


The Implementation Of Other Legal Measures By State Attorneys To Recover State Finances

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Article	Abstract
<p>Keywords: State Attorney; Recovery of State Finance.</p> <p>Article History Received: Jan 5, 2025; Reviewed: Jan 15, 2025; Accepted: Jan 21, 2025; Published: Feb 26, 2025.</p>	<p><i>This study examines the jurisdiction of the State Attorney in restoring state finances as part of efforts to protect state assets and enforce government authority. In practice, the State Attorney performs civil and state administrative functions with the authority to settle cases out of court and take legal actions to recover state finances. The main issue addressed in this study is the extent of the State Attorney's authority in state financial recovery and its implementation within Indonesia's legal system. This research employs a juridical-normative method with a legislative and conceptual approach. Data were obtained through a literature review of relevant legislation and an analysis of the practices carried out by the prosecution office in handling cases related to state financial recovery. The findings indicate that the State Attorney plays a crucial role in resolving civil and state administrative cases, including providing legal assistance to government institutions, filing civil lawsuits, and negotiating out-of-court settlements. Additionally, the State Attorney's authority extends to providing legal opinions and taking necessary legal actions to protect state assets. The analysis of these findings suggests that despite the broad authority of the State Attorney, its effectiveness faces several challenges, such as limited resources, coordination mechanisms between institutions, and regulatory constraints that may hinder the optimization of its role in state financial recovery. Based on these findings, it is recommended to strengthen the institutional capacity of the State Attorney through regulatory improvements, enhancement of prosecutors' competencies, and optimization of civil and state administrative case resolution mechanisms to accelerate state financial recovery more effectively and efficiently.</i></p>



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A. INTRODUCTION

In theory, the police force should be able to serve the public well (Kim, 2024; Moho, 2019), people will always go to the police for justice. What is fair from a philosophical perspective may not be good for society, and vice versa; what is valuable from a sociological perspective may not be fair (Asshiddiqie, 2020). Society, according to Jimly Asshiddiqie, is unconcerned with the fairness of the law as long as regulations can close legal loopholes. Justice must be regarded in the execution of law enforcement, but the law is not synonymous

with justice; rather, the law is universal and binds all individuals. An individual deserves punishment regardless of their social status (Amri & Anggono, 2024; Iswardhana, 2023).

On the contrary, justice is subjective, individualised, and does not generalise. (Holahan, 2022; Mertokusumo & Pitlo, 1993). Fair for one person is not necessarily fair for others. In line with this, Jimly Asshiddiqie adds that law cannot be solely related to a certain value. Instead, it embraces various values.

The law fulfilling various functions is referred to as the basic value of the law. These values include justice, usefulness, and legal certainty (Lvova, 2024; Raharjo, 1986). However, there is tension between all these three values, considering that their demands vary. In other words, the three have the potential to conflict with each other, and this conflict is part of the process. Law enforcement is expected to bridge these basic values. Taverne once said, "*Geef me goede Rechters, Goede Rechters Commissarissen, Goede Officieren Van Justitie en goede Politie Ambtenaren, en ic zal met een slecht wetboek van strafprocesrecht goed bereiken*" (Give me a good judge, a good supervisory judge, a good prosecutor, and a good police, then law enforcement will run even with poor criminal law).

Here, the Indonesian government agency known as the Attorney General's Office is prosecuting cases and using other legal tools to exert state control (Sasongko et al., 2025). Acting as a plaintiff or a defendant against various parties based on civil losses, the State Attorney General will carry out their powers and obligations as a state attorney in recovering public finances and/or assets. Resources are desperately required to rebuild and rehabilitate communities via sustainable development, which is why state financial recovery is so important, particularly for developing nations.

A prosecutor with exceptional powers may represent the state or government outside of court as well as inside it, under Article 30, paragraph (2) of Law No. 16 of 2004, which applies to the civil and state administration sectors. Although the Prosecutor acts as the State Attorney on behalf of the State Attorney General in procurations involving government agencies or State-Owned Enterprises (SOEs), this change does not apply to all prosecutors; rather, it is limited to those who are structurally and functionally performing their civil and state administrative duties. Consequently, not all prosecutors will inevitably become State Attorneys. This emphasizes the extensive legal obligations of the Attorney General's Office. The wide range of responsibilities held by the Attorney General's Office is seen below. The existence of these functions exists because of the real need for the government (Kejaksaan Agung Republik Indonesia, 2011).

Certain additional prosecutor's responsibilities and authority are regulated and enhanced by statute. These include the ability to put aside cases for the public interest, to streamline law enforcement, and to file cassations for criminal, civil, and state administrative issues with the Supreme Court, all in the name of the public interest. The civil and state administration sector performs a variety of functions, one of which is to restore public finances (Albatul, 2014).

In line with the dynamics in society, the opportunities for the role of State Attorneys in the future may be stronger following the large potential to perform their responsibility and duty in maintaining the existence and authority of the government. To anticipate this condition, the State Attorney General needs to be prepared to further enhance their capabilities and expertise for more optimal execution of their functions and powers. Amidst the swift development of law and traditions in the business world, there are various forums for economic cooperation, both global and regional, and the increasingly diverse roles of the state in people's lives (Maringka, 2022). According to Law No. 16 of 2004 regarding the Prosecutor's Office of the Republic of Indonesia, State Attorneys have the power to take other legal actions. This means they can mediate and facilitate the recovery of state funds, with an emphasis on the need to reinvest these funds in the long-term development of the state.

B. METHOD

This research employed qualitative methods (Negara, 2023) They contribute to a more complete understanding of the phenomena encountered by study participants, including their actions, motives, perceptions, and behaviors. These aspects are described in words within a natural context and with the involvement of varied natural methods (Al-Fatih & Siboy, 2021).

The rauthor combined normative legal research by examining secondary data with empirical legal research functioning to garner primary data (Soerjono, Soekanto, 2014). This approach is also known as normative-empirical legal research (Abdulkadir, 2004), wherein primary data was gathered through interviews and direct observation of the studied location's real-time conditions, and secondary data was gathered through literature study, which involved activities such as examining books, research reports, journals, articles, and laws and regulations.

C. RESULTS AND DISCUSSIONS

1. Definition of prosecutors, public prosecutors, and state attorney

a. Attorney

The term “*Attorney*”, derived from the *Sanskrit adhyaksa*, has been used for centuries. The top priest in Hindu kingdoms in Java, particularly the position of royal judge of the highest, is entitled to this title. “*Jaxa*” was the first recorded spelling of the name in the sixteenth century, when it was in use by the Vereenigde Oostindische Compagnie, also known as the Dutch East India Company (VOC).

From that time until the Dutch colonial government in 1942, “*Jaxa*” and later “*Attorney*” were used as the terms of the ground law officers, who had almost equal positions to magistrates. During the Japanese military occupation in 1942-1945, the “*Prosecutor*” was written as a title for legal officials having the authority to prosecute criminal cases.

b. Public Prosecutors

Functional professionals allowed by law to serve as public prosecutors against criminal law violators in court, to carry out court judgments (executions) with permanent legal force, and to exercise additional legal authorities are known as prosecutors or public prosecutors. Prosecutors are described as functional officials who have been legally authorized to work as Public Prosecutors and implementers of court judgments in Article 1 point 1 of Law No. 16 of 2004, which governs the Prosecutors of the Republic of Indonesia. According to the Criminal Procedure Code (KUHAP), “Public prosecutors are authorised by this law to prosecute and carry out judges' orders.” So says Article 1, point 6 (b).

c. State Attorney

The term “State Attorney” appears in Article 32 of Law No. 31 of 1999 Concerning the Eradication of Corruption. According to Article 24 of the Presidential Regulation of the Republic of Indonesia No. 38 of 2010 regarding the Organization and Work Procedure of the Public Prosecutor's Office of the Republic of Indonesia, the term “state attorney” is implied. This regulation states that the Attorney General for Civil and State Administration is responsible for carrying out the powers and duties of the Attorney General's Office in civil and state administration. To rephrase, the role of representing the state in civil matters falls on the Prosecutor's Office under the Civil and State Administration.

In cases involving administrative or civil conflicts, the state or government is represented by a special prosecutor known as a state attorney. Law No. 16 of 2004, which

governs the Prosecutor's Office of the Republic of Indonesia, states that "in the civil and state administrative sectors, the prosecutor with special powers can act both inside and outside the court for and on behalf of the state or government." For the sake of the public interest, the many parties involved—including central and regional agencies, state/regionally-owned enterprises, state officials, and members of the general public—grant the state attorney the authority to perform their responsibilities and tasks via a special power of attorney.

The Republic of Indonesia Prosecutor's Office Law does not specifically mention a state attorney. "Special power" has the same connotation as "lawyer" in the court system. Generally speaking, a lawyer or advocate is someone who acts on behalf of a client by utilizing a power of attorney granted for the purpose of defense or prosecution in a court trial (litigator). Consequently, a prosecutor receives a special power of attorney to represent the state in a civil case before a court, and this person is often called a lawyer or advocate.

Ethics of State Attorney in proceedings:

- a. Within the scope of their permitted power, state attorneys represent the permitted Author in all legal matters.
- b. Procedural law applies to the State Attorney in every given process.
- c. As with the opposing principal or lawyer, the role of state attorney is equivalent.
- d. The status of the state attorney is maintained in an appropriately professional manner.
- e. At every stage of a client's case, the State Attorney updates them.

Characteristics of State Attorneys:

- a. In accordance with the legislation in effect, the State Attorney represents the authorizer.
- b. When competing with private attorneys, the state attorney always maintains an air of professionalism.
- c. Legal expenses are unknown to the State Attorney.
- d. Despite knowing the odds of winning are minimal, the State Attorney must reject procurement.
- e. The position of state attorney does not give rise to any potential conflicts of interest. An person cannot be represented by a state attorney.
- f. One of the primary responsibilities of a state attorney is to forestall legal issues, particularly corrupt criminal activity.

2. The Position of the Prosecutor as the Law Enforcer

It has long been known in Indonesia, even before the colonial era, that the Attorney General's Office enforces laws. The prosecutor's office continues to handle criminal prosecutions and civil litigation as before, with the same responsibilities and roles maintained despite the change in administration and nomenclature (Abdusalimovich, 2024). The Supreme Court and other bodies with judicial ties wield judicial authority, as stated in Article 24, paragraph 1 of the 1945 Constitution. The regulations related to numerous new agencies are reinforced in Article 38 of Law No. 48 of 2009 Regarding Judicial Powers. Other entities with judicial functions are mentioned in provisions pertaining to the Indonesian National Police, the Indonesian Prosecutor's Office, and other bodies that are legally governed.

Article 2 of Law No. 16 of 2004 of the Republic of Indonesia, which is relevant to the Prosecutor's Office of the Republic of Indonesia, further says, "Prosecutors are functional officers appointed and dismissed by the Attorney General. In carrying out the prosecution task, the prosecutor acts for and on behalf of the state, with the conviction based on valid evidence and for the sake of justice and truth based on the Supreme Lordship. In carrying out their duties and authorities, the prosecutor always acts based on the law and heeds religious norms, decency, and morality and is obliged to explore human values, legal values, and the value of justice that live in society".

- a. A government entity that exercises state authority in the sphere of prosecution and other authorities based on legislation is the Public Prosecutor's Office of the Republic of Indonesia, henceforth referred to as the Public Prosecutor's Office.
- b. Paragraph (1) specifies that the state's authority is to be exercised autonomously.
- c. There is only one and indivisible Attorney General's Office, as mentioned in (1).

The provisions set out in Article 2 of Law No. 16 of 2004 above have led to the following explanation:

- a. One branch of government that does this work is the Prosecutor's Office.
- b. It is within the purview of the Attorney General's Office to prosecute criminal cases and carry out other statutory functions.
- c. The power (authority) is exercised independently;
- d. Prosecutors are one and inseparable.

According to Article 2 of Law No. 5 of 1991 on the Office of the Attorney General of the Republic of Indonesia:

- a. The Prosecutor's Office, or Public Prosecutor's Office of the Republic of Indonesia, is an agency of the Indonesian government that is responsible for carrying out state prosecutions;
- b. Prosecutors are one and inseparable.

From the regulation of Article 2, paragraphs 1 and 2 of Law No. 5 of 1991, several points can be concluded as follows:

- a. One branch of government that does this work is the Prosecutor's Office.
- b. In the realm of criminal prosecution, the Attorney General's Office has influence.
- c. Prosecutors are one and inseparable.

To clarify, this legislation specifies in Article 2, paragraph 1, that the only government entity with the capacity to enforce law and justice in public courts is the Public Prosecutor's Office. According to Article 2, paragraph 2, "The Attorney General's Office is one and inseparable." This principle serves as the foundation for the exercise of the office's powers and responsibilities in the prosecution sector, with the goal of preserving policy cohesion in this area and exhibiting a unified attitude toward the way prosecutors carry out their duties. Hence, the absence of the prosecutor on duty will not halt the prosecution's operations in court.

Case law indicates that the Prosecutor's Office, which is essentially the Attorney General of the Republic of Indonesia, acts as a law enforcement agency and acts as the Public Prosecutor in accordance with Article 1 paragraph 1 of Law No. 15 of 1961 on Basic Provisions for the Public Prosecutor of the Republic of Indonesia. As stated in paragraph 2, the Attorney General's Office consistently upholds state law and protects the human rights of individuals in the course of its responsibilities. The Prosecution is indivisible, according to Article 3. The following are some key takeaways from the law's provisions in Article 1 and Article 3:

- a. The state's law enforcement is aided by the Attorney General's Office.
- b. Serving as the public's prosecutor is the primary responsibility of the Attorney General's Office.
- c. State law and the rights of its citizens must be protected by the Attorney General's Office.
- d. The prosecution is one and cannot be separated

According to the General Explanation of the Law, the Indonesian Prosecutor's Office, along with other state instruments, is a revolutionary tool for a universal national

development. This development aims to achieve a just and prosperous society based on Pancasila or an Indonesian Socialist society that alleviates the suffering of the people. Since Indonesia is a rule-of-law country, the Prosecutor's Office takes all necessary measures to protect the human rights of the people and the law.

That "Upholding" means "Providing protection" is asserted in the explanation of Article, paragraph 2. At the same time, paragraph 1 of the Elucidation of Article 3 suggests that, while doing their jobs, Attorney General Offices must respect the hierarchical nature of their workplace. Here are some parallels and differences that can be inferred from a comparison of the three laws pertaining to the role of the Attorney General's Office of Indonesia in law enforcement:

- a. According to laws pertaining to the Prosecutor's Office, such as Law No. 15 of 1961, Law No. 5 of 1991, and Law No. 16 of 2004, the Attorney's office has authority to prosecute cases.
- b. A government agency that wields state authority in prosecution, the Attorney General's Office is defined under both Law No. 5 of 1991 and Law No. 16 of 2004. But as stated in Law No. 15 of 1961, the Attorney General's Office is a tool of the law-enforcing state that mainly serves as a public prosecutor.
- c. That "power (authority) is exercised independently" is where Law No. 16 of 2004 diverges from Law Nos. 5 of 1991 and No. 15 of 1961. While laws no. 5 of 1991 and no. 15 of 1961 do not govern the prosecutor's office's autonomy in exercising state authority in the prosecution sector, law no. 16 of 2004 makes this very clear.
- d. The prosecutor's office is specifically obligated to safeguard human rights and state law in Law No. 15 of 1961, however this is not confirmed in Laws No. 16 of 2004, No. 5 of 2004, or No. 5 of 1991.

In light of the foregoing, the Attorney General's Office is defined as performing its functions, duties, and powers without interference from other branches of government or outside parties under Article 2 paragraph 1 of Law No. 16 of 2004, which pertains to the independent exercise of state power in the field of prosecution. "Guidelines on the Role of Prosecutors and the International Association of Prosecutors" define the purpose of this rule, which is to safeguard the prosecution profession. In addition, as stated generally in Law No. 16 of 2004, the purpose of its adoption was to revitalize the Prosecutor's Office so that it could exercise State authority in the realm of prosecution with more stability and autonomy.

Another way of looking at it is that the Attorney General's Office is supposed to be free from any interference from the government or any other authority, and it is supposed to be working for the goals of religious piety, morality, truth, and legal clarity and order. The norm becomes contradictory (dual duty) if the Prosecutor's role as an official government agency is connected to the Attorney's capacity to independently carry out State power in the realm of prosecution.

Therefore, since the Prosecutor's Office is an executive branch post, regulators must intervene in order for the Prosecutor to carry out its responsibilities and obligations. The Attorney General's role as the preeminent state institution charged with the gravest duty in the realm of prosecution, as well as a public servant chosen, fired, and ultimately answerable to the President, lend credence to this notion. As an executive branch official reporting directly to the president, the Attorney General is required by GMS to possess the following abilities (Pradikta & Juliana, 2024):

- a. Describing instructions and various other forms of policies from the President in their duties and powers in law enforcement.
- b. Carrying out the instructions, directives, and various policies of the President as described.
- c. Safeguarding temporary and implemented Presidential instructions, instructions, and various policies.

The degree to which the Attorney General is able to demonstrate their credibility, loyalty, and commitment as a custodian of state authority in the realm of law enforcement is a measure of their credibility, loyalty, and commitment before the President. This is when the Attorney's apathy for performing its responsibilities and powers becomes apparent. Legal certainty, fairness, and the utility (benefit) of law are the ideals of Indonesian law and the goals of law that should be accomplished in the life of the country and state. Without them, ideals are just that: ideals.

According to the previous explanation, the Prosecutor's Office is put in a confusing situation by Law No. 16 of 2004. First, the Attorney General's Office is required to carry out its duties and responsibilities autonomously. However, due to its subordination to the executive branch, the Prosecutor's Office is constrained. Herein, among other things, is where the oversight of this statute falls short. It should not be an issue for the Attorney General's Office to stay in an executive environment if the government (President) is serious about protecting Indonesia's legal system, provided that the office is given broad but

professional authority and responsibility. If the government is unwilling to make such a promise, the Attorney General's Office may step in as an alternative law enforcement agency.

3. Law Arrangements of State Attorneys

The following statutes and rules provide the legal framework that establishes the power for the existence of state attorneys:

- a. The prosecutor with special authority in the civil and state administration sector may represent the government both inside and outside of court, according to Article 30, paragraph (2) of Law No. 16 of 2004 about the Prosecutor's Office of the Republic of Indonesia. This article suggests that the state's prosecutors can represent the state in civil and administrative matters both inside and outside of court through the use of a special power of attorney, which is a document outlining the specific interests of the delegated party and the actions that party is obligated to take.

- b. By Presidential Regulation No. 38/2010, which addresses the Organizational Structure and Work Procedure of the Republic of Indonesia's Public Prosecutor's Office,

To preserve and restore state assets, enforce government and state authority, and provide legal services to the public, the civil and state administration sector encompasses law enforcement, legal aid, legal considerations, and other legal actions against the state or government, including state institutions/agencies, government agencies, central/regional government, state-owned enterprises, and region-owned enterprises. This definition is found in Article 24, paragraph (2).

In accordance with Article 24 of Presidential Regulation No. 38 of 2010, the prosecutor has the power to save and restore state assets and enforce government and state authority through law enforcement, legal aid, and other legal actions. This power is exercised in the civil and state administration sector. In carrying out the aforementioned responsibilities, authority, and operations of the Attorney General for Civil and State Administration, the State Attorney, also known as the State Attorney General, is responsible.

- c. An overwhelming majority of the articles in the Regulation of the Attorney General of the Republic of Indonesia No. 040/A/JA/12/2010 regarding Standard Operating Procedures (SOP) for the Implementation of Civil and Administrative Duties, Functions, and Authorities address the responsibilities of prosecutors in

the realm of state administration, particularly in relation to the authority of prosecutors as state lawyers.

The Attorney General's Office is expected to take a more active role in preserving human rights, preventing corruption, collusion, and nepotism; protecting public interests; and enforcing the rule of law, according to Law No. 16 of 2004, which superseded Law No. 5 of 1991 regarding the Prosecutor's Office of the Republic of Indonesia (Arifin, 2018).

As a state entity exercising state authority in the area of prosecution, the Public Prosecutor's Office of the Republic of Indonesia is required to carry out its activities, duties, and power independently, according to this new Prosecutor's Law, without interference from other authorities.

The responsibilities and authority of the office of the prosecutor are outlined in Law No. 16 of 2004:

- a. The following responsibilities and powers are exercised by the prosecutor's office in the realm of criminal law:
 - 1) Carrying out a prosecution;
 - 2) The execution of judgments made by judges and courts with final and conclusive legal effect.
 - 3) Supervising the execution of conditional criminal judgments, supervisory criminal decisions, and on-parole decisions.
 - 4) Investigating various offenses based on legislation.
 - 5) Collaborating with the investigator to complete specific case files in order to conduct additional examinations before being assigned to the court.
- b. A special prosecutor in the field of civil and state administration has the authority to represent the state or government in matters both inside and outside of court.
- c. The following responsibilities are within the purview of the prosecutor's office as they pertain to maintaining public order:
 - 1) Raise people's understanding of the law.
 - 2) Keeping policies on law enforcement protected.
 - 3) Overseeing the distribution of printed materials.
 - 4) Keeping an eye on Indigenous religions that pose a threat to the state and society.
 - 5) Protecting religious beliefs against heresy and abuse.
 - 6) Developing and conducting research in the fields of criminal statistics and law.

The prosecutor's office's responsibilities and authority gave rise to the phrase "state lawyer (Husaini & Askar, 2020). In line with their position, the party in the case represented by the State Attorney General is the State, whether from the executive, legislative, or judicial institutions in dispute.

Within the framework of the Legal Basis of Duties of State Attorneys, the responsibilities of civil sector prosecutors have been in place since 1922, according to the regulations outlined in Statute Book Number 522 of 1922. Their continued existence has not been canceled as of yet. The responsibilities of the Attorney General's Office in the public sector were further defined after the passage of Law No. 5 of 1991, and these responsibilities were expanded to include state administration in relation to Law No. 5 of 1986.

Decision: KEP-035 / JA / 3/1992 concerning The Organizational Structure of the Attorney General's Office of the Republic of Indonesia, other decisions of the Attorney General, and the instructions of the Attorney General for Civil and State Administration form the basis for the tasks performed in the civil and state administration sector, as well as Presidential Decree No. 55 of 1991 concerning The Duties and Authorities of the Prosecutor's Office in this sector.

As stated in Law No. 16 of 2004 of the Republic of Indonesia, which pertains to the Prosecutor's Office, Article 30, paragraph (2), and citing Regulation No. 040/AJA/12/2010 of the Attorney General of the Republic of Indonesia, dated 13 December 2010, legal aid is a part of civil and state administration as the state attorney. State institutions, central/regional government agencies, State-Owned Enterprises/Regional-Owned Enterprises, and other entities with specific powers of attorney are the responsibility of the State Attorney in civil and state administration issues. Legal representation may take place in a variety of settings, including litigation, non-litigation, mediation, and facilitation, both at home and abroad. From a normative legal perspective, the public prosecutor's office is a part of the government machinery responsible for handling civil matters and upholding the law (Polontalo, 2018; Simanjuntak, 2018), when the prosecutor for the state serves as the official legal counsel for the state.

The responsibilities and authority of prosecutors in the civil and state administration sector are outlined in Article 30 paragraph (2) of Law No. 16 of 2004, which pertains to the civil and administrative sector of this country. Prosecutors in this sector will have the ability to bring both civil and criminal cases against different parties.

The legal capacity to serve as Public Prosecutors and carry out the judgments of the courts is vested in functional authorities known as prosecutor. In addition to other authorities, they have perpetual legal force. One such power is their role as the State Attorney—a professional institution tasked with safeguarding the state’s rights in recovering assets deemed detrimental to the state. This authority is not a recent development; it has been legally recognized since the *Koninklijk Besluit* dated 27 April 1922. However, the function fell into relative obscurity until it was reasserted in 1977 (Agung, 1985).

Law No. 16 of 2004, Article 30, paragraph (2), defines the responsibilities and authority of the State Attorneys. The law of the Indonesian Prosecutor's Office provides the framework for this professional role. According to Article 30, paragraph (2) (Agung, 1985), there is a common concern about the legitimacy of prosecutors protecting the public and state interests in civil cases. A special prosecutor in the field of civil and state administration has the authority to represent the state or government in matters both inside and outside of court (Enonchong, 2022). The filing of cassations to the Supreme Court for legal reasons in criminal, civil, and state administrative issues is highlighted in Article 35 point (d).

A number of additional prosecutors' responsibilities are defined and reinforced by the legislation pertaining to the Republic of Indonesia Prosecutor's Office. This include overseeing the execution of parole decisions and stepping in as the state's attorney when the state is named as a defendant in a civil lawsuit or when an individual or corporation asks a state administrative court to examine whether a government official's conduct was lawful. Prosecutors in the field of civil and state administration may represent the state as plaintiffs or defendants in legal proceedings, both inside and outside of court. Based on these two provisions, it seems that the State Administration Attorney and the Civil Prosecutor, while representing the government, have the authority to seek justice in the highest court, either inside or outside of the civil law court. The prosecutors, however, are also required to have the authority of an attorney, as stated in Article 30, paragraph 2, of the Law pertaining to prosecution.

From the most recent rules pertaining to the Prosecutor's Office in 2004 forward, prosecutors have been granted the power to begin civil terms in order to safeguard public assets from both criminal and civil actions that cause damage to the state. However, despite their crucial role in safeguarding state assets, prosecutors often appear passive in civil cases. In contrast, their role in criminal cases is far more active, as they are empowered to independently prosecute suspects without requiring additional mandates.

In the civil realm, the presence of a power of attorney restricts the movement of prosecutors; in the criminal realm, however, it is more intimately connected to property law than criminal law; and finally, in criminal law, there is the principle of *ultimum remedium*, which describes the last resort when all other legal remedies have been exhausted. Here, law enforcement refers to the prosecutor's power in the civil sector to carry out the purposes of the law, which include preserving legal order and certainty, protecting the interests of the state and government, and the civil rights of the people. The law is permanent and binding, and the prosecutor's job is to ensure that it is upheld within this framework.

Article 30, paragraph (2) of Law No. 16 of 2004 states that the Public Prosecutor's Office, with specific powers, may operate inside or outside of court for the state or government in the Civil and State Administration.

- a. Paragraph (2) of Article 34 states that other governments may get legal advice from the Attorney General's Office. Presidential Regulation No. 38/2010, which outlines the structure and operations of the Public Prosecutor's Office of the Indonesian Republic, also addresses this topic.
- b. According to Article 24 (1), the responsibility and power to carry out the actions of the Attorney General's Office in the field of civil and state administration rests with the Attorney General for Civil and State Administration.
- c. Article 24 (2) states that the civil and state administration sector encompasses law enforcement, legal aid, and other legal matters. It also includes state and regional government institutions and agencies, as well as state and regionally owned businesses within this sector. The purpose of this sector is to save and restore state wealth and finances, uphold government and state authority, and provide legal services to the public.

4. Other Legal Actions by State Attorneys in the Context of Restoring State Finances

The prosecution may act both inside and outside of courtrooms thanks to a unique power of attorney granted to them under Article 30, paragraph (2) of Law 16 of 2004. It seems from the report that the agency needs a letter or special authority to move or do its job. The prosecutor's ability to do their job effectively is hindered in this situation. Any attempt to safeguard or preserve the nation's riches via the use of civil instruments will include the Attorney General's Office. The nation's riches may be preserved in two ways via the employment of civil tools (Januar, 2023):

- a. Active way applies to the case where the prosecutor saves state assets due to his position without requiring a special power of Attorney (Article 123, paragraph 2 HIR), such is when the office of the prosecutor sues the court for damages in a corruption case.
- b. Article 30, paragraph (2) of Law No. 16 of 2004, which states that the prosecutor's office must get a specific power of attorney in order to function in the civil sector, implies a passive approach. A specific power of attorney in this context pertains to the agreement on the litigation or non-litigation boundary.

Reporting directly to the Attorney General, the Assistant Attorney General for Civil and State Administration assists in the execution of the civil and state administration responsibilities and authority of the Attorney General's Office. Presidential Regulation No. 38 of 2010 and Attorney General Regulation No. Per-025/A/JA/11/2015 regarding Guidelines for the Implementation of Law Enforcement, Legal Aid, Legal Considerations, Other Legal Actions, and Legal Services in the Civil and State Administration outline the duties, functions, and powers of the Attorney General's Office in civil and state administration of the Republic of Indonesia.

Cases involving the recovery of state funds are handled in a particular manner by the state attorney. The method in question does not include prosecutors serving in the capacity of public prosecutors. In resolving cases, non-litigation channels apply, and attorney uniforms or attributes should not be involved. This approach is applied by State Attorneys and is perceived to be effective. In an effort to recover or restore state finances and/or state assets, the prosecutor is committed to the duty and holds the authority normatively regulated by Law No. 16 of 2004 (Mahmud, 2018).

The role of the prosecutor's office is to provide fairness and stability in this case. Because optimizing the prosecutor also involves other issues like laws/regulations, law enforcement, facilities, public legal knowledge, and community legal culture, this (state financial recovery) is not always the success of the prosecutor. While the state attorney's role in recovering public funds or property damaged by corruption or civil lawsuits is commendable, it is far from ideal. At the very least, the following five factors should be considered when evaluating the State Attorney General's performance:

- a. The State Attorney General's power and its justification in law;
- b. State Attorney performing duties as State Attorney;
- c. Infrastructure and financing for the State Attorney's (State Lawyers') office;

- d. Client Awareness;
- e. Quantity and Quality of financial recovery and/or state assets.

Maximizing the role and effectiveness of the State Attorney institution can significantly benefit the Prosecutor's Office. A strong and positive performance by State Attorneys enhances the institution's reputation and contributes to tangible financial advantages, such as direct savings on state or regional expenditures. The recovery of state losses or the settlement of state receivables might also result in non-tax state income.

The State Attorney General's Office has encountered various obstacles and challenges in recovering state finances and assets. Despite these challenges, the institution remains committed to improvement and reform. One promising approach to overcoming these hurdles is the application of progressive legal concepts. The two cornerstones of law, rules and conduct are the sources of this idea.

D. CONCLUSION

Recovering public funds and/or assets is the responsibility of state lawyers, particularly in cases of civil losses, involve legal actions on behalf of government agencies, state institutions, and state-owned enterprises/region-owned enterprises in their position as plaintiffs. In this case, Prosecutors representing the government/State-Owned Enterprises/Region-Owned Enterprises sue other parties, both private and public, related to civil, state/regional income/finance or restoration of rights for the welfare of the people. These legal actions can be categorized as follows: a. The recovery of the state finances and/or assets by the State Attorney's Office is not optimal; b. What the State Attorneys have accomplished in the Palangka Raya State Prosecutor's Office and the State Prosecutor's Office concerning the recovery of state funds and assets through non-litigation settlements based on civil losses is evidence of their effectiveness. The State Prosecutor's Office in Palangka Raya City has successfully settled disputes through non-litigation solutions. In performing their duties as State Attorney, the State Attorney General has used an active/responsive and passive system to handle cases of restoration of state finances or assets. Although it is considered quite effective, its implementation remains suboptimal. This condition is indicated by the State Attorney's Office experiencing technical and juridical obstacles. Therefore, the progressive legal concept in efforts to recover state finances or assets based on civil losses should be developed for more effective State Attorneys.

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