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MANAGEMENT MODEL OF ILLEGAL LOGGING CONFISCATED GOODS AT RUPBASAN INSTITUTIONS IN THE PROVINCE

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Abstract

Management of confiscated illegal logging goods in general has been regulated by the Decree of the Director General of Corrections Number E2.UM.01.06 of 1986, and has been completed by Decree of the Director General of Corrections Number E1.35.PK.03.10 of 2002 concerning Implementation Guidelines and Technical Instructions for the Management of Confiscated Objects The State and the State's Loot in Rupbasan. The same thing is also regulated in Article 44 of the Criminal Code which states "confiscated goods are deposited at the General Meeting of Shareholders". However, the implementation of the confiscation of illegal logging itself, both found and confiscated timber is regulated in the Ministry of Forestry Regulation Number: P.48/Menhut-II/2006 concerning Guidelines for the Implementation of Auction of Finding, Confiscated and Looted Forest Products. The specific objectives of this study are to identify and analyze the management arrangements for confiscated illegal logging goods at the Rupbasan in Aceh Province and the management of confiscated illegal logging goods at the Rupbasan in Aceh Province. acceptance, research, registration, storage, maintenance, transfer, rescue, security, release and deletion as well as reporting. This is in accordance with the Decree of the Director General of Corrections Number E1.35.PK.03.10 of 2002 concerning Implementation Guidelines and Technical Guidelines for the Management of State Confiscated Goods and State Loot at Rupbasan which is a refinement of the Decree of the Director General of Corrections Number E2.UM.01.06 of 1986. The unavailability of facilities and infrastructure in the form of warehouses at Rupbasan in Aceh is a problem experienced by Rupbasan in the management of confiscated goods from illegal logging, and the wide working area of Rupbasan agencies in Aceh is a separate problem in the management of confiscated goods from illegal logging. The Government is advised to provide adequate warehouses for storing confiscated goods at the Rubsahan in Aceh, and to establish a minimum of 5 (five) Rupbasan agencies with working areas of 4 to 5 districts/cities.

Keywords: Confiscated Goods, Illegal Logging, Rupbasan.

1. INTRODUCTION

Pelllegal logging in the Indonesian dictionary is called illegal logging, which is an act of illegal logging without legal permission from the relevant parties. Logging is carried out indiscriminately to obtain material benefits without taking into account the impact of losses arising from illegal logging. The practice of illegal logging has also hit the Aceh region, which consists of 23 districts in the Aceh province. This is caused by economic factors in people's lives as well as the material needs to build residential houses using wooden construction materials that are easily found in mountainous areas and are affordable and efficient. The practice of illegal logging apparently occurs in almost all districts in Aceh.

PeThe government as the organizer has made various efforts to prevent the occurrence of illegal logging, in this case there is Polhut (Forest Police) who are specifically tasked withprepare, implement, develop, monitor, evaluate and report on forest protection and security activities, forest areas and supervision of forest product distribution. However, it is illegal practicelogging is still rife, when an arrest occurs, wooden evidence will be confiscated as evidence.

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Confiscation of evidence based on article 44 of the Criminal Procedure Code confiscated objects are stored in the State Confiscated Objects Storage House or abbreviated as RUPBASAN. Meanwhile, based on the Decree of the Minister of Justice of the Republic of Indonesia Number: M.04.PR.07.03 of 1985 concerning the Organization and Work Procedures of the State Detention Center and House for Storage of Confiscated Objects, the main task of RUPBASAN is "To store confiscated objects and state confiscated goods". Storing state confiscated objects and state confiscated goods means storing or placing in a safe place so that the objects and goods are not damaged or lost or reduced. As a benchmark, it can be taken the definition of evidence according to Andi Hamzah, the term evidence in a criminal case, namely the goods regarding which the offense was committed (the object of the offense) and the goods with which the offense was committed, namely the tools used to stab people, including evidence that is the result of the offense.

The broad understanding of the word "thing" said by Subekti is everything that can be essential by people. In this case, the object means the object of the opposite of the subject (person and legal entity) in the confiscation law, it can be seen that the confiscated goods are evidence. The provisions on items that can be confiscated are broader than the provisions regarding items that can be confiscated under Article 39 of the Criminal Code, because in the Criminal Code the only items that can be confiscated are items belonging to the convict which were obtained from the proceeds of a crime or which were deliberately used to commit a crime.

However, there is a very close relationship between the meaning of evidence and confiscated objects, this happens because the confiscated objects are intended as evidence which will be used in the evidentiary process. In the definition of evidence above also includes the definition of goods that confiscation carried out for the purpose of criminal proceedings must be carried out in ways that have been determined by law in the setting of Article 10 of the Criminal Code explaining that confiscated goods or confiscated objects as confiscated objects means confiscation of object is an additional crime for criminals, including the confiscation of certain goods.

Regarding places for storing state confiscated objects as evidence in criminal cases, the Criminal Procedure Code is contained in Article 44 paragraph (1) which reads: "State confiscated objects are stored in the State Confiscated Objects Storage House."12 Thus, to secure evidence properly, evidence must be deposited at the State Confiscated Objects Storage House (Rupbasan). In order to clarify its implementation, it is necessary to know the Mechanism for the Management of State Confiscated Goods and State Loot at the Rupbasan which includes receipt, research, registration, storage, maintenance, transfer, rescue, security, release, deletion, and reporting. This was then regulated in the Decree of the Director General of Corrections No. E1.35.PK.03.10

2002 concerning Implementation Guidelines and Technical Guidelines for the Management of State Confiscated Goods and State Loot in Rupbasan, as an elaboration of the Minister of Justice Regulation No. M.05.UM.01.06 of 1983. The purpose of the decree was to make the management of Basan and Baran in Rupbasan run according to its function.

Article 44 Paragraph (2) of the Criminal Procedure Code prohibits the use of the confiscated objects by anyone. The Criminal Procedure Code does not regulate sanctions for violations of these provisions because it is not in the place of the Criminal Procedure Code which regulates procedural law also regulates sanctions. Administratively, sanctions for violations of Article 44 of the Criminal Procedure Code are regulated by the investigating agency (eg the police) or the public prosecutor's office (the Prosecutor's Office) in the form of a regulation by the Chief of



International Journal of Educational Review,
Law And Social Sciences



Police or a regulation by the Attorney General. If the violation is criminal, such as embezzlement of evidence, of course the criminal provisions as stipulated in the Criminal Code will apply. This prohibition needs to be enforced consistently because so far there have been quite a number of irregularities committed by law enforcement officers. This needs to be done to prevent the loss or alteration of evidence and to maintain the authority of law enforcement.

Storage is carried out properly and in an orderly manner in accordance with the Juklak (Implementation Instructions) and Technical Instructions (Technical Instructions) for the management of state confiscated goods and state confiscation so that at any time it is needed by the interested parties, it is easy and fast to obtain them. Carrying out maintenance of state confiscated goods and state confiscated goods means taking care of these objects and goods so that they are not damaged and do not change in quality or quantity from receipt to release. Therefore, researchers are interested in studying further related to the handling of illegal logging seizures in Aceh by Rupbasan with the title "Model of Management of Illegal Logging confiscations at Rupbasan in Aceh Province.

2. IMPLEMENTATION METHOD

The research specification that is used in this study is descriptive analysis, this descriptive nature only describes the findings that have been obtained in the field by proposing a general and comprehensive conclusion. This analysis is more illustrative in terms of analysis of the data results obtained with legal norms, legal principles and the development of criminal law science. The data collection method used in a study basically depends on the scope and objectives of the research. Based on the scope, objectives and approach in this research, the data collection technique used is literature study.

These studies are very useful in helping scientific research to gain knowledge close to the phenomenon being studied, by providing an understanding of formulating the right problem, sharpening feelings for research and making analysis and opening opportunities to expand scientific experience.

Document studies as a means of collecting data are preferred to be submitted to government documents which are included in the category of documents that are more reliable than other documents. This includes ex-case documents regarding state confiscated goods decided by the District Court.

3. RESULTS AND DISCUSSION

3.1 Arrangements for the Management of Illegal Logging Confiscated Goods at Rupbasan in Aceh Province

Article 44 of the Criminal Procedure Code states that: "Confiscated objects are stored in the state confiscated object storage house. In Article 1 number 3 of Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code, it is stated that the State Confiscated Objects Storage House, hereinafter referred to as RUPBASAN, is a place for objects confiscated by the State for the purposes of the judicial process. The State Confiscated Objects Storage House (RUPBASAN) is a place for objects confiscated by the State for the purposes of the judicial process. RUPBASAN is established in every district or city capital, and if necessary, RUPBASAN Branches can also be established. In the RUPBASAN, objects that must be stored for the purposes of evidence are placed in the examination at the investigation level.

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prosecution and examination in court, including goods declared confiscated based on a judge's decision. Provisions regarding RUPBASAN can be seen in Article

26 to 34 of PP No. 27 of 1983 concerning the Implementation of the Criminal Procedure Code. RUPBASAN is under the responsibility of the Directorate of Corrections of the Ministry of Law and Human Rights, which is parallel to Rutan and Lapas. This is an implementation of Article 44 paragraph (2) of the Criminal Procedure Code which states that the storage of confiscated objects is carried out as well as possible and the responsibility for it rests with the authorized official according to the level of examination in the judicial process and the object is prohibited to be used by anyone.

In Article 27 paragraph (1) it is stated that "In the Rupbasan, objects must be kept for the purposes of evidence in the examination at the level of investigation, prosecution and examination in court, including items declared confiscated by the judge." The regulation is based on a statutory decision on the legal basis of the implementation of the duties and functions of the Rupbasan whose position is under the Correctional Institution. According to Basmanizar that "Rupbasan is the only place to store all kinds of confiscated objects that are needed as evidence in court proceedings based on Article 44 paragraph 1 of the Criminal Procedure Code, which includes goods declared confiscated based on a judge's decision, and these objects are prohibited from being used by anyone until the a certain period of time up to aeventually destroyed, or auctioned off according to the judge's decision.

Regarding the Management of Confiscated Goods in Criminal Cases so as not to cause Loss to the Owner, in this case confiscated objects and confiscated goods related to criminal acts is a problem that has long existed in law enforcement practice in Indonesia. Developments in practice require practitioners to be more careful in managing confiscated items and confiscated items in view of the consequences arising from confiscation and confiscation and its relation to the issue of protecting human rights. The management of confiscated objects and confiscated goods is a consequence of the confiscation of objects/goods related to a criminal act committed by investigators. Law Number 8 of 1981 concerning the Criminal Procedure Code or better known as the Criminal Procedure Code has contained rules regarding the confiscation and management of confiscated objects, Provisions regarding general provisions for confiscation are regulated in Chapter V Part Four Articles 38-46 of the Criminal Procedure Code. The management of confiscated objects is specifically regulated in Articles 44-46 of the Criminal Procedure Code.

The problem with the management of confiscated objects and confiscated goods stems from the forced efforts of confiscation by investigators. The basic principles and construction of confiscation law are often not comprehensively understood by Investigators, including by Public Prosecutors and Judges, apart from especially in relation to efforts to prove a criminal case in court. The confiscation of evidence related to a criminal act often does not take into account the impacts that arise, even though legally the types of objects that are (to be) confiscated have different ways and consequences. In other words, the problem of managing confiscated objects and confiscated goods is not always due to limited ability to manage but can occur because investigators do not understand the need for confiscation and possession of the goods. Confiscation of evidence is always followed by confiscation of goods, namely control over physical evidence. On the other hand, the confiscation of evidence followed by physical possession often creates problems for investigators. Among these problems are: inadequate storage space and limited ability to maintain/manage evidence which leads to the destruction of evidence and a decrease in the value of the confiscated goods. Damage to



International Journal of Educational Review,
Law And Social Sciences



confiscated evidence poses legal risks for investigators and the state if the goods are declared by a judge/court to be returned to the owner/controller of the goods before they are confiscated. Meanwhile, on the other hand, damaged or decreased value of the confiscated goods will increase the state's losses if the judge decides that the confiscated goods become state property. On the other hand, the confiscation of evidence followed by physical possession often creates problems for investigators. Among these problems are: inadequate storage space and limited ability to maintain/manage evidence which leads to the destruction of evidence and a decrease in the value of the confiscated goods. Damage to confiscated evidence poses legal risks for investigators and the state if the goods are declared by a judge/court to be returned to the owner/controller of the goods before they are confiscated. Meanwhile, on the other hand, damaged or decreased value of confiscated goods will increase state losses if the judge decides that the seized goods become state property. On the other hand, the confiscation of evidence followed by physical possession often creates problems for investigators. Among these problems are: inadequate storage space and limited ability to maintain/manage evidence which leads to the destruction of evidence and a decrease in the value of the confiscated goods. Damage to confiscated evidence poses legal risks for investigators and the state if the goods are declared by a judge/court to be returned to the owner/controller of the goods before they are confiscated. Meanwhile, on the other hand, damaged or decreased value of confiscated goods will increase state losses if the judge decides that the seized goods become state property. Inadequate storage space and limited ability to maintain/manage evidence which results in the destruction of the evidence and a decrease in the value of the confiscated goods. Damage to confiscated evidence poses legal risks for investigators and the state if the goods are declared by a judge/court to be returned to the owner/controller of the goods before they are confiscated. Meanwhile, on the other hand, damaged or decreased value of confiscated goods will increase state losses if the judge decides that the seized goods become state property. Inadequate storage space and limited ability to maintain/manage evidence which results in the destruction of the evidence and a decrease in the value of the confiscated goods. Damage to confiscated evidence poses legal risks for investigators and the state if the goods are declared by a judge/court to be returned to the owner/controller of the goods before they are confiscated. Meanwhile, on the other hand, damaged or decreased value of confiscated goods will increase state losses if the judge decides that the seized goods become state property. Damage to confiscated evidence poses legal risks for investigators and the state if the goods are declared by a judge/court to be returned to the owner/controller of the goods before they are confiscated. Meanwhile, on the other hand, damaged or decreased value of confiscated goods will increase state losses if the judge decides that the seized goods become state property. Damage to confiscated evidence poses legal risks for investigators and the state if the goods are declared by a judge/court to be returned to the owner/controller of the goods before they are confiscated. Meanwhile, on the other hand, damaged or decreased value of the confiscated goods will increase the state's losses if the judge decides that the confiscated goods become state property.

The development of legal (rules) which is often late compared to the development of crime is also an obstacle for law enforcement in the field of management of confiscated objects. The development of crime has resulted in the development of types of evidence related to criminal acts. In capital market crimes, insurance crimes, cyber crimes, and others,

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law enforcers are required to better understand the nature and character of criminal evidence, especially in the context of confiscation.

In terms of the management of confiscated objects and confiscated goods in Indonesian laws and regulations, it can be explained that confiscated items and confiscated items are two different objects in the Indonesian criminal procedural law system even though they are actually the same object. Confiscated objects are objects that are confiscated for the purpose of evidence in an investigation, prosecution or trial based on Article 39 of the Criminal Procedure Code. Meanwhile, confiscated goods are objects which are declared confiscated by a court decision for the state based on reasons based on Article 46 paragraph (2) of the Criminal Procedure Code. Confiscation is a series of actions by an investigator to take over and or keep under his control movable or immovable, tangible or intangible objects for the sake of proof in investigation, prosecution, and justice. The Criminal Procedure Code regulates the authority for confiscation in Chapter V Part Four Articles 38-46. Based on Articles 36-48, several main principles of confiscation are:

- a. Confiscation must be with the permission of the Head of the Court, except in very necessary and urgent circumstances, in which case the confiscation can only be carried out on movable objects (Art. 38).
- b. The object of confiscation is regulated in a limited manner in Article 39, although the sound of the article still raises debates and questions in practice.
- c. Confiscation can also be carried out in the case of being caught red-handed (Art. 40).
- d. In the case of being caught red-handed, the investigator is authorized to confiscate packages or letters or objects intended for or originating from the suspect (art. 41).
- e. The investigator has the authority to order the person in possession of the object to surrender the object under his control (Art. 42).
- f. The confiscated objects are stored in the state confiscated object storage house and the responsibility lies with the competent authority according to the level of examination in the judicial process (Art. 44).
- g. Seized objects that are easily damaged and dangerous, as far as possible with the approval of the suspect can be sold at auction or secured and (money) from the auction it can be used as evidence, with as far as possible a small part of the object is set aside for the sake of proof (Art. 44 paragraph (1).
- h. Confiscated objects that are prohibited are confiscated for the benefit of the state or destroyed.

From the description of Article 1 number 16, confiscation has two forms of action, namely taking over and keeping under control. The act of taking over must be interpreted differently from the act of keeping it under control simply because the law states so. If the act of keeping under control is contained in the meaning of the act of taking over, the legislators should not include the act under separate control. The act of taking over must be interpreted as a legal act while the act of keeping it under control must be interpreted as a material/physical act. The act of taking over must also be interpreted as taking over from the owner of the object.

Serelationship for the sake of evidence which is the purpose of confiscation, Investigators must also understand the concept of ownership of an object. There are objects whose ownership is marked with a letter or certain administrative evidence so that the Investigator must take over the evidence of ownership, and there are objects whose ownership is marked by physical possession of the object. Moreover, investigators must also consider that in relation to the interest of proving



International Journal of Educational Review,
Law And Social Sciences



whether administrative evidence of ownership of an object is included in the confiscation, while the owner of the object has nothing to do with the crime to be proven.

In the event that the owner of an object is related to a criminal act to be proven, administrative evidence of ownership of an object must be confiscated under his control and his legal power taken over so that the owner cannot transfer his ownership. The latter is closely related to the object of confiscation as regulated in Article 39 paragraph (1) of the Criminal Procedure Code:

The following may be subject to confiscation:

- a. BeYou or the claim of the Suspect or the Defendant which is wholly or partly alleged to have been obtained from a criminal act or as a result of a criminal act;
- b. Benda that has been used directly to commit a criminal act or to prepare it;
- c. Benda used to hinder the investigation of a criminal act;
- d. Beobjects specially made or intended to commit a crime;
- e. BeOther things that have a direct relationship with the crime committed.

3.2 Management of confiscated goods from illegal logging at Rupbasan in Aceh Province

BerdaBased on the results of the research, it is known that in practice confiscation often occurs not according to the provisions of the Criminal Procedure Code. In several cases, investigators confiscate objects that have nothing to do with the criminal act being investigated based on the Investigation Order which is the basis for their assignment, even though at the time of conducting the search, the investigator should be able to take an inventory of what objects they are looking for and what objects are thought to be there, in relation to the crime the trial is investigating. This is important to prevent the public/public and even a criminal from abusing the very broad authority of law enforcement.

In terms of the management of confiscated goods and looted goods according to the Criminal Procedure Code as previously mentioned, confiscated goods and confiscated goods are objects of two different legal actions. The object is the same but comes from different legal actions. Confiscated objects are objects that are taken over by legal authority or are deprived of physical control, while confiscated goods are objects that are declared confiscated by court decisions for the state or for the sake of proving other cases.

Pethe management of confiscated and confiscated goods has been regulated explicitly and clearly in Articles 44 and 45 and 46 of the Criminal Procedure Code. The provisions of Articles 44 and 45 specifically regulate confiscated objects from the time they are confiscated until the birth of a court decision, while Article 46 specifically regulates confiscated objects after the birth of a court decision, both confiscated and other statuses.

Article 44 of the Criminal Procedure Code states:

- (1) The confiscated goods are stored in the state confiscated object storage house.
- (2) The storage of confiscated objects is carried out in the best possible way and the responsibility for it rests with the competent authority in accordance with the level of examination in the judicial process and the said objects are prohibited from being used by anyone.

MANAGEMENT MODEL OF ILLEGAL LOGGING CONFISCATED GOODS AT RUPBASAN INSTITUTIONS IN THE PROVINCE

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PeThe explanation of Article 44 states:

(1) As long as there is no state house for storing confiscated objects in the relevant place, the confiscated items may be stored at the state police office of the Republic of Indonesia, at the district attorney's office, at the district court office, at the government bank building and under compelling circumstances in a storage facility. otherwise or remain in the place where the object was confiscated.

From Article 44 paragraph (1) it is clear that there is a norm that confiscated objects must be stored in a state confiscated object storage house or according to Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code which is currently known as the House for Storing confiscated objects (RUPBASAN). As a law that regulates criminal procedural law, the norms contained in it are regulatory norms that are binding and must therefore be followed. What is regulated in a procedural law is a recognized procedure. On the other hand, things that are not regulated in the procedural law are not things that are recognized/allowed. Norms must be regulated in the body of a law and cannot be regulated in the explanation section. As with its position, the explanation section must be an elaboration of the body of the law.

Based on the records of the formation of the law, it was found that the fact that there were certain reasons for the inclusion of confiscated object storage places other than RUPBASAN was based on the reason that these places (police offices, prosecutors' offices, district courts, state banks) were relatively existing and scattered places. in Indonesian territory. Even under certain circumstances, confiscated objects can be left in the place where they were when they were confiscated. In other words, based on certain reasons the confiscated object does not always have to be followed by physical control over the object. KUHAP also regulates the principles of management of confiscated objects and confiscated goods in Articles 45 and 46. Article 45 states:

- (1) In the event that the confiscated goods consist of objects that can be easily damaged or endangered, so that it is impossible to keep them until the court's decision on the case in question has permanent legal force or if the cost of storing the goods will become too high, as far as possible with the approval of the suspect or the power of attorney can take the following actions:
 - a. If the case is still in the hands of the investigator or public prosecutor, the object can be sold at auction or can be secured by the investigator or public prosecutor, witnessed by the suspect or his proxies;
 - b. If the case is in the hands of the court, then the object can be secured or sold at auction by the public prosecutor with the permission of the judge who hears the case and is witnessed by the defendant;
- (2) The results of the auction of the object concerned in the form of money are used as evidence:
- (3) For the sake of proof, as far as possible a small portion of the difference as referred to in paragraph (1) is set aside;
- (4) Seized objects that are prohibited or prohibited from being circulated, not including the provisions as referred to in paragraph (1), are confiscated to be used for the interest of the state or to be destroyed.



International Journal of Educational Review, Law And Social Sciences



In implementing this management, it turns out that it is not easy to implement for various reasons including and especially to obtain permission from the suspect/defendant especially when it comes to certain objects which the suspect/defendant considers to have a high/certain value. For the needs of this practice, it is necessary to consider changing the existing laws and regulations and making comparisons with other countries.

- 1) Law Number 8 of 1981 concerning Criminal Procedure Law.
- 2) Law Number 2 of 2002 concerning the Police.
- 3) Law Number 16 of 2004 concerning the Prosecutor's Office.
- 4) PP Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code.
- 5) Coordination Meeting on the Management of confiscated and confiscated goods on 21-23 November 2016.
- 6) Criminal Act Confiscation of Assets Bill.
- 7) Restorative Justice, Philosophy to Practice; Heather Strang and John Braithwaite, Ashgate Publishing Company, 2000.
- 8) The Dutch Criminal Justice System; Peter JP Tak, Wolf Legal Publisher, Nijmegen, 2008.
- 9) Introduction to Indonesian Criminal Procedure Code; Andi Hamzah, Ghalia Indonesia, Jakarta, 1987.

The legal provisions for the criminal act of illegal logging in Indonesia have ratified Law no. 18 of 2013 concerning Prevention and EradicationPerdestroy the forest. This law provides an opportunity for the public to make use of wood evidence confiscated by the State. Article 41 of Law no. 18 of 2013 concerning Prevention and Eradication of Forest Destruction in its provisions it is explained that the Head of the local District Court, within a maximum of 7 (seven) days after receiving the investigator's request as referred to in Article 40 paragraph (3), is obliged to determine the allocation for the use of evidence. Furthermore, it is further explained in the provisions of Article 43 letter (d) and Article 44 paragraph (5) regarding the use of evidence resulting from the crime of illegal logging for social purposes and in particular for the poor and carried out based on court decisions which have permanent legal force.

4. CONCLUSION

Based on the discussion in the previous chapters, finally some conclusions can be drawn in response to the research problems as follows:

Based on the applicable laws and regulations. Likewise, the implementation of the storage of state confiscated goods at the State Confiscated Goods Storage House is also guided by the applicable laws and regulations, namely the Regulation of the Minister of Law and Human Rights Number 16 of 2014 concerning Procedures for Management of State Confiscated Goods and State Confiscated Goods at the Confiscated Goods Storage House. State, hereinafter referred to as Permen Rupbasan. After confiscation of objects involved in a criminal act, the criminal object must be secured by investigators, namely placing it in a special place for the storage of state confiscated objects. Starting from the provisions of Article 44 of the Criminal Procedure Code, confiscated objects are stored in the State Confiscated Goods Storage House or abbreviated as RUPBASAN. The implementation of the management of state confiscated objects in Rupbasan begins with the process of receiving, registering, classifying and placing state confiscated objects. The stage of receiving state confiscated objects goes through three stages, namely the research, assessment and documentation stages. The receipt of confiscated objects as referred to above is carried out by

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examining the administrative completeness and physical completeness of the confiscated objects. Receipt of confiscated objects is carried out during working hours in accordance with the provisions of the applicable laws and regulations. The receipt of confiscated objects as referred to above is carried out by examining the administrative completeness and physical completeness of the confiscated objects. Receipt of confiscated objects is carried out during working hours in accordance with the provisions of the applicable laws and regulations. The receipt of confiscated objects as referred to above is carried out by examining the administrative completeness and physical completeness of the confiscated objects. Receipt of confiscated objects is carried out during working hours in accordance with the provisions of the applicable laws and regulations.

REFERENCES

A. Buku

Barda Nawawi Arief, 1996, Kebijakan Legislatif Dalam Penanggulangan Kejahatan dengan Pidana Penjaran, Semarang: Badan Penerbit UNDIP

Bagir Manan dan Kuntana Magnar, 1993, *Beberapa Masalah Hukum Tata Negara Indonesia*, Alumni, Bandung

Carl Joachim Friedrich, 2004, Filsafat Hukum Perspektif Historis, Bandung, Nuansa dan Nusamedia

Koentjaraningrat, 1991, Metode-metode Penelitian Masyarakat, Jakarta: Gramedia

Peter Mahmud Marzuki, 2005, penelitian Hukum, Jakarta: Prenada Media

Ronny Hantijo Soemantri,1991, *Perbandingan Antara Penelitian Hukum Normatif dengan Penelitian Hukum Empiris, Masalah-Masalah Hukum*, nomor 9 Tshun 1991, FH, UNDIP

Sartono Kartodirjo, 1973, *Metode Penyusunan Bahan Dokomen, dalam Metode penelitian Masyarakat*, Jakarta: LIPI.

Soerjono Soekarto dan Sri Mumuji, 2006, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, Jakarta: Raja Grafindo Persada 2006

Soerjono Soekanto, 1981, Pengantar Penelitian Hukum, Jakarta: Ghalia Indonesia, 1981

B. Jurnal

Syukri Syamaun, 2021, *Peran dan kendala Jurnalis dalam Pemberitaan Deporestasi di Aceh*, jurnal peurawi: komunikasi Islam vol. 4 No 1 tahun 2021, UIN Ar-Raniry Banda Aceh

C. Perundang-undangan

PP Nomor 27 Tahun1983 Tentang Pelaksanaan KitabUndang Undang Hukum Acara Pidana.

D. Situs Internet

https://news.detik.com/berita/d-5159814/5-pelaku-pembalakan-liar-di-aceh-ditangkap-

35-ton-kayu-olahan-disita, Akses tanggal 11 Juni 2021

http://repository.upi.edu/11779/11/T PKKH 1104495 Chapter2.pdf, akses tanggal 11 Juni 2021

http://ugun-guntari.blogspot.co.id/2011/12/teori-keadilan-dalam-perspektif-hukum, Diakses pada tanggal 27 juni 2011.