

THE AUTHORITY OF THE PUBLIC PROSECUTOR IN CARRYING OUT CONFISCATION OF EVIDENCE OF CORRUPTION CRIMINAL ACTS IN PROSECUTION STAGE

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Abstract

The Criminal Procedure Code (KUHP) expressly authorizes investigators to confiscate in order to maintain the security and integrity of these objects, but the confiscation must be based on the conditions and procedures determined by law and the confiscation is intended for the purpose of proof, especially as evidence in court. The research method used is a normative juridical research approach, namely an approach carried out by examining theoretical approaches, concepts, reviewing laws and regulations related to the implementation of the authority of the Public Prosecutor in confiscating evidence of corruption crimes at the Prosecution Stage. Based on research that the legal process of confiscating evidence of corruption by the Public Prosecutor at the Prosecution Stage, if during the trial legal facts are found related to the defendant's assets that have not been confiscated at the investigation stage, then the Public Prosecutor can submit a request for confiscation permission to the Panel of Judges then after being granted then the Panel of Judges issues a Determination of Confiscation Permit from the Panel of Judges, Furthermore, the Public Prosecutor in following up on the determination makes a Minutes of Implementation of the Judge's Determination and Minutes of Implementation of Confiscation which are then attached to the case file and stated in the indictment regarding evidence.

Keywords: *Authority, Public Prosecutor, Evidence, Corruption Crime*

A. INTRODUCTION

In criminal procedural law, evidence is a central point in the trial. This can be proven from the beginning of the investigation, inquiry, pre-prosecution, additional examination, prosecution, examination in court, judge's decision and even to legal efforts, the issue of evidence is the subject of discussion and review of all parties and officials concerned at all levels of examination in the court process, therefore for the purposes of proving criminal cases, objects related to the crime that has occurred are needed or in other terms, these objects are known as evidence or corpus delicti, namely evidence of the crime. Evidence, the role of evidence in the criminal case process in Indonesia plays a very important role where evidence can shed light on the occurrence of a crime and will ultimately be used as evidence to support the Judge's belief in the Defendant's guilt as charged by the Public Prosecutor in the indictment in Court. These evidences include objects that are objects of the crime, the results of the crime and other objects that have a relationship with the crime. The Criminal Procedure Code (KUHP) expressly gives investigators the authority to confiscate in order to maintain the security and integrity of these objects, however, the confiscation must be based on the conditions and procedures determined by law and the confiscation is intended for the purposes of proof, especially as evidence in court.

So that confiscation is a very important thing in handling Special Crimes, especially Corruption cases, not only for the sake of collecting evidence but for a greater purpose, namely the confiscation of the assets of the perpetrators of special crimes so that they can be used as a means to return the financial losses of the state/state economy from the perpetrators of the crime. Literally, confiscation is a series of actions by investigators to take over and/or keep under their control movable or immovable, tangible or intangible objects for the purposes of providing evidence in investigations, prosecutions and providing evidence in court (Article 1 point 16 of the Criminal Procedure Code (KUHP)). Thus, from the description above, it can be seen that the confiscation effort is a legal action carried out by investigators against objects belonging to a person that are suspected of being the result of a crime. In addition, Article 38 Paragraph (1) of the KUHP emphasizes that

confiscation can only be carried out by investigators with a permit from the Head of the local District Court. So, based on the contents of this article, it can be concluded that the authority to confiscate lies only with investigators. The negative effects on technological developments have led to the modernization of modus operandi, which often creates difficulties for investigators at the investigation level in collecting all the evidence and tools of evidence, so that the case files and evidence received by the Public Prosecutor are less complete even though they have fulfilled the minimum evidence and have been declared P-21 by the Public Prosecutor. Theoretically, the Public Prosecutor is the party burdened with the obligation to prove a criminal act (*actori incumbit onus probandi*) to seek material truth if during the trial examination he finds legal facts that there is other evidence that is relevant to prove the defendant's guilt, but the evidence has not been confiscated during the investigation stage so that the Investigator does not use the evidence as evidence or evidence that can strengthen the proof. Because Article 38 paragraph (1) of the Criminal Procedure Code as a guideline in proceedings expressly states that the authority to confiscate is only with the investigator and not with the Public Prosecutor, then can the formal legal procedure in terms of confiscation at the prosecution level also be carried out by the Public Prosecutor to confiscate goods/objects/assets/documents that are directly or indirectly related to the crime charged and examined in court.

B. FORMULATION OF THE PROBLEM

Based on the background above, the problem formulation in the discussion of this thesis is as follows:

1. What is the legal basis for the confiscation of evidence of corruption by the Public Prosecutor at the Prosecution Stage?
2. What is the authority of the Public Prosecutor in confiscating evidence of corruption crimes at the prosecution stage?

C. RESEARCH METHODS

The type of research used in this study is the normative legal research method or library legal research (study approach). This is legal research conducted by reviewing library materials, including primary and secondary data. This legal material is systematically arranged to facilitate drawing conclusions from the research problem. This problem-solving approach uses the normative legal approach. This approach is an approach to applicable laws and regulations. The statutory approach is carried out by examining all laws and regulations related to the content of the law being handled. The normative legal problem approach is an approach used to approach laws and regulations (statue approach); this approach examines laws and regulations related to the laws and regulations on the problem being studied. Furthermore, the conceptual approach is also used to examine legal concepts related to the existing problem.

D. DISCUSSION

1. Legal Basis for Confiscation of Evidence of Corruption Crimes by Public Prosecutors at the Prosecution Stage

In the prosecution stage, the confiscation carried out by the Public Prosecutor as described is not expressly regulated in the Criminal Procedure Code, thus creating its own problems in law enforcement along with the development of technology and socio-economics in handling Corruption Crimes when the Public Prosecutor faces a situation in his trial where it is only discovered that there are goods/objects/properties belonging to the defendant that have not been confiscated by the Investigator. In contrast, in handling money laundering cases, the Public Prosecutor can use the provisions of Article 81 of the TPPU Law as a basis for confiscation during the trial examination stage. Therefore, the Criminal Procedure Code (KUHP), as a legal institution, must adapt to the realities of societal needs. Law enforcement can no longer apply the KUHP rigidly, which would ultimately lead to the failure to achieve substantive justice. Regarding confiscation, it is undeniable that sometimes evidence escapes the public prosecutor's scrutiny during the pre-prosecution stage and is later revealed during the trial. However, the indictment prepared by the Public Prosecutor is based solely on the facts revealed in the case file. The functional differentiation adopted in the Criminal Procedure Code (KUHP) means that the Public Prosecutor, who is obligated to present evidence in court, never sees the full facts of the investigation but is limited to the pages of the case files resulting from the investigation. Evidence presented in court is deemed necessary to meet the minimum requirements for proving the defendant's guilt. However, if it is not confiscated, the evidence lacks probative force. Paying attention to the definition of confiscation formulated in Article 1 point 16 of the Criminal Procedure Code which reads "Confiscation is a series of actions by investigators to take over and/or store under their control

THE AUTHORITY OF THE PUBLIC PROSECUTOR IN CARRYING OUT CONFISCATION OF EVIDENCE OF CORRUPTION CRIMINAL ACTS IN PROSECUTION STAGE

Ris Piere Handoko et al

movable or immovable, tangible or intangible objects, for the purposes of evidence in investigations, prosecutions, and trials. In the norms of Article 1 point 16 of the Criminal Procedure Code, it can at least be known that:

- a. confiscation is carried out for the purposes of providing evidence at the investigation level;
- b. confiscation is carried out for the purposes of providing evidence at the prosecution level; and
- c. Confiscation is carried out for the purposes of providing evidence at the judicial level or for examination in court.

Systematically, the Criminal Procedure Code only regulates the procedures for confiscation for the purposes of evidence at the investigation level but has not yet regulated the procedures for confiscation for the purposes of evidence at the prosecution or trial level or examination in court. However, from this norm at least it provides an illustration that confiscation as a coercive measure is carried out not only for the purposes of investigation, but also for the purposes of prosecution and trial as implied in Article 39 Paragraph (2) namely that it can also be confiscated for the purposes of investigation, prosecution, and trying criminal cases, as long as it meets the provisions of paragraph (1)" and in accordance with the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number: KMA/032/SK/IV/2006 concerning the Implementation of Technical Guidelines for Administration and Technical Courts for General and Special Criminal Cases, Book II 2007 Edition, Supreme Court of the Republic of Indonesia, 2008 Pages 53-54, regarding confiscation in No. 3 states "If in a trial the Judge deems it necessary to confiscate an item, then the Judge's order to carry out the confiscation is directed to the Investigator through the Public Prosecutor".

The provisions in Supreme Court Decision No. 032 of 2006 open up the opportunity for public prosecutors to carry out confiscation at the examination stage in court through investigators. It can be seen that the formulation of Supreme Court Decision No. 032 of 2006 does not in any way eliminate the application of Article 38 paragraph (1) of the Criminal Procedure Code which states that only investigators have the authority to carry out confiscation. The interesting thing in Supreme Court Decision No. 032 of 2006 is whether it is then permitted to carry out confiscation first without waiting for the Decision of the Head of the District Court or the Decision of the Panel of Judges due to very necessary and urgent circumstances, in accordance with Article 34 paragraph (2) in conjunction with Article 38 paragraph (2) in conjunction with Article 7 (1) point d of the Criminal Procedure Code. In the author's opinion, if it is linked to the theory of legal certainty because based on Article 1 point 16 of the Criminal Procedure Code which states that confiscation is carried out for the purposes of prosecution and trial or examination in court, then all conditions regulated in the procedures for confiscation at the investigation level *mutatis mutandis* also apply to the Public Prosecutor when carrying out confiscation at the prosecution stage, namely additional examination or the trial stage or examination in court. This is solely to find material truth. Confiscation carried out by the Public Prosecutor without going through the investigator can also be carried out considering that the Public Prosecutor is a Prosecutor who, based on Article 30 paragraph (1) letter a of Law No. 11 of 2021 concerning Amendments to Law No. 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, can act as an Investigator who has the authority to conduct investigations into certain crimes.

The authority to investigate certain crimes, in this case corruption, constitutes an extraordinary measure because the object of the *pro justitia* action is an extraordinary crime. Therefore, both technically and experienced, the Public Prosecutor possesses the skills and understanding to confiscate evidence. This skill and understanding legitimize the Public Prosecutor's ability to conduct confiscations professionally in accordance with statutory provisions. Confiscation by the Public Prosecutor has also been regulated in Chapter XL Article 1061 - 1064 of the Regulation of the Attorney General of the Republic of Indonesia Number Per-017/A/JA/07/2014 concerning Amendments to the Regulation of the Attorney General Number Per-039/A/JA/10/2010 concerning Administrative and Technical Governance for Handling Special Crime Cases. Article 1061 states that the prosecution team can receive objects to be confiscated by providing a receipt from which the object was obtained. However, in practice, this provision means that the Public Prosecutor Team only receives objects to be confiscated, in other words, the public prosecutor is passive in carrying out the confiscation.

The procedures for confiscation by the Prosecution Team in Perja 039/2010 are regulated as follows:
Article 1061

- 1) The prosecution team can accept objects to be confiscated by providing a receipt stating where the objects were obtained (Pidsus-10)

- 2) The Prosecution Team, after carrying out the actions referred to in paragraph (1), reports to the Head of the District Attorney's Office through the Head of the Special Crimes Section, accompanied by suggestions/opinions.

Article 1062

- 1) The Head of the District Attorney's Office, after receiving the report as referred to in Article 1061, orders the Head of the Special Crimes Section to draft a letter requesting permission to confiscate the objects as referred to in Article 1061 paragraph (1) which is addressed to:
 - a. To the Chairman of the District Court if the case has not been submitted to the Court; or
 - b. To the Chairman of the District Court cq Chairman of the Panel of Judges examining the case if the case has been transferred to the Court; or

- 2) If the trial has been declared closed, the Prosecution Team will ask the Chief Judge examining the case to reopen the trial on the grounds that they will submit a letter of permission for confiscation as referred to in paragraph (1).

Article 1063

- 1) The Chief Prosecutor, after receiving the Decision of the Chief Justice of the District Court or the Decision of the Chief Justice, orders the Prosecution Team to carry out the confiscation.

Article 1064

- 1) Objects as referred to in Article 1061 paragraph (1) which have been confiscated will also have their legal status determined as evidence in the indictment.
- 2) Objects as referred to in Article 1061 paragraph (1) which cannot be confiscated because the confiscation permit has not been granted cannot have the status of the object in question determined as evidence in the indictment.
- 3) The objects referred to in paragraph (2) as long as they relate to a corruption case, can be calculated as payment for the obligation to pay replacement money in the indictment or can be subject to execution seizure after the case has permanent legal force.

Based on the regulations of the Republic of Indonesia Attorney General Regulation Number Per-017/A/JA/07/2014 concerning Amendments to the Attorney General Regulation Number Per-039/A/JA/10/2010 concerning Administrative and Technical Governance for Handling Special Criminal Cases in the provisions of confiscation by the Prosecution Team as described, that this confiscation procedure, although the Prosecution Team is still passive and such actions have not been expressly regulated in the Criminal Procedure Code, however, the confiscation is very effective in accommodating the increasing number of defendants in corruption cases who deposit the proceeds of crime as stated in the indictment.

With the existence of the Regulation of the Attorney General of the Republic of Indonesia Number Per-017/A/JA/07/2014 concerning Amendments to the Regulation of the Attorney General Number Per-039/A/JA/10/2010 concerning Administrative and Technical Governance for Handling Special Criminal Cases and the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number: KMA/032/SK/IV/2006 concerning the Implementation of Technical Guidelines for Administration and Technical Courts for General and Special Criminal Cases which materially regulate general matters so that they have binding power as statutory regulations as referred to in Article 8 paragraph (1) and (2) of Law of the Republic of Indonesia No. 12 of 2011 concerning the Formation of Statutory Regulations, at least it opens up opportunities for public prosecutors to carry out confiscations both at the prosecution level, namely additional examinations, and at the trial level or examinations in court. Confiscation is carried out directly by the public prosecutor. Regulation-Per-017/A/JA/07/2014 and KMA/032/SK/IV/2006 are regulations that emerged amidst the need for law enforcement that must be responded to by higher-level laws. The similarities and differences between the two regulations need to be harmonized so as not to conflict with the Criminal Procedure Code, which could potentially render evidence unlawful or illegally acquired.

2. The Authority of the Public Prosecutor to Confiscate Evidence of Corruption Crimes at the Prosecution Stage

The Criminal Procedure Code (KUHP) provides a description of the meaning of prosecutor and public prosecutor in Article 1, paragraphs 6 a and b, and Article 13. The KUHP provides details of the prosecutor's prosecutorial duties. The KUHP distinguishes between the general meaning of prosecutor and the public prosecutor who is currently prosecuting a case. In the legal regulations, the act of confiscation by the Public Prosecutor in the prosecution subsystem is not specifically regulated in the Criminal Procedure

THE AUTHORITY OF THE PUBLIC PROSECUTOR IN CARRYING OUT CONFISCATION OF EVIDENCE OF CORRUPTION CRIMINAL ACTS IN PROSECUTION STAGE

Ris Piere Handoko et al

Code. However, confiscation as stated in Article 1 number 16 of the Criminal Procedure Code states: A series of actions by investigators to take over and/or keep under their control movable or immovable, tangible or intangible objects for the purposes of providing evidence in investigations, prosecutions and trials which have the aim of providing evidence and control over evidence, especially as evidence in court proceedings. Without evidence, a case likely cannot be brought to court. Therefore, to ensure a case is complete with evidence, investigators conduct seizures to be used as evidence in the investigation, prosecution, and court hearings. The Criminal Procedure Code (KUHAP) does not give the Public Prosecutor any room to address issues if, in fact, it is only discovered during the trial that there are assets/objects related to the defendant's crime. However, several provisions contain phrases that state that the case handler's position is included in the prosecution subsystem, including Article 39 of the Criminal Procedure Code, which states that items that can be confiscated are:

- a. Objects or bills belonging to a suspect or defendant which are suspected of being obtained in whole or in part from a criminal act or as a result of a criminal act (Paragraph 1 letter a).
- b. Objects that have been used directly to commit a crime or to prepare for a crime (Paragraph 1 letter b).
- c. Objects used to obstruct the investigation of a criminal act (Article 1 letter c)
- d. Objects specifically made or intended to commit crimes (Paragraph 1 letter d).
- e. Other objects that have a direct relationship to the criminal act committed (Paragraph 1 letter e).
- f. Items that are in confiscation due to civil cases or bankruptcy can also be confiscated for the purposes of investigation, prosecution and trying criminal cases as long as they fulfill the provisions of Paragraph (1) and Paragraph (2) of the Criminal Procedure Code.

If we look closely at the provisions of Article 39 Paragraph (1) letter a which states that goods that can be confiscated are objects or bills that do not only belong to the suspect but confiscation can also be carried out on objects or bills belonging to the defendant. As we know that the phrase suspect is a person who because of his actions or circumstances, based on initial evidence, is reasonably suspected of being the perpetrator of a crime, the status of suspect is attached to a person during the investigation stage after the case is declared complete (P.21) then the status of suspect changes to the status of defendant, namely a suspect who is charged, examined and tried in court. Therefore, we can understand that what can be confiscated is not only the suspect's property but also the defendant's property at the prosecution level can be confiscated.

Regarding such confiscation, it seems that the Criminal Procedure Code does not explicitly regulate who can carry out confiscation at the prosecution stage, however, with the phrase "the accused" it is appropriate for the Public Prosecutor to carry out confiscation activities at the prosecution stage, especially when linked to the principle of functional differentiation, prosecution is the domain of the Public Prosecutor. In relation to this, the provisions of Article 47 paragraph (3) of the Criminal Procedure Code also explicitly regulate the matter of opening, examining and confiscating other letters sent via postal and telecommunications offices, communication or transportation agencies or companies if the object is suspected for strong reasons to have a connection with a criminal case at all levels of examination in the judicial process, thus the confiscation of the letters referred to can also be carried out at the prosecution level by the Public Prosecutor with special permission granted by the Head of the District Court.

A legal review of the authority that can be exercised by the Public Prosecutor at the prosecution subsystem level is not only a matter of defending the results of the investigation in court, but as the case controller, the Public Prosecutor is of course given the responsibility to improve the results of the investigation. The authority to conduct additional examinations, for example, as stipulated in Article 30 paragraph (1) letter e of Law No. 11 of 2021 concerning Amendments to Law No. 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia, is a procedure for case controllers to improve the results of the investigation. In particular, the authority for confiscation by the Public Prosecutor at the Prosecution stage to perfect the evidence from the results of the investigation is not explicitly stated in the Criminal Procedure Code.

However, Article 81 of Law Number 8 of 2010 concerning the Crime of Money Laundering expressly states that the Public Prosecutor can carry out confiscation, which states that in the event that sufficient evidence is obtained that there are still Assets that have not been confiscated, the judge orders the public prosecutor to confiscate the Assets. It is clear that if assets belonging to the Defendant are still found that have not been confiscated during the investigation stage, the Public Prosecutor, on the orders of the Judge, can confiscate the assets as intended. In Law Number 31 of 1999 as amended and supplemented by Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, one of the deterrent effects of the extraordinary crime of corruption is regulated in Article 18, which is an additional related criminal penalty in the form of confiscation of movable or immovable property used for or obtained from the criminal act of corruption,

including the company owned by the convict where the criminal act of corruption was committed, as well as goods that replace these goods. In addition, it is also regulated, the revocation of all or part of certain rights or the elimination of all or part of certain benefits, which have been or may be given by the government to the convict. In relation to confiscation, it is certain that the confiscation carried out by the Public Prosecutor against goods obtained from criminal acts of corruption as an implementation of the deterrent effect must be preceded by confiscation so that it can be proven in court and the status of the goods as referred to in the Public Prosecutor's indictment can be determined without any legal defects in its implementation. In practice, the confiscation of the prosecution stage has been carried out by the Public Prosecutor's team in handling major cases at the Attorney General's Office of the Republic of Indonesia, carried out with procedures that are almost the same as those regulated in the Regulation of the Attorney General of the Republic of Indonesia Number Per-017/A/JA/07/2014 concerning Amendments to the Regulation of the Attorney General Number Per-039/A/JA/10/2010 concerning Administrative and Technical Governance for Handling Special Crime Cases, namely:

- a. The Public Prosecutor shall submit in writing to the Head of the Special Crimes Section that objects related to the crime or proceeds of crime or assets or claims as a result of company assets related to the crime charged have been found.
- b. Next, the Head of the Special Crimes Section reports this matter to the Head of the District Attorney's Office to then submit an application to the Head of the District Court and/or the Judge/Panel of Judges who is trying the case in question.
- c. During the trial, the Public Prosecutor submits the application to the Judge and if the Judge approves it, the Judge reads out the confiscation decision in front of the court.

In accordance with the legal principle of the postulate of *actori incumbit onus probandi*, meaning that those who accuse must prove it, the public prosecutor bears the burden of proof to prove their charges. It is through the act of confiscation that corroborating evidence gains the power to be identified with other evidence, thereby strengthening the judge's belief in the truth of the public prosecutor's indictment. The authority of the public prosecutor to conduct confiscation at the trial examination level is very necessary because the confiscation of evidence that is relevant to the proof can basically strengthen the position of other evidence which *mutatis mutandis* strengthens the judge's conviction in making a decision. Without it, the public prosecutor cannot prove his charges so that the defendant must be acquitted as intended by the principle of criminal law, namely the postulate of *actore non probante reus absolvitur*.

E. CONCLUSION

Based on the results of the discussion, the following conclusions were obtained:

1. The legal basis for the confiscation of evidence of corruption by the Public Prosecutor at the Prosecution Stage must comply with the provisions of Articles 128 to 131 of the Criminal Procedure Code and the provisions of Articles 1061 to 1064 in conjunction with Article 1064. Article 438 to Article 446 of the Regulation of the Attorney General of the Republic of Indonesia Number Per-017/A/JA/07/2014 Concerning Amendments to the Regulation of the Attorney General Number Per-039/A/JA/10/2010 Concerning Administrative and Technical Governance for Handling Special Crime Cases where the Prosecutor's Office has special standards in carrying out the confiscation process, namely if during the trial legal facts are found related to the defendant's property that has not been confiscated at the investigation level, then the Public Prosecutor can submit a request for confiscation permission to the Panel of Judges then after being granted the Panel of Judges issues a Determination of Confiscation Permit from the Panel of Judges, Furthermore, the Public Prosecutor in following up on the determination makes BA 15 (Minutes of Implementation of the Judge's Determination) and BA-13 (Minutes of Implementation of Confiscation) which are then attached to the case file and stated in the indictment regarding evidence.
2. That in the case of handling Corruption Crime cases related to the authority of confiscation by the Public Prosecutor at the prosecution level, the implementation can be carried out without having to involve Investigators such as confiscation in court by the Public Prosecutor in Money Laundering Crime cases as an implementation of the principle of fast and simple justice, in addition to that the purpose of confiscation in Corruption Crime cases is not only for the sake of material evidence in court, but also confiscation by the Public Prosecutor in court without going through Investigators is very necessary in order to accelerate the interests of saving state losses so that the procedural aspects of Criminal Procedure Law can be set aside to obtain substantive justice.

REFERENCES

A. BUKU

- Abdul Aziz Dahlan, 1996, *Esinklopedi Hukum Islam*, Jakarta: Ichtiar Baru Van Hoeve.
- Achmad Ali, 2009, *Menguak Teori Hukum Legal Theory dan Teori Peradilan Judicialprudence Termasuk Interpretasi Undang-Undang legisprudence*, Kencana Prenada Media Group, Jakarta.
- Ahmad Fathi Bahasyi, 1984, *Teori Pembuktian Menurut Fiqih Jinyah Islam*, Terj.
- Usman Hasyim & Ibnu Rachman, Andi Offset, Yogyakarta.
- Andi Hamzah, 1996, *Hukum Acara Pidana Indonesia*, Saptar Artha Jaya, Jakarta
- Djoko Prakoso, 1986, *Tugas dan Peranan Jaksa dalam Pembangunan*, Ghalia Indonesia, Jakarta
- Ermansjah Djaja, 2008, *Memberantas Korupsi bersama KPK Komisi Pemberantasan Korupsi, Kajian Yuridis Normatif UU No. 31 Tahun 1999 juncto UU No. 20 Tahun 2001 versi UU No. 30 Tahun 2002*, Sinar Grafika, Jakarta.
- Jimly Asshiddiqie, 2006, *Perihal Undang-Undang*, Rajawali Pers, Jakarta.
- Leden Marpaung, 1992, *Proses Penanganan Perkara Pidana Bagian Pertama Penyelidikan dan Penyidikan*, Sinar Grafika, Jakarta.
- Makarim, E. (2013). *Electronic evidence and electronic signatures in Indonesia: the probative value of digital evidence*. Digital Evidence & Elec. Signature L. Rev. M.A.,
- H. Zainudin Ali, 2011, 2011, *Metode Penelitian Hukum*, Sinar Grafika, Jakarta.
- M. Yahya Harahap, 2000. *Pembahasan Permasalahan dan Penerapan KUHAP Penyelidikan dan Penuntutan*, Sinar Grafika, Jakarta.
- Mukti Fajar, Yulianto Achmad, 2010, *Dualisme Penelitian Hukum Normatif & Empiris*, Pustaka Belajar, Yogyakarta.
- N.E. Algra dkk, 1983, *Kamus Istilah Hukum*, Bandung, Bina Cipta.
- Oemar Seno Adji, 1992, *Penyitaan Harta Kekayaan Yang Berasal Dari Tindak - Pidana Kejahatan*, Tri Grafika, Jakarta.
- Ratna Nurul Afiah, 1989, *Barang Bukti Dalam Proses Pidana*, Cet. 1, Sinar Grafika, Jakarta.
- RD Stout, de Betekenissen van de Wet. Zwolie: WE.J. Tjeenk Wilink, 1994, dalam Ridwan HR, *Hukum Administrasi Negara*, Grafindo,
- Rochmat Soemitro, 2004, *Asas dan Dasar Perpajakan*, Refika Aditama, Bandung. Ronny Hanitijo, 2001, *Metodologi Penelitian Hukum dan Jurimetri*, Ghalia Indonesia, Jakarta.
- Satjipto Rahardjo, 2009, *Hukum Progresif, Sebuah Sintesa Hukum Indonesia*, Genta Publishing, Yogyakarta.
- Soerjono Soekanto. 2014. *Pengantar Penelitian Hukum*. Jakarta: UI-Press,

B. UNDANG-UNDANG

- Kitab Undang-Undang Hukum Pidana (KUHP)
- Kitab Undang-Undang Hukum Acara Pidana (KUHAP)
- Undang-Undang Nomor 11 Tahun 2021 Tentang Perubahan Atas Undang-Undang Nomor 16 Tahun 2004 Tentang Kejaksaan Republik Indonesia
- Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi sebagaimana telah

THE AUTHORITY OF THE PUBLIC PROSECUTOR IN CARRYING OUT CONFISCATION OF EVIDENCE OF CORRUPTION CRIMINAL ACTS IN PROSECUTION STAGE

Ris Piere Handoko **et al**

diubah dengan Undang-Undang Nomor 20 Tahun 2001 tentang Perubahan Atas Undang - Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi.

Undang-Undang Nomor 28 Tahun 1999 tentang Penyelenggaraan Negara yang Bersih dan Bebas dari Korupsi, Kolusi dan Nepotisme.

Undang-Undang Nomor 8 Tahun 2010 tentang Pemberantasan Tindak Pidana Pencucian Uang

Undang-Undang Nomor 6 Tahun 1983 tentang Ketentuan Umum Dan Tata Cara Perpajakan sebagaimana telah beberapa kali diubah terakhir dengan Undang- Undang Nomor 16 Tahun 2009

Undang-Undang Nomor 17 Tahun 2006 tentang Perubahan Atas Undang-Undang Nomor 10 Tahun 1995 tentang Kepabeanan

Undang-Undang Nomor 39 Tahun 2007 tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 1995 tentang Cukai

Keputusan Ketua Mahkamah Agung Republik Indonesia Nomor : KMA/032/SK/IV/2006 tentang Pemberlakuan Pedoman Teknis Administrasi dan Teknis Peradilan Pidana Umum dan Pidana Khusus.