

Research Horizon

ISSN: 2808-0696 (p), 2807-9531 (e)

Research Horizon

Volume: 06

Issue: 03

Year: 2026

Page: 1293-1302

Citation:

Triana, C.E., Kristanto, K., Asfia, H., & Susilowati, E. (2026). Accountability of prosecutors in the management of evidence and seized assets from criminal offenses. *Research Horizon*, 6(3), 1293-1302.

Article History:

Received: May 6, 2026

Revised: May 14, 2026

Accepted: June 16, 2026

Online since: June 25, 2026

Accountability of Prosecutors in the Management of Evidence and Seized Assets from Criminal Offenses

Calista Eka Triana^{1*}, Kiki Kristanto¹, Hilyatul Asfia¹, Eny Susilowati¹

¹ Department of Law, Faculty of Law, Universitas Palangka Raya, Palangka Raya, Indonesia

* Corresponding author: Calista Eka Triana (lista2000 triana@gmail.com)

Abstract

The management of evidence and seized assets is a crucial aspect of the criminal justice system because it is closely linked to the evidentiary process, legal certainty, and the preservation of the economic value of confiscated property. This study aims to analyze the accountability of prosecutors in managing evidence and seized assets derived from criminal offenses and to identify the obstacles encountered in their implementation. The study employed an empirical juridical method supported by a literature review approach. Primary data were obtained through interviews with prosecutors, while secondary data were collected from statutory regulations, academic books, and scientific journals. The findings reveal that prosecutorial accountability has generally been implemented in accordance with applicable legal provisions through the stages of receiving, storing, maintaining, returning, destroying, and executing evidence. Internal supervision and the application of the chain of custody principle also contribute to maintaining the integrity of evidence management. However, budget constraints, inadequate infrastructure, and evidence accumulation remain significant challenges. Therefore, strengthening the evidence management system, improving storage facilities, optimizing budget allocation, and enhancing inter-agency coordination are necessary to achieve more professional, accountable, and effective evidence management.

Keywords

Accountability of Prosecutors, Confiscated Assets, Criminal Justice System, Evidence Management, Prosecutorial Accountability.

1. Introduction

The law enforcement process is a system involving several main components, namely the police as investigators and inquiry officers, the prosecutor's office as the public prosecutor, and the court as the institution authorized to adjudicate criminal cases. These components are interrelated and inseparable within an integrated criminal justice system. In this context, the prosecutor's office is expected not only to perform prosecutorial functions but also to contribute to enhancing legal awareness and legal compliance within society (Effendy, 2005). Furthermore, law enforcement is not only focused on case resolution but also on the management of evidence as an essential element in achieving justice and legal certainty, where evidentiary provisions are regulated under the Criminal Procedure Code (Darizta et al., 2023). Evidence itself is understood as the process of demonstrating that a criminal act has indeed occurred and that the defendant is responsible for it (Rachim, 2025).

In practice, evidence and confiscated assets play a crucial role in the criminal justice process. Evidence by Rabbiefashya and Yusuf (2025) refers to material objects used to prove the truth of a criminal event, while confiscated state assets refer to evidence that has obtained permanent legal force and is subsequently forfeited to the state, which may be destroyed, auctioned, or utilized through the State Seized Property Storage House (*Rumah Penyimpanan Benda Sitaan Negara*/RUPBASAN) (Kurniyawan & Hasanah, 2020; Lestari et al., 2020). The management of seized objects is regulated under the Criminal Procedure Code (*Kitab Undang-Undang Hukum Pidana*/KUHP), particularly Article 130, which requires that seized objects be stored in RUPBASAN and further emphasizes that their management must preserve their economic value (KUHP Article 130 paragraph 3). However, in practice, several challenges remain, such as the deterioration of evidence that may reduce its economic value and hinder the evidentiary process in court (Helmawansyah, 2021; Rizqi, 2022). This issue is also reflected in reports showing that evidence such as timber has decayed due to delays in case handling, leading to economic loss (Humas Kemenkumham Kalteng, 2020).

Moreover, improper management of evidence may create legal risks and state losses, both when items are returned to their owners or when they are forfeited to the state (Laia, 2024). The prosecutor's office plays a central role in managing evidence and confiscated assets, including seizure, storage, and execution after a court decision has obtained permanent legal force (Raja & Simamora, 2024). However, in practice, challenges such as limited facilities and potential deterioration of evidence still occur.

Previous research by Siregar (2025) has examined the mechanism of evidence and confiscated asset management and aspects of prosecutorial accountability. However, it mainly focuses on general mechanisms and administrative sanctions without specifically addressing the condition of damaged evidence and operational constraints at the regional level. Therefore, there is a research gap in the lack of in-depth studies on prosecutors' accountability in managing damaged evidence and the constraints faced at the local level, particularly in Palangka Raya City.

Based on this background, this study formulates two main research questions: first, how is the accountability of prosecutors in the management of damaged evidence and confiscated assets from criminal offenses in Palangka Raya City; and second, what are the constraints faced by prosecutors in implementing the management of evidence and confiscated assets in Palangka Raya City. This study is expected to provide an empirical overview of evidence management practices and serve as a basis for improving a more professional, accountable, and justice-oriented system.

2. Methods

This study employs an empirical juridical research method supported by a literature review approach. The empirical juridical method is used to examine the implementation of legal norms in practice, particularly concerning the accountability of prosecutors in the management of evidence and confiscated assets. In addition, the literature review approach is utilized to strengthen the theoretical foundation of the study through an examination of relevant legal concepts, doctrines, statutory regulations, and previous studies related to evidence management and criminal procedural law. By integrating empirical findings with theoretical perspectives, this approach enables a more comprehensive understanding of how legal provisions governing evidence and confiscated assets are implemented and how prosecutorial accountability is exercised within the criminal justice system.

The primary data in this study are obtained through interviews conducted with relevant informants at the Palangka Raya District Prosecutor's Office, while secondary data are collected from various legal sources, including statutory regulations, academic books, scientific journals, and other relevant legal documents. The combination of primary and secondary data is intended to provide a comprehensive understanding of the legal issues being studied. The research location is focused on the Palangka Raya District Prosecutor's Office, considering its role as the institution responsible for the management of evidence and confiscated assets in criminal cases.

The data in this study were analyzed using a qualitative approach to obtain an in-depth understanding of the research problem. The collected data were systematically organized, classified, interpreted, and examined to identify patterns, relationships, and meanings related to the accountability of prosecutors in managing evidence and confiscated assets. Primary data obtained through interviews and secondary data derived from legal documents and literature were analyzed descriptively to explain the actual implementation of evidence management practices at the Palangka Raya District Prosecutor's Office. The findings of the analysis were then used to formulate conclusions regarding the forms of prosecutorial accountability and the challenges encountered in the management of evidence and confiscated assets in Palangka Raya City.

3. Results and Discussion

3.1. Accountability of Prosecutors in the Management

The prosecutor's office is responsible for and has authority over all evidence and seized assets from the moment they are transferred by investigators during the prosecution stage until the execution process is completed. Based on an interview with a functional prosecutor at the Palangka Raya District Prosecutor's Office, the management of evidence begins with the handover of items from investigators after they have been confirmed to be related to a criminal offence. Investigators issue a seizure warrant and obtain approval from the court. All seized items are then documented in detail in an official report to prevent potential losses and future disputes. For example, the seizure of a vehicle must be accompanied by complete documentation, including the Vehicle Registration Certificate (*Surat Tanda Nomor Kendaraan/STNK*), Ownership Book (*Buku Pemilik Kendaraan Bermotor/BPKB*), chassis number, and license plate number. Once the required documents are complete, verification is conducted based on the P-16 order, which appoints a prosecutor to monitor the progress of the investigation. When the case file is declared complete (P-21), the evidence is transferred to officers responsible for managing evidence and seized assets. These findings demonstrate the importance of systematic administrative procedures to ensure accountability in evidence management (Adi, 2025; Aminanto et al., 2025).

The interview further revealed that motor vehicles constitute the most frequently managed category of evidence at the Palangka Raya District Prosecutor's Office. Seized vehicles may be stored at the prosecutor's office, placed in the State Storage House for Seized Goods, or temporarily returned to their owners through a loan-for-use mechanism with the approval of the head of the district prosecutor's office. However, many vehicles that should have been returned to their owners remain in storage for extended periods due to the absence of follow-up by the owners or because the related cases have not yet obtained final and binding court decisions. This situation has resulted in the accumulation of evidence and increased maintenance costs. Since vehicles are assets that rapidly depreciate and deteriorate if not properly maintained, effective management is essential to prevent losses to the state (Aritonang et al., 2022).

A similar issue was identified in relation to narcotics evidence that is not immediately destroyed after a final court judgment has been issued. Narcotics constitute a category of evidence that requires strict supervision to prevent abuse of authority. While the prosecutor's office is responsible for the storage and maintenance of such evidence, the execution of destruction is carried out by investigators. In practice, narcotics evidence is often retained entirely for evidentiary purposes, resulting in prolonged storage periods. Without adequate oversight, this condition may create opportunities for irregularities and misuse in evidence management (Chandra, 2023; Dharma et al., 2023).

The accountability of prosecutors in managing evidence and seized assets must be guided by applicable legal provisions. The Attorney General's Guideline Number 7 of 2025 concerning Asset Recovery emphasizes the importance of professional and accountable management of seized assets. In addition, Article 132 paragraph (1) of the Indonesian Criminal Procedure Code stipulates that dangerous objects, prohibited goods, or items with restricted circulation may be forfeited to the state or destroyed with the approval of the Head of the District Court, while a portion may be retained for evidentiary purposes during trial proceedings. These provisions indicate that different categories of evidence require different methods of handling according to their characteristics (Gusriana & Batubara, 2025).

The procedures for handling narcotics evidence are further regulated under the Attorney General's Circular Letter Number SE-018/A/JA/08/2015. The head of the district prosecutor's office must receive notification of the seizure within 3×24 hours after the confiscation takes place. The legal status of the seized narcotics must be determined within seven days. Except for purposes related to education and scientific development, narcotics evidence should generally be destroyed. The destruction process must be supported by official reports, photographic documentation, laboratory examination results, reports on the sealing of remaining evidence, and seizure warrants or court approvals. These requirements aim to ensure transparency and minimize the risk of abuse involving narcotics evidence (Kuswardani et al., 2026).

The Attorney General's Guideline Number 7 of 2025 also regulates the loan-for-use mechanism for seized assets as a complement to Article 130 paragraph (2) of the KUHP. Furthermore, Article 134 of the KUHP provides that seized property that is no longer required for legal proceedings must be returned to its rightful owner within seven days. However, this provision does not apply to assets proven to be proceeds of crime and subsequently forfeited to the state. Therefore, prosecutors are required to determine the legal status of evidence accurately in order to provide legal certainty to all parties involved (Mujianto et al., 2023).

In addition to administrative responsibilities, prosecutors are also bound by ethical obligations. Article 7 letter (a) of Attorney General Regulation Number 4 of 2024 prohibits prosecutors from unlawfully possessing, selling, purchasing, leasing, pledging, or lending evidence and seized assets. Violations of these ethical provisions

may result in administrative sanctions and criminal penalties. This regulation reinforces the principle of equality before the law, emphasizing that prosecutors, as law enforcement officers, remain subject to legal accountability when proven to have committed violations (Nababan & Debora, 2025).

Prosecutors are likewise responsible for any damage to or loss of evidence while it remains under their control. Article 278 of the Indonesian Criminal Code (KUHP) provides criminal sanctions against individuals who alter, conceal, destroy, remove, or otherwise interfere with evidence. If such conduct is committed by law enforcement officials or court officers, the penalties are more severe, carrying a maximum imprisonment of nine years or a Category VI fine. In addition to criminal liability, prosecutors who violate the code of ethics may face disciplinary sanctions, including dismissal with dishonor under Law Number 11 of 2021. Internal supervision through the Prosecutorial Ethics Council, therefore, serves as an important mechanism to ensure that the management of evidence and seized assets is conducted professionally, with integrity, and in accordance with prevailing legal provisions (Nasution, 2024).

3.2. Challenges Faced by Prosecutors

The management of evidence and seized assets in Palangka Raya is generally carried out effectively by prosecutors; however, several obstacles have resulted in less-than-optimal implementation. Based on an interview with a functional prosecutor at the Palangka Raya District prosecutor's office, one of the primary challenges is the limited budget allocated for the maintenance of evidence. Certain types of evidence require relatively high maintenance costs due to their susceptibility to deterioration, while budget constraints restrict the institution's ability to conduct routine and comprehensive preservation efforts. Maintenance is often performed only minimally or temporarily, which is insufficient to prevent more serious damage in the future. Similar findings have been reported in previous studies, which indicate that financial limitations are among the major factors affecting the effectiveness of evidence management within law enforcement institutions (Yudistira, 2025; Putri, 2025).

In addition, inadequate storage facilities constitute another major challenge. Field observations revealed that evidence continues to accumulate because of limited storage capacity. Large vehicles, for example, are often parked in the yard of the district prosecutor's office without appropriate shelters or protective roofing, leaving them exposed to weather conditions. Such circumstances accelerate the deterioration of evidence and reduce its economic value. The accumulation of other types of evidence further decreases the available storage space, making proper maintenance increasingly difficult. Previous studies have similarly highlighted that insufficient infrastructure and the absence of standardized storage facilities frequently hinder effective evidence administration and preservation (Rahmatsyah, 2025).

Asset recovery activities should be implemented in accordance with the principles of effectiveness, efficiency, transparency, accountability, and integration. Effectiveness requires that asset recovery activities achieve their intended objectives and respond appropriately to institutional needs. Efficiency emphasizes that such activities should be completed promptly, without unnecessary delays, while minimizing costs and maximizing outcomes. Transparency means that asset recovery processes should be open to monitoring by relevant stakeholders and the public according to their respective interests. Accountability requires that all activities be legally justifiable and conducted in compliance with applicable regulations. Integration reflects the understanding that asset recovery constitutes a unified system in which each process is interconnected rather than fragmented. These principles are widely recognized in the literature as essential foundations of good governance in public asset management and recovery systems (Saputra et al., 2026).

Based on the interview findings, the author argues that the existing obstacles in the management of evidence and seized assets can be addressed through efficiency-based approaches. Such measures include classifying evidence according to its characteristics to prevent unnecessary accumulation, proposing improvements to storage facilities, and accelerating the determination of legal status through intensive coordination between investigators and public prosecutors. In addition, enhancing staff capacity through technical and managerial training represents an important institutional strengthening strategy. Requests for increased budget allocations should also be submitted to the relevant authorities to support evidence management activities. Furthermore, prompt execution following final and binding court decisions (*inkracht*), particularly for high-value or perishable assets, would minimize management-related problems. Earlier studies have similarly emphasized that inter-agency coordination, human resource development, and adequate funding are critical determinants of effective evidence management practices (Sastro et al., 2025; Setiawan et al., 2026).

In asset management practice, it is equally important to apply the principle of the chain of custody, namely an uninterrupted chain of control from the receipt of evidence to its final disposition, including every transfer process that occurs along the way. This principle is intended to support the evidentiary process, reduce the risk of abuse or tampering, and facilitate the resolution of criminal cases. The implementation of a clear and documented chain of custody has been recognized in previous research as an essential safeguard for maintaining the authenticity, integrity, and admissibility of evidence throughout judicial proceedings (Wettergren & Blix, 2022; Widijowati, 2022).

According to the Attorney General's Guideline Number 7 of 2025 concerning Asset Recovery within the prosecutor's office of the Republic of Indonesia, the storage of seized goods, evidence, confiscated assets, state-forfeited assets, executed confiscated objects, and other related property must be carried out in designated evidence storage buildings, storage facilities for state-seized property, or other authorized locations within the prosecutor's office. Such storage arrangements should take into consideration safety, security, utility value, and economic value. These facilities are also required to comply with minimum standards, including iron-barred doors and windows, security codes, CCTV systems, fire extinguishers, air-conditioning systems, and other supporting equipment. Similar recommendations have been proposed in previous studies, which stress the importance of standardized facilities and technological support to ensure the proper preservation of evidence and state assets (Wiratmoko, 2022).

Therefore, in order to improve effectiveness, efficiency, transparency, accountability, and fairness in asset management, it is necessary to emphasize that the exercise of authority must always be accompanied by responsibility so as to prevent abuses of power beyond legally prescribed limits. The management of evidence and seized assets represents a crucial component of the criminal justice process. Despite the challenges encountered, improvements in the performance of personnel responsible for receiving, storing, and administering seized property are expected. Proper management will enhance service quality and public accountability, which in turn can strengthen public trust in the prosecutor's office and improve the institution's reputation. This conclusion is consistent with previous research demonstrating that accountable and professional asset management contributes significantly to public confidence in law enforcement institutions (Setiawan et al., 2026).

4. Conclusion

This study demonstrates that the accountability of prosecutors in the management of evidence and confiscated assets at the Palangka Raya District

Prosecutor's Office has generally been implemented in accordance with applicable legal provisions, starting from the stages through the stages of receipt, storage, maintenance, return, destruction, and execution of evidence, accompanied by ethical and criminal accountability mechanisms. Such management refers to the Criminal Procedure Code, internal prosecutorial regulations, and provisions concerning the prosecutors' code of ethics. However, in practice, several obstacles remain, including limited maintenance budgets, inadequate storage facilities, the accumulation of evidence, and the risk of deterioration of evidence, which may reduce its economic value and hinder the evidentiary process in court proceedings. In addition, this study finds that internal supervision and the implementation of the chain of custody principle are essential aspects in maintaining the integrity of evidence management and preventing abuse of authority by law enforcement officials.

The implications of this study indicate the need to strengthen the evidence management system through the improvement of storage facilities, optimization of maintenance budgets, acceleration of evidence execution after court decisions obtain permanent legal force, and enhancement of human resource capacity within the prosecutor's office. This study is limited by its focus on a single research location, namely the Palangka Raya District Prosecutor's Office, meaning that the findings cannot be generalized to all regions in Indonesia. Furthermore, the research data were primarily obtained through interviews with prosecutorial personnel, so perspectives from other institutions were not comprehensively represented. Therefore, future research is recommended to conduct comparative studies across different regions and involve perspectives from the police, courts, and the State Seized Property Storage House (RUPBASAN) in order to provide a more comprehensive understanding of the management of evidence and confiscated assets.

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Acknowledgment

We gratefully acknowledge the contributions of individuals who supported the completion of this article.

Funding Information

This research did not receive any funding.

Conflict of Interest Statement

The authors declare that there is no conflict of interest.

Ethical Approval and Originality Statement

Ethical approval was obtained for this study. The manuscript represents original work and has not been previously published, nor is it under consideration by another journal.

Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.



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