials such as books, journals, and research findings. The information gathered was then evaluated with descriptive methods.

3 RESULT AND DISCUSSION

A. The Role of the Prosecutor in Carrying Out the Execution of Court Decisions Relating to the Return of Evidence

Prosecutors, in their capacity as executors of court judgments, have the responsibility and authority to carry out the executions of court decisions that have binding legal force or that have been signed, including decisions involving corporal punishment, fines, and the status of evidence. Article 30 paragraph (1) letter b of Law Number 16 of 2004 governing the Prosecutor’s Office of the Republic of
Indonesia governs the execution of the judge’s decision and the execution of court rulings. The Prosecutor must be free of interference from any party when carrying out his or her duties and authorities. Law enforcement officers must be able to work together in order to achieve lawful objectives.

As previously stated, the Prosecutor’s Office has full authority to carry out the execution, which is entrusted to the Prosecutor as the executor when the court’s verdict is rendered. The Head of the District Attorney’s Office appoints the Prosecutor as the executor. The appointed prosecutor will then handle the case, examine the decision that will be implemented, and prepare a warrant for the judge’s decision’s implementation, as well as a report on the decision and its decision, which is determined in order, and evidence of the judge’s decision’s implementation, such as those relating to the type of crime, evidence, and costs (Baru Ahnaf and Dessi Perdani, 425).

In carrying out his duties and authorities, a prosecutor must adhere to the Act’s provisions. The principal directive that must be carried out in an act of office is the task. The implementation of responsibilities connected to jurisdictional competence is characterized as authority. An agency can function properly if it has certain responsibilities and powers (Effendy, 2007: 128).

Prosecutors, in their capacity as executors of court decisions, have the responsibility and authority to carry out the executions of court decisions that have binding legal force or that have been signed, including decisions involving corporal punishment, fines, and the status of evidence. Article 30 paragraph (1) letter b of Law Number 16 of 2004 governing the Prosecutor’s Office of the Republic of Indonesia governs the execution of the judge’s decision and the execution of court rulings. The Prosecutor must be free of interference from any party when carrying out his or her duties and authorities. Law enforcement officers must be able to work together in order to achieve lawful objectives. The Prosecutor’s Office is one of the most powerful in the country.

The Court’s decision itself is defined as a Judge’s statement containing the imposition of a crime, as well as being free or free from all legal claims submitted in an open court session, described in Article 1 paragraph (11) of Law Number 8 of 1981.

Article 30 paragraph (1) letter b of Law No. 16 of the period regulating the Prosecutor’s Office of the Republic of Indonesia regulates the execution of court decisions, including those relating to the status of evidence, by the Prosecutor as the executor. The Prosecutor’s Office is the sole institution with the authority to carry out court orders (executive ambtenaar). At the very least, there are various
conceivable court rulings about the evidence’s status, including (1) returning it; (2) seizing it for destruction; (3) confiscating it for the state; and using it in future instances. As has been regulated in Article 194 paragraphs (1), (2), and (3), as well as Article 46 paragraph (2) of Law Number 8 of 1981 concerning the Criminal Procedure Code.

Except if the evidence must be confiscated for the benefit of the state or destroyed in such a way that it cannot be reused, according to Article 194 paragraph 1 of the Law, evidence that has been confiscated is handed over to the party most entitled to receive it back in accordance with what is stated in the court’s decision. (KUHAP) (Nainggolan, 2018: 71).

The decision is executed in its entirety within 7 (seven) days of receiving the execution order, including the status of the evidence. Contacting the parties specified in the court’s decision is how eligible evidence is obtained. The entitled party’s ability to collect evidence is not restricted to a specific time frame.

Article 3 paragraph (1) of the Republic of Indonesia Prosecutor’s Office Regulation Number 10 of 2019 concerning Amendments to the Attorney General’s Regulation No. PER-002/A/JA/05/2017 states that the return of evidence by the Prosecutor is carried out by sending a summons to the party entitled to confiscated goods or evidence from the District Attorney’s office or branch of the District Attorney’s Office where the case was handled previously. The summons of the entitled party is carried out by summoning the entitled party 3 (three) times. If no response is received, the products will be delivered to the entitled party’s residence or addoffice, If no one is eligible, evidence or confiscated items might be lodged with family or relatives by presenting a family card. If the address or whereabouts cannot be discovered, the prosecutor will declare the confiscated objects or evidence within 30 (thirty) days from the date of sending the summons, which can then be extended for another 30 (thirty) days after the initial announcement at the village where the last party entitled to dwell, or at the sub-district office, sub-district office, or sub-district office. The Prosecutor will then request an appointment from the Head of the District Attorney’s Office after reporting it in writing if the party who is authorized to do so does not appear within the prescribed time limit. This is in accordance with Article 3 paragraphs (2), (3), and (4) of the Indonesian Prosecutor’s Office Regulation No. 10 of 2019 on Amendments to the Attorney General’s Regulation No. PER-002/A/JA/05/2017.

However, if the confiscated object is not implemented within 30 (thirty) days following the court’s ruling, the Rupbasan, as the agency in charge of custodial possession of the state’s confiscated objects, is required to send a notice letter to the
relevant agency. If no response is received after 10 (ten) days, the notification letter will be resent, and a second notification will be sent after another 10 (ten) days. According to Article 26 paragraphs (1), (2), and (3) of the Minister of Law and Human Rights’ Regulation No. 16 of 2014 about Procedures for Management of State Confiscated Goods and State Confiscated Goods in the State Confiscated Goods Storage House. However, there is still proof that has been committed and should have been executed, but it was not executed promptly at the Class I Rupbasan Semarang as follows:

Table 4.1 Data for confiscated objects at the Class 1 Rupbasan Semarang

<table>
<thead>
<tr>
<th>Year</th>
<th>Confiscated Object Name</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>Kayu Jati Bulat</td>
<td>25 batang</td>
<td>Back to Perhutani Mangkang</td>
</tr>
<tr>
<td></td>
<td>Papan Kayu Jati</td>
<td>38 lembar</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Gergaji Tangan</td>
<td>1 buah</td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>Sepeda Ontel</td>
<td>1 unit</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>SPM Yamaha Jupiter H2217LW</td>
<td>1 unit</td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>SPM Vega H2872JS</td>
<td>1 unit</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>SPM Yamaha Protolan Tanpa Nopol</td>
<td>1 unit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>SPM Yamaha Tanpa Nopol</td>
<td>1 unit</td>
<td></td>
</tr>
</tbody>
</table>

Source: Rupbasan Class 1 Semarang, August 2021

Table 4.2 Data of State Loot in Rupbasan Class 1 Semarang

<table>
<thead>
<tr>
<th>Year</th>
<th>Loot Name</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>Mesin Alkon</td>
<td>1 unit</td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>Minyak Tanah</td>
<td>20 jerigen</td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>Mesin Alkon</td>
<td>1 unit</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>Tabung LPG 12 Kg</td>
<td>8 buah</td>
<td>Deprived of the state cq Pertamina</td>
</tr>
<tr>
<td>2013</td>
<td>Solar 19.619 liter</td>
<td>80 drum</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>Mesin</td>
<td>1 unit</td>
<td></td>
</tr>
</tbody>
</table>
## Table 1: Confiscated Objects from Rupbasan Class 1 Semarang

<table>
<thead>
<tr>
<th>Year</th>
<th>Object Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>BBM Solar Kotor</td>
<td>31 drum</td>
</tr>
<tr>
<td>2018</td>
<td>KBM Toyota Agya B1575DGA</td>
<td>1 unit</td>
</tr>
<tr>
<td></td>
<td>SPM Yamaha Vega H2731PY</td>
<td>1 unit</td>
</tr>
<tr>
<td>2019</td>
<td>SPM Yamaha Vega H297QRD</td>
<td>1 unit</td>
</tr>
<tr>
<td></td>
<td>SPM Yamaha Mio Tanpa Nopol</td>
<td>1 unit</td>
</tr>
<tr>
<td></td>
<td>SPM Honda Vario DH882ZCQ</td>
<td>1 unit</td>
</tr>
<tr>
<td></td>
<td>SPM Honda Vario B3402SRQ</td>
<td>1 unit</td>
</tr>
<tr>
<td></td>
<td>SPM Honda Vario H2759AAW</td>
<td>1 unit</td>
</tr>
</tbody>
</table>

Source: Rupbasan Class 1 Semarang, August 2021

In the Rupbasan Class 1 Semarang, the majority of confiscated objects and state confiscations are in the form of motorized vehicles. Routine maintenance is essential since motorized vehicles have a variety of components that are readily damaged. However, based on the year the evidence was submitted, it's likely that the quality has deteriorated, affecting the evidence's economic value. Of course, this will result in losses for the party entitled to seized items and confiscated goods that are found to be entitled to return, as well as for the state if it is chosen to be confiscated as non-tax income for the state.

As previously described, from the data it is known that the number of confiscated objects that were decided to be entitled to the defendant became one of the obstacles for the prosecutor's office. This is because not a few defendants are not willing to contact the family to take the evidence. As a result, the confiscated items were at the General Meeting of Shareholders waiting until the defendant had completed his criminal period (Wulandara HB, 2015: 9).

Prosecutors play an important role in the return of evidence or confiscated objects. Role itself can be defined as a behavior that society expects of an individual according to his status or position. The Prosecutor's Office as executive ambtenaar plays a role in implementing court decisions, including in relation to the status of evidence. In carrying out their duties, the Prosecutor is guided by...
various provisions that have been previously regulated.

Prosecutors play an important role in the return of evidence or confiscated objects. Role itself can be defined as a behavior that society expects of an individual according to his status or position. The Prosecutor's Office as executive ambtenaar plays a role in implementing court decisions, including in relation to the status of evidence. In carrying out their duties, the Prosecutor is guided by various provisions that have been previously regulated. The development and preparation of law is designed professionally and logically, so there is no doubt that legal products can affect people's lives. However, before the legal product was drafted, a need arose in society for such a change. The faster the law responds, the greater the role played by the law for societal change. And vice versa, the slower the law responds, the smaller the role and function and the legal share in changing society (Fuady, 2011: 61).

Execution of evidence status is carried out as efficiently as feasible, leveraging a variety of available resources. Effectiveness can be thought of as a measurement in terms of reaching preset goals or objectives, and if these objectives are met, it is considered to be effective (Effendi and Diana, 2015). According to Achmad Ali, the law is efficient if there is a connection between the rule of law and the interests of the target person, the substance of the legal rule is clearly stated so that it is easy to grasp, and the socialization of the legal target is optimized. In addition, to determine the level of legal effectiveness, it is necessary to understand the extent to which the law can be obeyed and followed. Additionally, there are a number of other factors that influence the level of legal effectiveness, including professionalism and the optimization of law enforcement officers’ roles, authorities, and functions (Achmad Ali, 2010: 375). Some people view the law as a prohibition; nevertheless, if people have a proper understanding of the law, they will respect it and establish a great and successful legal system (Edorita, 2010: 115). The execution of court decisions on the return of evidence needs to be carried out as much as possible in order to guarantee the rights of the suspect and minimize the losses that will occur. Confiscated objects and state booty that have not been executed are at risk of being damaged.

Damage to confiscated objects and state confiscation poses a legal risk for investigators and the state if by a judge it is decided that the confiscated objects are returned to the owner of the objects before they are confiscated. Losses are also experienced by the state if a court decision with permanent legal force decides that the object is confiscated into state property. The loss in question is the reduced Non-Tax State Revenue (PNBP) resulting from the sale of the auction of state
confiscated objects that have not been optimal because the condition of the goods is not maintained, neglected or even damaged so that the economic value of the object is reduced. The confiscated objects seized by the State become part of the Non-Tax income based on Government Regulation of the Republic of Indonesia No. 39 of 2016 concerning Types and Tariffs of Non-Tax State Revenues Applicable to the Prosecutor’s Office of the Republic of Indonesia (Anugrah, dkk, 2021 : 132).

The storage of confiscated objects at the Rupbasan is carried out with the aim of maintaining the security of the confiscated objects, in order to guarantee the rights of the suspect. However, due to limited facilities and facilities, it is feared that the confiscated objects will be damaged or decrease the quality and quantity of the confiscated objects.

The execution of court decisions related to evidence is carried out in accordance with applicable operational standards, however, in practice in the field there are still various problems.

B. Factors Influencing The Prosecutor In Carrying Out The Execution Of The Return Of Evidence

The application of the law has a significant impact in everyday life. This is due to the fact that the law’s intent is determined by how it is implemented. The application of the law is an endeavor to achieve the concept of justice’s meaning. The implementation is scheduled to be completed soon, allowing the legal need to be fully met. The implementation of district court decisions is one of them (Anjar Setio, 2018 : 8).

A court decision is a judge’s statement which can contain the imposition of sanctions in the form of punishment, and is free or free from all legal claims where the statement is submitted in an open court session. As explained in Article 1 point (11) of Law Number 8 of 1981. A court decision can be completed (executed) if it has permanent legal force or inkrah. In carrying out their duties and authorities, the Prosecutor as the executor of court decisions, including those relating to the status of evidence, is to carry out the execution of court decisions as effectively and efficiently as possible. However, in practice, various reasons were found that hindered the execution of court decisions.

Mukti Arto defines a decision as a written declaration made by a judge during a public trial (Natsir Asnawi, 2014 : 13).

According to Soerjono Soekanto’s book, there are several aspects that influence the law’s effectiveness, including :

1. The legal component is one that has to do with the law itself. The existing
regulations are quite systematic with certain fields, there is no conflict between the existing regulations and they are quite synchronous, the regulations are sufficient both qualitatively and quantitatively, and the regulations are issued in accordance with the existing legal requirements.

2. The Law Enforcement Factor is concerned with the parties who write and enforce the law. Measures of legal effectiveness related to law enforcement officers include the attachment of law enforcement officers to existing rules, limits for law enforcement officers who are allowed to provide policy, and synchronization between the duties and authorities of law enforcement officers.

3. The Legal Facilities and Facilities Factor refers to current facilities and facilities that assist law enforcement officials in carrying out their responsibilities. In this case, it can be said to be effective if the legal facilities and facilities have met the degree of effectiveness that includes the availability of legal facilities and facilities, whether or not the available facilities and facilities are adequate, as well as the condition of the existing legal facilities and facilities.

4. Community Factors, or the environment in which the law applies or is applied, are important considerations. The degree of measuring effectiveness in this factor is in the form of public understanding of existing regulations, because people do not understand the applicable rules, and because people understand the applicable rules.

5. Cultural variables are linked to work, creativity, and taste in everyday interactions and are dependent on human initiative.

According to Artho Mudzhar, if a regulation is merely a recommendation or an appeal, it will be ineffective. According to Atho Mudzhar, the following elements determine the law’s effectiveness:

1. Attribute of Authority, In order to run effectively, the law must be issued by an authorized agency or party in the community.

2. Attribute of Universal Application, The rule of law must have breadth and have a period of time into the future. So that in its preparation it must pay attention to philosophical, juridical, or sociological factors. Thus, the rule of law does not only apply to one party, but applies to all parties regardless of their status.

3. Attribute of Obligation, It must be apparent if a rule is a command or a restriction in each one. So that there is no ambiguity or misinterpretation in its implementation.

4. Attribute of Sunction, In a rule, the existence of sanctions is no less important.
Sanctions are held to regulate public order so that it is maintained.

Law can be said to be effective if it has met the degree of effectiveness measurement, as described by Soerjono Soekanto and Atho Mudzhar. It can be concluded that the factors that affect the effectiveness of the law include the law itself, including the legal substance and sanctions to be imposed, the availability of legal facilities and facilities, as well as relating to law enforcement officers. The prosecutor as the executor of court decisions in carrying out his duties and authorities is influenced by several factors. From the previous expert opinion, it can be concluded that there are 4 (four) factors that influence the execution of court decisions, including:

1. Legal Factor

Legal factors are related to the implementation of the law itself. Substantially the execution of court decisions has been regulated in various existing regulations. This includes the time period for the execution of court decisions by the Prosecutor. On the other hand, at Rupbasan Class 1 Semarang, the storage term for signed evidence is not tightly restricted. Furthermore, there is no express regulation regulating the application of punishment on the prosecutor as executor who fails to perform his duties promptly. This has an influence on the Prosecutor's ability to carry out court orders. When the evidence could not be performed for different reasons, the prosecutor did not take prompt action. The Head of the District Attorney's Office sets the policy on the status of evidence, but if the application letter for the status of the evidence takes too long to prepare, the evidence will naturally continue to pile up at the Rupbasan. As a result, if court decisions are not strictly enforced, the prosecutor's role in returning evidence will be rendered ineffectual.

2. Factors of Law Enforcement Apparatus

Law enforcement factors, it is known that law enforcement officers as part of law enforcement are required to be able to provide justice, certainty, and legal benefits in a balanced way. In a narrow sense, law enforcement officers can be interpreted as the police, prosecutors, judiciary, etc. Each agency has different main tasks, functions, and authorities.

This factor relates to the attachment of law enforcement officers to existing regulations, as well as the duties and authorities of these law enforcement officers. Coordination between the Prosecutor's Office and the Rupbasan is based on their respective duties and authorities relating to the management of evidence. Regarding confiscated goods or state confiscations that are being deposited, the Prosecutor will coordinate with the Rupbasan, including when the evidence will be...
executed after the court's decision is declared in karah. In order to maximize the task of the Rupbasan as an agency for storing evidence, an MoU was drawn up with the aim that the relevant agencies are willing to entrust evidence or confiscated items to the Rupbasan Class 1 Semarang.

In 2014-2015, the Office of the Ministry of Law and Human Rights in Central Java and other agencies drafted a Memorandum of Understanding (MoU) that essentially discussed the Rupbasan. The Rupbasan agency then conducted a separate working meeting, inviting officers from the Semarang District Prosecutor's Office, the Semarang District Attorney’s Branch, the Court, Polres, and Polsek from all around the city of Semarang. In terms of administrative and physical accountability for confiscated items, the Head of the Rupbasan is in charge, while the District Attorney is in charge legally. In compliance with the provisions of Government Regulation No. 27 of 1983, Article 32 paragraph. If the Prosecutor's Office and Rupbasan face challenges in carrying out their duties and authorities, As a result, the head of the agency, in this case the District Attorney’s Office and the Rupbasan, has the authority to set their own policies. Furthermore, if evidence has not been executed at the Internal Prosecutor's Office, it is because the party entitled to take it, as well as the party right to refuse it, was not found or not found. The evidence status might be transferred by the District Attorney’s Chief. The Head of Rupbasan, on the other hand, has the authority as a policymaker to return confiscated materials or evidence to the District Attorney’s Office if they are not executed immediately. However, the Head of Rupbasan did not return the evidence right away, and cooperation was underway.

3. Factors of Legal Facilities

Facilities and infrastructure are often the obstacles experienced by most of the Rupbasan. In terms of the readiness of human resources, both in quantity and quality, it is not sufficient. In addition, the limited facilities and infrastructure related to storage warehouses and equipment for the treatment of confiscated and confiscated objects are not sufficient (Sugiarto, 2019 : 6).

Even though it is known that the legal facilities and facilities support law enforcement officers in carrying out their duties and authorities. However, if it is not fulfilled it will hinder the implementation of duties and authorities. The storage of confiscated objects was not fully entrusted to the Rupbasan Class I Semarang, this was due to the limited legal facilities and facilities. Such as limited space, lack of experts, and some confiscated objects that cannot be stored in the Rupbasan, such as drugs, firearms, money and demand deposits.

The confiscated objects in Rupbasan have basically been classified and placed
according to their respective categories. However, due to limited facilities and facilities at the Rupbasan, the placement of confiscated objects does not necessarily comply with the existing technical instructions. If the confiscated things are returned to the owner of the evidence before it was confiscated, investigators and the state face a legal danger. If a court decision with permanent legal power rules that the object is confiscated and turned over to the state, the state will suffer losses as well. The loss in question is the reduced Non-Tax State Revenue (PNBP) resulting from the sale of the auction of state confiscated objects that have not been optimal because the condition of the goods is not maintained, neglected or even damaged so that the economic value of the object is reduced. The confiscated objects seized by the State become part of the Non-Tax income based on Government Regulation of the Republic of Indonesia No. 39 of 2016 concerning Types and Tariffs of Non-Tax State Revenues Applicable to the Prosecutor’s Office of the Republic of Indonesia. The storage of confiscated objects at the Rupbasan is carried out with the aim of maintaining the security of the confiscated objects, in order to guarantee the rights of the suspect. However, due to limited facilities and facilities, it is feared that the confiscated objects will be damaged or decrease the quality and quantity of the confiscated objects.

4. Community Factor

The law is interpreted differently by each individual. Most people, on the other hand, believe that the law is a set of rules that must be followed and that those who break them will be punished. If the community understands the law, it can be claimed that it is effective. In other words, through existing laws and regulations, the community has the awareness to obey the rules that have been set previously.

Public awareness of the law is one of the degrees of measuring the effectiveness of a law. In the case of the execution of court decisions in the return of confiscated objects or evidence. Prosecutors found obstacles in returning to the rightful party. The public or especially the parties whose names are listed in the court’s decision do not necessarily want to receive the confiscated objects back for various reasons. The party entitled to understand that, under current regulations, the prosecutor will return the confiscated object as the executor of the court’s decision; however, due to the confiscated object’s condition, which has decreased in economic value, the party entitled to refuse to accept the confiscated object. The Prosecutor, on the other hand, had difficulty retrieving the confiscated items because the rightful owner had relocated or was incarcerated. As a result, the community, particularly those who are entitled, plays a vital role in assisting the implementation of the return of confiscated goods. The buildup of confiscated objects Legal tate booty
might be reduced if the community or the party entitled to participate actively in the judicial procedure.

These four elements have an impact on the prosecutor's ability to carry out his or her duty as an executor of court rulings when it comes to returning confiscated items. There are no rules that explicitly regulate the period of time for taking evidence by the entitled party, and there are no rules that regulate sanctions for prosecutors who have not completed their duties as executor of court decisions. In terms of coordination between the District Attorney’s Office and the Rupbasan, it was found that there was a lack of synchrony in the management of evidence. Furthermore, one of the supporting causes for not retaining confiscated things in the Rupbasan is the restrictions of legal facilities and facilities. Given that the goal of holding confiscated items in Rupbasan is to assure their safety. With less resources and facilities, the quality and quantity of confiscated items may suffer.

4 CONCLUSION

The role of the Prosecutor as the executor of court decisions on the return of evidence has not been effective. The results showed that: (1) The return of evidence was carried out in accordance with the existing standard operating procedures. However, in its implementation, there are still many obstacles. (2) The execution of court decisions is influenced by 4 (four) factors, including the law itself, the community, law enforcement officers, as well as legal facilities and facilities. These factors affect the implementation of the return of confiscated objects where, in terms of the time period for taking evidence by the rightful party, it has not been strictly regulated, including relating to the threat of imposing sanctions for the prosecutor as the executor who does not immediately complete the execution of court decisions. Furthermore, one of the causes of the degradation in the quality of confiscated products is a lack of legal capabilities and facilities. As a result, the party has the option of refusing to accept the confiscated goods. On the other hand, one of the causes of the accumulation of confiscated property and state treasure is a lack of coordination between authorities, in this case the Prosecutor's Office and the Rupbasan. These elements, among others, have an impact on how well court judgments are carried out in terms of returning evidence.

5 DECLARATION OF CONFLICTION INTERESTS

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8 REFERENCES