

Tanggung jawab secara fisik atas benda sitaan terkait dengan penyimpanan di luar rumah penyimpanan benda sitaan negara sebelum putusan pengadilan : studi kasus penyimpanan benda sitaan ponsel Nokia E90 dalam perkara pembunuhan Nasrudin Zulkarnaen = Physical responsibility for confiscated goods in relation with storage outside the house for storage of state confiscated goods before court decisions : case study the storage of Nokia E90 cellular telephone in the murder of Nasrudin Zulkarnaen case

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Abstrak

Skripsi ini membahas tentang tanggung jawab atas benda sitaan oleh instansi Kepolisian dan Kejaksaan ketika telah tersedia Rumah penyimpanan benda sitaan negara (Rupbasan) di suatu wilayah. Menurut undang-undang, benda sitaan dapat disimpan dan berada di bawah tanggung jawab instansi Kepolisian maupun Kejaksaan, hanya apabila belum tersedia Rupbasan di wilayah bersangkutan. Dewasa ini, instansi Kepolisian dan Kejaksaan tetap menempatkan penanganan fisik benda sitaan di bawah tanggung jawabnya, walaupun telah tersedia Rupbasan di wilayahnya. Penyimpanan demikian dipandang sah karena dilakukan berdasarkan peraturan internal masing-masing instansi. Penelitian ini adalah penelitian hukum normatif-empiris, dimana data yang digunakan merupakan data sekunder dari beberapa literatur dan data primer dari hasil wawancara, yang kemudian dianalisis dengan pendekatan kualitatif. Hasil penelitian ini menunjukkan bahwa apabila dalam suatu wilayah telah tersedia Rupbasan, maka peraturan internal di instansi Kepolisian dan Kejaksaan tidak dapat secara otomatis berlaku terhadap penyimpanan benda sitaan. Dalam hal telah tersedia Rupbasan di wilayah bersangkutan, benda sitaan yang disimpan di instansi Kepolisian dan Kejaksaan tetap berada dalam tanggung jawab Rupbasan, jika penyimpanan pada masing-masing instansi tersebut secara konsisten dilaksanakan menurut peraturan perundang-undangan yang berlaku.

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Abstract

This thesis studies about the execution of physical responsibility for confiscated goods by Police Department and Office of a Public Prosecutor institutions when the house for keeping the state confiscated goods (Rupbasan) have been made available in a region. According to the Law, confiscated goods can be kept and under the responsibility of Police Department or Office of a Public Prosecutor institution, only if Rupbasan has not yet been made available in related area. But it is different from what happened these days, where Police and Office of a Public Prosecutor institutions remain to place handling of physical of confiscated goods under their responsibility, even though Rupbasan have been made available in a region. The storage is viewed as validated since it was conducted pursuant to internal regulation of each institution. This research is a normative-empirical law research, where the data used are secondary from several literature and primary data from the result of interview which later analyzed by qualitative approach. This research result shows that if in region a Rupbasan has been available, the internal regulations in Police Department and Office of a Public Prosecutor institutions can not be automatically applied for the storage of a confiscated good and physical responsibility for confiscated goods is remain at Rupbasan even though the

confiscated goods are kept outside Rupbasan.