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Legal Consequences of Damage to Seized Evidence Stored at RUPBASAN

Anak Agung Sagung Laksmi Dewi[1]*, Anak Agung Ngurah Adhi Wibisana[2], Nurfadillah Ridwan[3], I Wayan Wesna Astara[4]
[123] Universitas Warmadewa, Denpasar, Bali, Indonesia
Corresponding author: Anak Agung Sagung Laksmi Dewi

ABSTRACT: *This study examines the legal regulation of seized evidence stored at Indonesia's State Seized Property Storage House (RUPBASAN) and the consequences of damage during storage. It uses normative legal research with statutory and conceptual approaches. The analysis distinguishes the seizing official's responsibility from custodial duties under Law Number 20 of 2025 and compatible implementing regulations. Damage may impair evidentiary integrity, reduce economic value, and raise questions of liability and compensation. However, neither evidentiary exclusion nor liability arises automatically. Assessment requires examination of the cause, initial condition, custodial duties, fault, and resulting loss. Documented handovers, risk-based maintenance, and inter-agency coordination are recommended to protect evidence and the rights of entitled parties.*

KEYWORDS *- Damage, Evidence, Legal Consequences, RUPBASAN, Seizure*

I. INTRODUCTION

Indonesia, as a state governed by the rule of law and founded on Pancasila and the 1945 Constitution of the Republic of Indonesia, upholds the law and guarantees protection of every citizen's rights and interests. In a state governed by the rule of law, all actions by law enforcement officials must comply with statutory provisions. Criminal procedure is an important component of the national legal system, governing criminal law enforcement from investigation and prosecution through trial and the enforcement of court judgments.

Criminal procedure has an important role in regulating the powers of law enforcement officials when dealing with criminal offences and protecting the rights of suspects, defendants, victims, and other interested parties in criminal proceedings. Within these proceedings, proof is decisive in establishing whether an offence has occurred and whether an individual is connected to it. Physical evidence obtained from or used in a criminal offence is closely related to this evidentiary process [1].

Law Number 20 of 2025 concerning the Criminal Procedure Code (Kitab Undang-Undang Hukum Acara Pidana, hereinafter KUHAP 2025) entered into force on 2 January 2026. Article 130 connects the responsibility of the official conducting a seizure with the available storage arrangements and the duty to preserve the economic value of seized property. These provisions position storage as part of the protection of evidentiary interests and the rights of interested parties. The repeal of the previous KUHAP under Article 362 must be read together with the transitional provisions in Article 361; accordingly, the law applicable to ongoing cases cannot be determined uniformly [2].

Problems arise when seized property placed in the State Seized Property Storage House (Rumah Penyimpanan Benda Sitaan Negara, hereinafter RUPBASAN) becomes damaged. Damage may affect an item's physical characteristics, authenticity, completeness, or economic value. However, the fact that an item is damaged does not, by itself, establish who is responsible or whether the damage affects the evidentiary process. The analysis must distinguish the item's initial condition, its characteristics, maintenance measures, and the allocation of authority and custody when the damage occurred.

Previous studies have addressed storage effectiveness, management obligations, and the protection of seized property [3; 4; 5]. This article examines these issues within the framework of KUHAP 2025 and explains the relationship between damage, evidentiary interests, economic value, and the attribution of responsibility. Its proposed contribution is a normative analytical framework for assessing the consequences of damage by reference to authority, fault, and causation, while accounting for transitional provisions. The study aims to explain the legal regulation of the seizure and storage of evidence at RUPBASAN and to analyse the legal consequences when such evidence is damaged.

II. THEORETICAL REVIEW

2.1 Protection of Seized Property and Evidentiary Interests

State-seized property consists of items seized for judicial proceedings, whereas property forfeited to the state consists of seized items declared forfeited to the state by a final and binding court judgment. This distinction informs the interpretation of owners' interests, evidentiary functions, and asset management. Seizure restricts control over property for a specific legal purpose; it does not automatically convert every seized item into state-owned property [6, Article 1].

Kadir and Nufus [3] identify the protection of seized property as an issue requiring attention throughout judicial proceedings. In this study, that protection provides a basis for assessing whether storage preserves an item's identity and integrity and its potential return to the entitled party. Safeguarding property is related to the protection of ownership rights, but must also be interpreted in accordance with the item's legal status and the requirements of the proceedings.

2.2 Authority and Accountability in Property Management

Accountability is analysed by distinguishing the authority to seize property, custodial duties, and the specific acts that cause damage. Lestari et al. [4] discuss obligations concerning the management of seized and forfeited property, while Toruan [5] examines storage effectiveness. Both studies provide literature context under the regulatory framework preceding KUHAP 2025; they are not used to establish the content of legislation enacted subsequently.

The study's analytical framework traces the relationship between the legality of seizure, receipt and documentation of the initial condition, maintenance during storage, changes in the item's condition, and the consequences for proof and the rights of interested parties. Once a change in condition is identified, the assessment focuses on the relevant parties' obligations, the presence or absence of fault, causation, and loss. This framework is conceptual and serves a normative legal inquiry; it therefore does not require statistical hypotheses.

III. METHODOLOGY

This study employs normative legal research, which examines literature or secondary materials to identify legal rules, principles, and doctrines capable of addressing the legal issues under investigation. Normative legal research examines written law from several perspectives, including theory, structure, substance, consistency, and the binding force of statutory provisions [7; 8].

The study uses statutory and conceptual approaches. The statutory approach examines provisions governing the seizure, storage, management, and return of seized property. The conceptual approach explains the relationship between authority, maintenance obligations, fault, loss, and accountability. The analysis does not involve the examination of specific court judgments or the collection of field data.

Primary legal materials comprise KUHAP 2025; KUHAP 1981 [9] in its historical and transitional context; Government Regulation Number 27 of 1983 and its amendments; Minister of Law and Human Rights Regulation Number 16 of 2014; and the provisions on unlawful acts in the Indonesian Civil Code. Secondary materials consist of relevant books, journal articles, and institutional studies. Earlier implementing regulations are interpreted subject to the compatibility requirement under Article 365 of KUHAP 2025, rather than being treated as applicable without qualification.

Legal materials were collected through library research by identifying, cataloguing, and examining materials relevant to the research issues. They were then analysed qualitatively using a descriptive and analytical technique: explaining the relevant provisions, relating them to the research problems, and drawing conclusions from the analysis of applicable legal norms. The review of implementing regulations includes the amendments to Government Regulation Number 27 of 1983 introduced by Government Regulation Number 58 of 2010 and Government Regulation Number 92 of 2015 [10; 11; 12].

IV. RESEARCH RESULTS

4.1 Legal Regulation of Seizure and the Storage of Seized Property

The seizure of evidence is a legal measure undertaken by law enforcement officials to secure items connected with a criminal offence for evidentiary purposes. Seizure is primarily intended to obtain and preserve evidence required during trial. Such evidence therefore plays an important role in criminal proceedings. The legal framework governing seized property is currently set out in Law Number 20 of 2025 concerning the Criminal Procedure Code (KUHAP 2025) [2].

These provisions establish that seizure must follow legal procedures that provide certainty regarding the property seized and the parties connected with it. Article 123 of KUHAP 2025 identifies the categories of property subject to seizure. These include property or claims belonging to a suspect or defendant and suspected of having been obtained through an offence; items used to commit or prepare an offence; items used to obstruct an investigation; items specifically made or intended for committing an offence; items created by an offence;

and suspected proceeds of crime whose owner is unknown. These provisions provide an important basis for determining the objects of seizure in criminal proceedings [2, Article 123].

Article 122 requires investigators to present the seizure order and judicial authorisation, secure the attendance of witnesses, and prepare an official record. Article 124 governs applications for authorisation to the chair of the district court with jurisdiction over the location of the property. These procedures provide a basis for identifying the items and the parties surrendering or controlling them. Seizure documents should subsequently be linked to receipt records so that changes in condition during storage can be traced [2].

Specific provisions concerning seized property appear in Articles 130 and 131, which govern responsibility for the property, storage locations, management, restrictions on use, and the handling of perishable or hazardous items. Management also involves implementing and technical regulations concerning RUPBASAN, insofar as they remain compatible with the applicable KUHAP. Under Article 130(2) of Law Number 20 of 2025, seized property may be stored at RUPBASAN or at facilities provided by investigators or prosecutors in accordance with statutory provisions. RUPBASAN is therefore a legally recognised facility for storing and managing seized property, although it is not the only permissible storage location. It performs an important function in safeguarding and maintaining property involved in judicial proceedings. RUPBASAN stores and maintains different categories of seized items. Orderly storage keeps the items secure and available whenever required for proceedings. Maintenance is intended to prevent damage and changes in quality or quantity between receipt and release from RUPBASAN [2, Article 130; 6].

These functions encompass administration, maintenance and transfers, security and facility management, correspondence, and recordkeeping. Article 130(1) of Law Number 20 of 2025 further provides that the official authorised to conduct a seizure is responsible for the seized property. Responsibility must therefore be understood by reference to each party's authority and functions. RUPBASAN performs storage and management functions, while legal responsibility for property following seizure must continue to be assessed in light of Article 130(1) [2, Article 130].

The management of seized property at RUPBASAN is intended to support investigation, prosecution, and trial. It includes service provision, security, and maintenance to preserve the integrity of seized items. Storage therefore concerns the physical location of property and the duty to preserve its condition and continued availability for as long as it is needed in proceedings. Relevant considerations include legality and administration, security, preservation and maintenance, and orderly management. Each item should be documented and inventoried with reference to its type, quantity, and initial condition. Storage arrangements must reflect the characteristics of the property so that its security, integrity, and economic value are preserved. Items susceptible to deterioration require maintenance appropriate to their nature, while hazardous items or those with special characteristics require handling in accordance with statutory provisions. Perishable or hazardous property that cannot be stored until the judgment becomes final and binding is subject to the specific arrangements under Article 131 of Law Number 20 of 2025 [6; 2, Article 131].

In applying these rules, storage provisions in technical regulations must be interpreted in accordance with the hierarchy of legal norms. Minister of Law and Human Rights Regulation Number 16 of 2014 cannot be used to negate the storage options provided by Article 130(2) of KUHAP 2025. Article 365 preserves earlier implementing regulations insofar as they do not conflict with the new law. Technical rules on receipt, recordkeeping, maintenance, and security may therefore be examined after their compatibility has been assessed, rather than importing the entire earlier regulatory framework automatically.

Article 361 also qualifies the generalisation that the previous KUHAP is relevant only historically. For certain cases already under investigation, prosecution, or trial before the new law entered into force, the transitional provisions determine the applicable procedural law. Assessing responsibility in a particular case must therefore begin by establishing the timing and procedural stage of that case. This article focuses on the KUHAP 2025 framework while recognising the existence of cases governed by transitional arrangements [2].

4.2 Damage and the Identification of Responsible Parties

Evidence plays an important role in criminal proceedings, both in establishing facts and in determining the legal status of property through proceedings and court judgments. Seized items must be managed and stored in accordance with criminal procedure. Under Article 130 of Law Number 20 of 2025, seized property is the responsibility of the official authorised to conduct the seizure and may be stored at RUPBASAN or other facilities provided by investigators or prosecutors in accordance with statutory provisions. The property must be managed with due care, preserving its economic value as far as possible. In practice, management faces constraints involving personnel, storage space, budgets, facilities, and infrastructure. These conditions may affect the security, condition, and economic value of seized items. Effective management is therefore necessary to prevent loss, damage, or depreciation while the property remains in state custody. RUPBASAN has an important role in the criminal justice system through the storage and management of items needed for investigation, prosecution, and trial. It safeguards the security, integrity, and condition of seized property to support accountability for its administrative and physical management [2, Article 130; 5].

Evidence helps establish the circumstances of a criminal offence. To preserve its integrity, seizure is undertaken as a legal measure concerning property connected with an offence for the purposes of investigation, prosecution, and trial. The exercise of authority is closely related to responsibility: every power conferred on a public body or official entails responsibility for its exercise. Responsibility includes the obligation to perform the functions and duties attached to the authority received [4].

Under the current criminal procedure framework, Article 130(1) of Law Number 20 of 2025 provides that the official authorised to conduct a seizure is responsible for the seized property. Article 130(2) allows storage at RUPBASAN or other facilities provided by investigators or prosecutors in accordance with statutory provisions. Under the earlier framework, Article 30(3) of Government Regulation Number 27 of 1983 places physical responsibility for seized property on the Head of RUPBASAN. This responsibility encompasses the safety, security, quality, quantity, and physical condition of the items. In the current framework, however, responsibility must be understood according to each party's authority and functions. Technical maintenance provisions are also set out in Minister of Law and Human Rights Regulation Number 16 of 2014. Maintenance officers must conduct regular monitoring and inspections, pay particular attention to items requiring specialised maintenance, and record and report damage or deterioration. Maintenance aims to preserve the quality, quantity, condition, integrity, and authenticity of seized property. Alongside maintenance, RUPBASAN is responsible for security and safety measures to prevent damage, theft, fire, flooding, and other disturbances that may affect the condition of seized items [10, Article 30; 6].

Damage to seized property may take the form of physical damage, a decline in quality or economic value, missing components, or changes in form and condition. It may result from negligent maintenance, inadequate facilities, natural factors, the characteristics of the property, or human actions. Damage can affect proof, particularly where it alters an item's characteristics, condition, quantity, or integrity. However, damage does not automatically eliminate its evidentiary value, because the assessment of relevance and probative weight remains a matter for the court, considering the evidence as a whole.

Damage must be distinguished by when it occurred. Damage already present upon receipt cannot immediately be attributed to storage at RUPBASAN. Conversely, a record showing that an item was initially in good condition does not automatically establish negligence by officers if it later deteriorates. The assessment must still consider the type of property, protective measures, storage conditions, and other possible causes. This distinction follows analytically from the relationship between management duties and the establishment of fault.

4.3 Consequences for Proof, Economic Value, and Redress

Where damage results from negligence, intentional conduct, or breach of a legal duty, legal liability may arise for the responsible party. Identifying that party requires examination of the cause and timing of the damage, the item's condition upon receipt, the maintenance undertaken, and each party's powers and duties. Damage therefore cannot automatically be attributed to RUPBASAN officers [4].

Regarding the evidentiary function, the assessment should identify the characteristics that have changed and their relevance to the facts to be proved. Damage to a component unrelated to identification or essential information does not necessarily have the same consequences as the loss of the entire object or the component on which an examination depends. Condition records, official reports, and examination findings may help explain such changes; nevertheless, substitute documents cannot invariably be treated as equivalent to the original item. The final assessment depends on the evidence as a whole and its examination by the court.

Where property due to be returned has been damaged in state custody, questions of redress may arise. Analysis may refer to Article 1365 of the Indonesian Civil Code [13], requiring consideration of an unlawful act, fault, loss, and causation. However, the existence of damage does not automatically determine the competent forum, the proper defendant, or the form of redress. The appropriate mechanism must be considered in light of the nature of the act, the parties' legal positions, and the applicable jurisdictional rules. The study's conclusion is therefore limited to potential liability, rather than certainty that a claim will succeed.

A reduction in economic value must also be distinguished from a loss to state finances. Seized items are not necessarily state-owned assets, whereas forfeited property acquires its status through a court judgment. If an item is subsequently forfeited to the state and auctioned, damage may reduce the amount realised. However, establishing a loss to state finances still requires determination of the asset's status, calculation of the loss, and proof of the requisite elements. This distinction prevents every instance of depreciation in seized property from being immediately classified as a loss to state finances.

For perishable or hazardous items, Article 131 provides special handling arrangements through safeguarding, destruction, or auction in accordance with prescribed procedures. These mechanisms must be distinguished from the use of property for personal purposes, which is prohibited by Article 130(4). Special handling is a legal decision based on an item's characteristics; it cannot serve as a general justification for damage caused by inadequate maintenance [2].

The return of property is also related to the duration of state custody. Article 133 governs return when items are no longer required or proceedings are discontinued in the specified circumstances, while Article 134 sets the deadline for return. For cases already decided, Article 135 provides for return to the entitled party, subject to exceptions arising from the judgment or the need to use the item as evidence in another case. These obligations indicate that maintenance should be linked to a review of the continuing need for storage, so that property does not remain in state custody without a relevant legal basis [2].

V. DISCUSSION

5.1 Distinguishing Legal Responsibility from Physical Custody

The normative findings indicate that storage location alone is insufficient to identify the party bearing all responsibility. Article 130(1) governs the obligation of the official authorised to conduct a seizure, while technical provisions regulate storage and maintenance duties. The two must be read together. Physical handover should not be understood as extinguishing the seizing official's obligations, and those obligations do not remove the duties of custodial officers. Assessment must focus on specific acts or omissions within each party's authority [4; 2].

Kadir and Nufus [3] help frame the safeguarding of property as an issue of rights protection, while Toruan's [5] discussion of effectiveness directs attention to the performance of storage functions. This article links both perspectives to the storage options provided by KUHAP 2025. The implication is that coordination and handover documentation are important because property may change custody without changing ownership. This proposition is a normative synthesis, rather than a finding from observations of KUHAP 2025 implementation across all RUPBASAN facilities.

5.2 Managing the Risk of Damage and Maintaining Documentation

In an empirical study at Class I RUPBASAN Semarang, Haidar et al. [14] identify warehouse capacity and coordination between agencies as problems and recommend facility upgrades and officer training. These findings provide relevant context for management risks, but cannot be generalised as proof of negligence in every instance of damage. The study also does not provide a basis for interpreting KUHAP 2025, as its regulatory focus is different.

Firdaus and Syahbana [15] summarise recordkeeping, data integration, and security problems in the management of seized and forfeited property. Their institutional study strengthens the case for traceable records. In this article, records of initial condition, changes in custody, and maintenance are treated as information that assists examination of the causes of damage. Citing that study does not imply that every weakness documented during the earlier period persists in every agency today.

As a recommendation, receipt of property should be accompanied by identification, photographs, a record of existing damage, and an official handover record agreed by the transferring and receiving parties. During storage, maintenance schedules should reflect the type of property and its susceptibility to damage. Any change in condition should be recorded together with its timing, officers' actions, and the follow-up measures taken. These recommendations translate maintenance obligations into practical measures and provide a basis for assessment when explanations of the causes of damage differ.

5.3 Limits on Determining Legal Consequences

Damage, fault, and loss are related but distinct elements of analysis. Property may deteriorate because of its inherent characteristics even where maintenance has been undertaken, while procedural breaches may occur before financial loss is calculated. Legal consequences therefore cannot be determined solely by showing photographs of damaged property or citing budget constraints. The assessment must connect the duty that should have been performed, the conduct that actually occurred, the cause of the change in condition, and the interests adversely affected.

This distinction also applies to evidentiary consequences and accountability for management. An item that can still assist in proving a case has not necessarily been managed properly; conversely, a loss of evidentiary information does not invariably establish fault by custodial officers. Separating these assessments can protect the rights of interested parties while avoiding the attribution of responsibility without a sufficient basis. Resolving each case still requires examination of documents, factual circumstances, and the rules applicable to the conduct and procedural stage concerned.

VI. CONCLUSIONS AND RECOMMENDATIONS

The regulation of the seizure and storage of evidence at RUPBASAN aims to ensure security, integrity, and maintenance and to preserve the economic value of seized property for as long as it is required in judicial proceedings, as provided by Law Number 20 of 2025 concerning the Criminal Procedure Code. Where evidence is damaged through negligence or intentional conduct in storage and maintenance, legal consequences may include impairment of its evidentiary function, a decline in its value or condition, and questions of legal liability

and redress for the entitled party. Seized property at RUPBASAN must therefore be managed in an orderly and secure manner and in accordance with statutory provisions.

Damage does not automatically eliminate evidentiary value or give rise to an obligation to compensate. Determining its legal consequences requires assessment of the cause and extent of damage, initial condition, the relevant parties' duties and powers, fault, and causation. The application of KUHAP 2025 must also account for transitional cases and the compatibility of earlier implementing regulations. RUPBASAN and the agencies depositing property are advised to strengthen handover documentation, maintenance according to risk, reporting of changes in condition, and coordination concerning the release or special handling of seized property.

VII. ADVANCED RESEARCH

This study is limited to normative analysis and the literature, without examining specific judgments, compensation case files, or storage conditions through direct observation. Its findings therefore do not measure the frequency of damage or the effectiveness of KUHAP 2025 implementation. Future research could examine judgments and records concerning the handling of damage, compare documentation across agencies, and assess how responsibility is allocated in specific cases. Further studies should also update the inventory of relevant implementing regulations applicable at the time of the research.

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