

THE EXISTENCE OF STATE ATTORNEY PROSECUTORS IN PROVIDING LEGAL ASSISTANCE TO GOVERNMENT AGENCIES RELATED TO LAND DISPUTES

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ABSTRACT

The prosecutor's authority does not only focus on prosecution but also includes the civil and state administrative fields, where the prosecutor acts as a State Attorney (JPN). The method used is empirical juridical, which involves direct research in the field related to the duties and functions of the Cirebon City District Attorney's Office in handling land disputes, especially in Case Number: 27/Pdt.G/2023/PN.Cbn. This research aims to reveal the existence of JPNs and their efforts in providing legal assistance as defendants representing government agencies in court. The results show that JPNs play an important role in representing government agencies, especially in the recovery of state assets related to land disputes. The implication of this research is the strengthening of the role of JPNs in legal disputes, which can strengthen efforts to protect state assets by government agencies in the future.

Keywords: Existence, JPN, Legal Aid.

Introduction

One of the government agencies related to judicial power, namely the prosecutor's office, has an important role in law enforcement in terms of prosecution and other authorities as regulated in Article 1 of Law No. 11 concerning the Prosecutor's Office of the Republic of Indonesia (2021). The prosecutor's office exercises authority in accordance with its jurisdiction which is bound by the rules and policies of the Attorney General. In the prosecutor's office, there are functional officials assigned by the government to handle legal cases that can carry out prosecutions, namely the Public Prosecutor (Ferdika et al., 2022). As for the prosecutor's office, there are various fields, one of which is the Civil and State Administration (DATUN) field. In Article 1 of Law No. 11 (2021), apart from carrying out prosecutions, the prosecutor's office also has other powers, namely an authority in the DATUN field as described in Article 30 letter C of Law No. 11 (2021), in this case, the prosecutor has the authority as a state lawyer or in other terms called the State Attorney (JPN) (Mufrohim & Herawati, 2020).

Law is an important element in regulating human life. However, the process of forming laws as a form of communication between the legislature and the people (Harmono & Nurwanty, 2021) has not been optimal. This can be seen from the absence of laws regulating JPN in the field of administrative law and not explaining in detail the definition of JPN in the prosecutor's law, but Article 18 paragraph 2 of Law No. 11 (2021) explains that the Attorney General has special authority, namely being able to act as JPN in the field of administrative

law for the trial process and outside the trial, this authority is carried out for the benefit of the state, government agencies, and the community. The DATUN field has the main tasks and functions to provide legal assistance, legal considerations, legal services, law enforcement, and other legal actions, to state institutions, government agencies, BUMN or BUMD as stated in Attorney General Regulation No. 018/A/J.A/07/2014 concerning SOP at the Deputy Attorney General for the DATUN Field (2014). To carry out its authority, duties, and responsibilities as a JPN through the trial process and outside the trial in resolving disputes starting from the preparation, implementation, and reporting stages (Jaya et al., 2021).

Indonesia has abundant natural resources such as forests, water, land, and others. This natural wealth can be utilized for human life, as well as land has an important role. The land is not only seen as a natural resource, but also as part of people's lives. This gave birth to a new perspective that land is not only a place to live but also savings and valuable assets (Fathurohman et al., n.d.). Land that is a place to live and agricultural land for livelihoods has economic value, therefore people invest in land for the future as an asset that can be inherited and bring profit. Article 33 paragraph (3) of the Constitution of the Republic of Indonesia (1945) explains that Indonesia's natural resources are under the control of the state which is utilized to achieve the prosperity of the people, as emphasized in Article 2 paragraph (1) of Law No. 5 concerning Basic Regulations on Agrarian Principles (UUPA) (1960). Furthermore, the UUPA also explains the kinds of rights attached to land. The various types of land rights can determine legal certainty for landowners. Basically, ownership of each plot of land must be recorded in law, so as not to cause a dispute.

A land dispute is a conflict that occurs over the interests of a land. The subject of land disputes does not only involve one party, but several parties, namely between individuals, groups, organizations, and even state institutions such as government agencies, BUMN, or BUMD (Alrasyid, 2021). Therefore, various land disputes can occur, both individual land and government-owned land. In resolving land or asset disputes belonging to the government, government agencies can request legal assistance from the prosecutor's office in the field of DATUN, in the trial process and outside the trial to return the land or assets if it really belongs to the government (Yusuf et al., 2018).

Based on the description above, the formulation of the problem obtained is; 1. How is the existence of the State Attorney to the Government Agencies in handling Disputes? 2. How are the efforts of the State Attorney in providing Legal Aid to Government Agencies related to Land Disputes? Through this research, the author wants to reveal the existence of JPN in handling DATUN disputes that are not widely known by the general public. The existence includes the provision of legal aid, law enforcement, legal considerations, legal services, and other legal actions.

Research Method

In this study, the method used is empirical juridical, to collect data, researchers examine directly in the field, see the main tasks and functions of the prosecutor's office in the field of DATUN at the Cirebon City District Attorney's Office related to land disputes with Case Number: 27/Pdt.G/2023/PN.Cbn, in the dispute JPN acted to provide legal assistance representing government agencies (Mayor of Cirebon) as the defendant, then conducted interviews with relevant sources, and literature review from previous research, books, repositories, websites, and relevant journals.

Result and Discussion

The Existence of State Attorneys to Government Agencies in Handling Disputes

The existence of JPN can be seen from the main tasks and functions of the prosecutor's office in the DATUN field as described in the Attorney General Regulation No. 018/A/J.A/07/2014, namely:

- a. Legal assistance provided by the prosecutor's office in the field of administrative law by the JPN in defending the interests of the state either as a plaintiff or defendant to represent it in the trial process or outside the trial with a special power of attorney, as explained in Article 18 paragraphs 2 and 3 in Law No. 11 (2021), further emphasized in Article 24 of Presidential Regulation No. 15 concerning the Organization and Work Procedure of the Prosecutor's Office of the Republic of Indonesia (2024) explaining the duties, powers and responsibilities of the prosecutor's office as a JPN in the field of administrative law can act as a legal representative of the state in cases submitted to the Constitutional Court to save and restore misused state assets.
- b. Legal considerations that can be carried out by the prosecutor's office in the field of administrative law by JPN are providing legal opinions and legal assistance.
- c. Legal services provided by the prosecutor's office in the field of DATUN by JPN are related to legal issues. Not many people know that in the legal services of the prosecutor's office, there is legal information and legal counseling. Can be accessed through <https://halojpn.id> for consultation regarding legal cases that occur, especially in the field of DATUN, then the Prosecutor will provide legal information on the comment page on existing questions.
- d. Law Enforcement that can be carried out by the prosecutor's office in the DATUN field by the JPN is filing a lawsuit or application in court in an effort to protect the rights of the state, government, and society in civil cases as a form of order and legal certainty
- e. Other Legal Actions that can be carried out by the prosecutor's office in the DATUN field by the JPN in the event of a dispute, namely being a facilitator or mediator.

Efforts of the State Attorney in providing Legal Aid to Government Agencies related to Land Disputes

A land dispute is a conflict that occurs over the interests of a land. The subject of land disputes does not only involve one party, but several parties, namely between individuals, groups, organizations, and even state institutions such as government agencies, BUMN or BUMD. Therefore, various land disputes can occur, both on individual and government-owned land. To resolve land disputes, it can be seen from the proof of ownership of the land or asset. Therefore, land disputes belonging to government agencies can request legal assistance from the prosecutor's office in the field of DATUN, in the trial process, or outside the trial.

A special power of attorney is a basis for the existence of JPN to carry out its duties in providing legal assistance to government agencies that request legal assistance to the prosecutor's office. Prior to the entry of a special power of attorney made by the legal department in a government agency, a cooperation agreement between the government agency that requires legal assistance and the prosecutor's office is first initiated. In this case, the legal department at the government agency delegates disputes for the recovery of state assets or interests to the prosecutor's office in the field of DATUN. Then make a request letter

by the legal department at the government agency to the head of the district attorney's office. Furthermore, the prosecutor's office will review the case into a criminal or administrative case. The case review process aims to prevent conflicts of interest between fields in the prosecutor's office and ensure that the case is indeed under the responsibility and authority of the DATUN field, if the case is not included in the scope of authority of the DATUN field, it cannot be continued (MARSINTHA SARI, 2020) After that, government agencies that need legal assistance will send a special power of attorney to the prosecutor's office. Then the head of the district attorney's office appoints the JPN through a power of substitution to provide legal assistance and represent the government in dispute resolution.

The Cooperation Agreement between the Cirebon City District Attorney's Office and the Mayor of Cirebon has been established for a long time so that the dispute that occurred between one of the residents and the Mayor of Cirebon was delegated to the prosecutor's office in the field of DATUN to provide legal assistance. On May 22, 2023, a special power of attorney from the Mayor of Cirebon with the number: 146/W/Pdt/2023/PN Cbn, and a substitute power of attorney number: B06/M.2.11/Gs.1 /05/2023 dated May 25, 2023, JPN at the Cirebon City District Attorney's Office provided legal assistance to represent the Mayor of Cirebon as the defendant in a civil dispute number: 27/Pdt.G/2023/PN.Cbn related to a dispute over government-owned land or assets on Jl. Dr. Cipto Mangunkusumo, Kesambi Village, Cirebon City in the form of a residential building land of the Cirebon City Waterworks PU office which was claimed by the plaintiff. In accordance with the Regulation of the Prosecutor's Office of the Republic of Indonesia No. 7 concerning Guidelines for the Implementation of Law Enforcement, Legal Assistance, Legal Consideration, Other Legal Actions, and Legal Services in the Field of Civil and State Administration (2021), in this study JPN as the defendant who was assigned to represent the government agency, namely the Mayor of Cirebon to go through the trial process at the Cirebon District Court. Based on the results of interviews with JPNs at the Cirebon City District Attorney's Office, during the trial process, the existence of JPNs in providing legal assistance efforts to mediate, but the dispute in this study mediation was unsuccessful, so the efforts made were to continue the legal process at trial. After the lawsuit is submitted by the plaintiff, the JPN as the defendant represents the government agency, namely preparing a response to the lawsuit, witnesses and evidence, and participating in reviewing the location of the land or assets being sued with the judges, then making a duplicate, making conclusions, and following the trial process until it results in an inkrah decision with all court costs borne by the plaintiff.

In fact, many disputes related to state assets are still not handled by JPN (Rewabawadewa, 2022). Because there are still many state institutions, government agencies, BUMN or BUMD that do not understand the existence of JPN, in this case, the prosecutor's office in the DATUN field needs to increase socialization and education related to services and legal assistance that can be carried out by JPN.

Conclusion

The existence of JPN to government agencies in handling disputes is to provide legal assistance, legal considerations, and legal services, conduct law enforcement, and carry out other legal actions. However, in providing legal assistance and services, as well as other legal actions that have the authority to mediate or facilitate dispute resolution, the JPN must first

receive a special power of attorney to represent the government agency as the plaintiff or defendant in the trial process or outside the trial.

One of the existence of the prosecutor's office in the DATUN field to provide legal assistance can be carried out with a special power of attorney from the legal department in government agencies that require legal assistance to the prosecutor's office. Before the entry of a special power of attorney made by the legal department in a government agency, it first begins with a cooperation agreement between the government agency and the prosecutor's office. In this case, the legal department at the government agency delegates disputes for the recovery of state assets or interests to the prosecutor's office in the field of DATUN. Then make a request letter by the government agency to the head of the district attorney's office. Furthermore, the prosecutor's office will review the case into a criminal or administrative case. The case review process aims to prevent conflicts of interest between fields in the prosecutor's office and ensure that the case is indeed under the responsibility and authority of the DATUN field if the case is not included in the scope of authority of the DATUN field then it cannot be continued. After that, the government agency that needs legal assistance will send a special power of attorney to the prosecutor's office. Then the head of the district attorney's office appoints the JPN through a power of substitution to provide legal assistance and represent the government in dispute resolution.

In this study, JPN as the defendant was assigned to represent government agencies related to land disputes in the form of housing buildings of the Cirebon City Waterworks PU office claimed by the plaintiff on Jl. Dr. Cipto Mangunkusumo, Kesambi Village, Cirebon City. In the dispute, one of the residents who filed a lawsuit and the Mayor of Cirebon as the defendant was given legal assistance by JPN to go through the trial process at the Cirebon District Court. Based on the results of interviews with JPNs at the Cirebon City District Attorney's Office, during the trial process, the existence of JPNs in providing legal assistance efforts is to conduct mediation, but in the dispute in this study, mediation was unsuccessful, so the efforts made were to continue the legal process at trial. After the lawsuit is submitted by the plaintiff, the JPN as the defendant represents the government agency, namely preparing a response to the lawsuit, witnesses, and evidence, as well as participating in reviewing the location of the land or assets being sued with the judges, then making a duplicate, making conclusions, and following the trial process to produce an inkrah decision with all court costs borne by the plaintiff.

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