

## AUCTION AND DIRECT SALE OF CONFISCATED OBJECTS OR STATE LOOT BY THE DENPASAR DISTRICT ATTORNEY'S OFFICE

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### Abstract

A person who commits a crime generally uses an object or goods to make it easier for him to do something he wants, this item is what is commonly referred to as evidence. The Attorney General's Office is an independent institution that has the authority to prosecute and execute Judge decisions. If the judge decides to confiscate the evidence for the state, the Attorney General's Office has several methods or ways of managing the confiscated goods. From this report, the problems can be drawn, namely how the status flow of evidence or confiscated goods to be auctioned and sold directly confiscated by the Denpasar District Prosecutor's Office, what are the legal arrangements regarding auctions and direct sales of confiscated goods confiscated by the Denpasar District Prosecutor's Office, what is the process of auctioning and selling the confiscated goods immediately seized by the Denpasar District Attorney. The author suggests that the Attorney General's Office create a new internal administrative body that takes care of auction administrative activities starting from assessing the physical appearance and price of the loot to selling the loot at auction. The Prosecutor's Office has specific standards in managing confiscation as well as certain processes for evidence that have several legal sources.

**Keywords:** Evidence, Prosecutor's Office, Auction, Loot

### INTRODUCTION

A person who commits a crime generally uses an object or item to make it easier for him to do something he wants, the item is commonly called Evidence. The Prosecutor's Office is an independent institution that has the authority to prosecute and execute judges' decisions. In carrying out its duty to carry out the execution of the judge's decision, there are several things that must be considered, especially in carrying out the execution of evidence that can be returned, destroyed, used for other cases or seized for the state. If the evidence is decided by the judge to be confiscated for the state, the Prosecutor's Office has several methods or ways of managing the looted goods.

From the statement above, if it is related to legal regulations or legal methods, there are things that need to be known and understood in advance from these legal methods. That is, there is no law that can be understood by knowing the principles of the law. Therefore, to understand the laws of a nation as well as possible not only look at the rules of law, but must explore to the principles of law and also bodies or people as implementers of these legal

regulations. This legal principle gives ethical meaning to legal regulations and legal systems in living the life of the nation and state.

## **IMPLEMENTATION METHOD**

1. What are the legal arrangements regarding the auction and direct sale of loot confiscated by the Denpasar District Attorney's Office?
2. What is the process of auction and direct sale of loot confiscated by the Denpasar State Attorney's Office?

## **RESULTS AND DISCUSSION**

### **Legal arrangements regarding the auction and direct sale of loot seized by the Denpasar District Attorney's Office**

Regulation of Auction & Direct Sale of Booty is regulated in the REGULATION OF THE ATTORNEY GENERAL OF THE REPUBLIC OF INDONESIA NUMBER: PER - 002/A/JA/05/2017 CONCERNING AUCTION AND DIRECT SALE OF SITMN OBJECTS OR STATE LOOT OR EXECUTION CONFISCATED OBJECTS.:

### **BAB VIII**

#### **DIRECT SALE OF CONFISCATED GOODS AND/OR STATE LOOT**

##### **Pasal 24**

- (1) For confiscated objects or evidence that is not taken by the owner and / or state loot with an estimated value of not more than Rp. 35,000,000 (thirty-five million rupiah) can be sold directly by the Asset Recovery Center or the District Attorney's Office, without going through the State Auction Office.
- (2) Direct sale of confiscated objects or state loot as referred to in paragraph (1), is based on the determination of the Chief District Attorney and can only be carried out on confiscated objects or state loot for which a fair price assessment is carried out by the KPKNL.
- (3) The sale of confiscated property / or loot as climaksucl in paragraph (1) is carried out by the Asset Recovery Attorney appointed by the Head of PPA, or the Head of the Sub Division of Development pacla of the District Attorney's Office, in the presence of 2 (two) witnesses consisting of the Head of the General Piclana Section or Special Piclana who handles confiscated goods and / or state loot clan parties or representatives of agencies related to confiscated objects and / or loot climaksud.
- (4) In ha! bencla confiscated and/or state loot pacla paragraph (1) in the form of motor vehicles, the Determination of the District Attorney's Repala, minutes of the sale of confiscated objects and/or state loot and the results of the KPKNL assessment become a substitute for the auction minutes used for the registration process of motor vehicle registration at the local Police Office.

## **Auction Process & Direct Sale of Booty**

### **a. Direct Selling**

Direct Sale of loot carried out by the Prosecutor's Office is regulated in Article 24 of the Attorney General's Regulation Number: Per - 002/A/JA/05/2017. Where the regulation aims to be the main guideline for prosecutors who are authorized to manage evidence considering the need for a legal umbrella to exercise an authority and support the duties and functions of Enforcement as an executor of criminal case decisions and executors of state asset recovery activities. The meaning of this direct sale is that the Prosecutor in carrying out his duties in managing the loot conducts direct sales that can be followed by all Indonesian people through the State Auction Office if after an assessment by the KPKNL (State Wealth and Auction Service Office) an item is worth no more than Rp 35,000,000 (thirty-five million rupiah). For items that after the KPKNL assessment have a value above Rp 35,000,000 (thirty-five million rupiah), the Prosecutor's Office cooperates with the State Auction Office to auction the looted goods.

This direct sale is carried out by the Asset Recovery Attorney appointed by the Head of PPA (Asset Recovery Center) at the Attorney General's Office or the Head of the Development Sub-Division at the District Attorney's Office, in the presence of 2 (two) witnesses consisting of the Head of the General Criminal Section or Special Criminal who handles confiscated objects and/or state loot and parties or representatives from agencies related to the confiscated objects and/or loot in question.

### **b. Auction Sale**

Auction sales are regulated in the Minister of Finance Regulation Number 03 / PMK.06 / 2011 where the Prosecutor's Office empowers the KPKNL (State Wealth and Auction Service Office) to conduct auction sales of State Loot within 3 (three) months, the proceeds of which are deposited into the state treasury as Non-Tax State Revenue in the form of general revenue to the Prosecutor's Office. The auction sale is carried out by the Prosecutor's Office if the items to be sold turn out to have a value above Rp 35,000,000 (thirty-five million rupiah).

## Evidence Status Flow

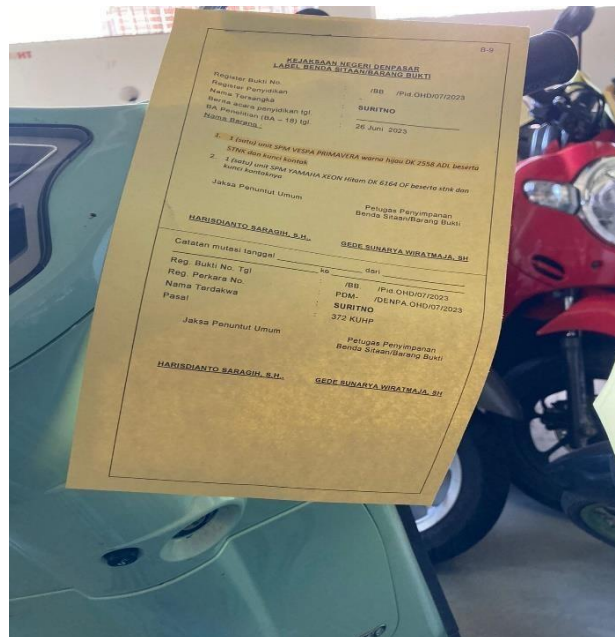
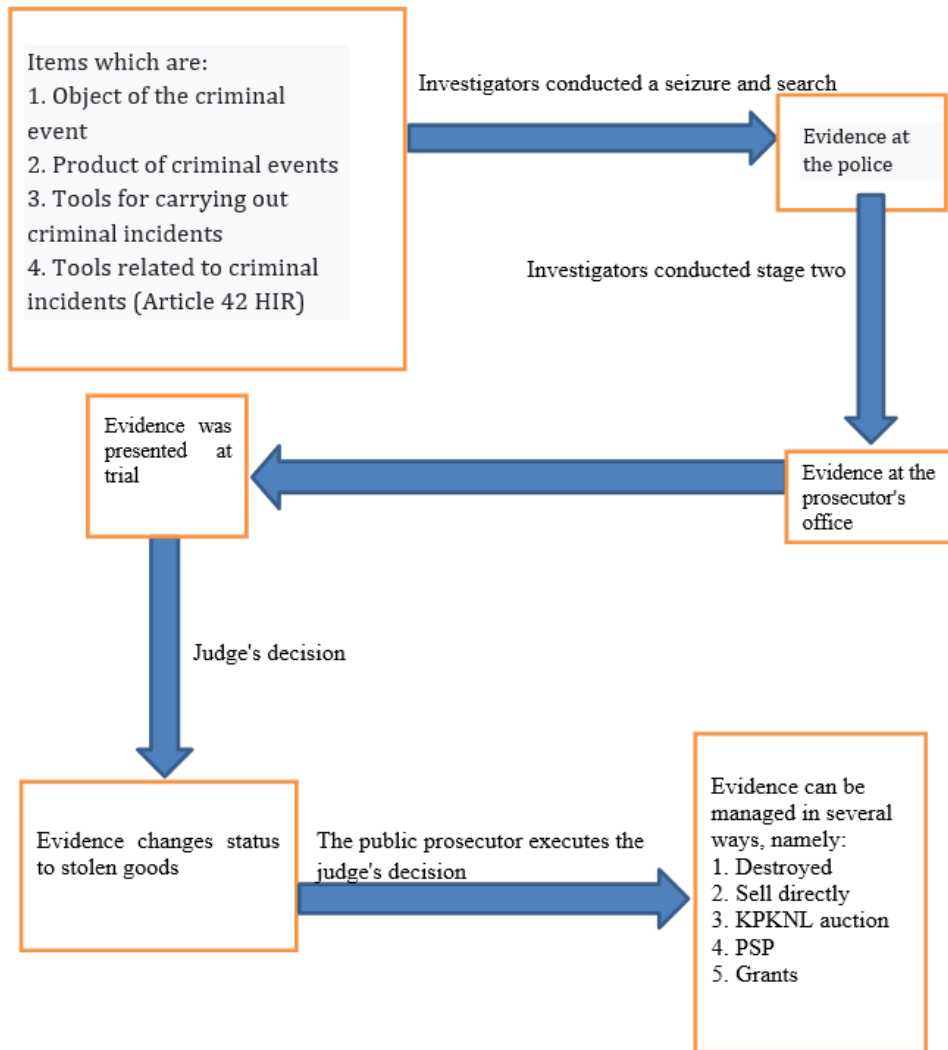


Figure 1. Evidence seized by the Denpasar District Attorney's Office Source: Direct

## **CONCLUSION**

In managing loot, of course, have the conditions for an item to be suitable for management. Therefore, the Prosecutor's Office has special standards in managing loot and certain processes for evidence to have several legal sources. The evidence on trial is determined by the judge to be seized by the state must be executed by the Public Prosecutor. The Prosecutor's Office has the authority to carry out the execution of the judge's decision, as well as to manage the loot. The management of loot consists of direct sale, determination of use status, grants and KPKNL auctions.

## **REFERENCES**

### **Book**

- Mahkamah Agung RI, Pedoman Toknis Administrasi dan Teknis Peradilan Umum dan Pidana Khusus, Buku II, Jakarta: Mahkamah Agung RI, 2008
- Marwan Effendy, Kejaksaan Republik Indonesia, Posisi dan Fungsinya dari Perspektif Hukum, Jakarta: Ghalia Indonesia, 2007, h.127.
- Moch. Faisal Salam, Hukum Acara Pidana dalam Teori dan Praktek, Bandung: CV Mandar Maju, 2001

### **Constitution**

**PERATURAN JAKSA AGUNG REPUBLIK INDONESIA NOMOR: PER -  
002/A/JA/05/2017 TENTANG PELELANGAN DAN PENJUALAN LANGSUNG  
BENDASITAAN ATAU BARANG RAMPASAN NEGARA ATAU BENDA SITA  
EKSEKUSI**