

The Application of the Legal Function of the State Attorney to Realize Legal Certainty in Civil and State Administrative Cases

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Abstract

Law of the Republic of Indonesia Number 11 of 2021 amending Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, stipulates the authority of the Prosecutor's Office in the field of Civil and State Administration (DATUN). In this context, the State Attorney (JPN) plays an important role in ensuring legal certainty, justice and expediency in DATUN cases. This article explores the legal function of JPN and its relevance to the study of legal philosophy. This article is based on normative juridical research to show that the JPN has a significant legal function in creating legal certainty in administrative law cases. The JPN's authority is supported by regulations such as the Prosecutor's Law and the Attorney General's Regulation which emphasize the vital role of the Prosecutor's Office in ensuring legal certainty globally, both inside and outside the Court, on behalf of the State or the Government.

Keywords: *The Attorney General's Office, JPN, DATUN, Legal Certainty.*

INTRODUCTION

Supremacy in the field of law has the principle of being useful and effective for citizens. Citizens have the desire for legal certainty in law enforcement in order to achieve a sense of justice for the nation and state. However, an idea that is claimed to be sociologically useful cannot literally be said to have a sense of justice, contrary to that, something that is felt to be fair in a philosophical sense cannot also be said to be useful for citizens (Asshiddiqie, 2006). Jimly Asshiddiqie believes that citizens want legal certainty. In other words, citizens need regulations that can provide legal certainty so that the legal vacuum stating whether the law is fair or not can be explained and applied in the nation and state (Asshiddiqie, 2006).

In terms of law enforcement that operates in a country, the most important element, namely justice, must be a priority, but the law in this case is sometimes not specific to justice, the law has a general nature and character, limiting and regulating everyone. For example, all thieves are obliged to be punished and sanctioned without having to differentiate between the people who commit the theft. Different from the nature of law, justice has a subjective, individualistic nature and character and does not place things in an equal condition (Mertokusumo, 1993). A sense of justice for some people may not necessarily have the same justice as for other people. In this regard, Jimly Asshiddiqie believes that we cannot focus on law and apply it only to things that have a certain character, but the law must have more than one value and character. The law must have various properties and characters or what is commonly known as the values contained in the legal basis. What is meant by the values contained in the legal basis are: justice, benefit and legal certainty (Rahardjo, 2014). Even though justice, benefit and legal certainty are the basic values of law, between these three elements there is a tension. This is because justice, expediency and legal certainty have different demands on each other, so that justice, expediency and legal certainty tend to conflict with each other. A stage in law enforcement that is carried out based on the authority of law enforcement officials can provide a balance of justice, usefulness and legal certainty, said a Taverne legal expert from Satjipto Rahardjo (Rahardjo, 2006). "*Geef me goede Rechters, goede Rechters Commissarisen, goede*

Officiëren Van Justitie en goede Politie Ambtenaren, enik zalmet een slecht wetboek van strafprocesrecht goed bereiken "Give me a good prosecutor, judge I can ensure that good observers, good police and good judges ensure that law enforcement will be implemented well, even with bad criminal law. The Prosecutor's Office of the Republic of Indonesia is a State institution which, based on its authority, carries out its duties, functions and powers from the State in terms of Prosecution and other authorities based on law (Article 2 Paragraph (1) Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, nd). The Prosecutor's Office in its main function as State Attorney (JPN), the State Prosecutor's Office is the representative of the State and the Government in resolving civil and State Administration cases. In the quote from Article 30 paragraph (2) of the Law on the Prosecutor's Office, it is explained that in civil and state administration matters, based on the granting of SKK from state and government institutions, the prosecutor's office has the authority to act both inside and outside the court for and on behalf of the state and government. Namely, as proxies for the government, BUMD or BUMN, JPN are prosecutors whose main function is to carry out tasks related to civil law and state administration. This provides an overview of the broad legal aspects that the Prosecutor's Office has. The authority of the Prosecutor's Office as JPN is a real need for the State and government, apart from general activities, there are quite a few civil activities carried out by the State and government as legal entities, so that representatives are needed as proxies in carrying out the duties of the State and government in civil matters, This representation can be carried out by the Prosecutor's Office through JPN to represent the interests of the State and government (Indonesia, 2011). Article 30 paragraph (2) of the Prosecutor's Law provides duties and authorities for Prosecutors, including Restorative Justice in handling cases in the public interest, carrying out law enforcement as regulated by law, carrying out cassations in the public interest in civil, criminal and state administrative cases (Adwi Mulyana Hadi, Anik Ifitah, 2023). In current legal developments, the important role of JPN's authority in the future is predicted to be able and parallel to its high ability to carry out its main tasks, functions and authority to realize the existence and authority of the State and government. JPN must be prepared by further enhancing its expertise, ability and self-confidence so that they can carry out their main duties, functions and authority properly and optimally.

The development of law in the business world has resulted in the presence of various collaborations in the economic field globally or regionally, and the State is even playing an increasing role in the life of the nation and state. Based on this situation, the existence of JPN has multiple strategic roles in law enforcement in terms of representing the interests of the State and government based on the SKK and the law enforcement function given this authority by statutory provisions (Maringka, 2017). The Prosecutor's Office, through the JPN, in its authority as regulated in the Law, the Prosecutor's Office has other legal action authority, namely the JPN, based on its authority, acts as a facilitator and mediator in the context of recovering State finances, this can provide income to the State's finances and the State's finances will be restored and returned to those entitled to them, namely State for sustainable development of the State. Previous research that has been conducted on the role of the Prosecutor's Office through the JPN in its authority, especially as stipulated in the law, highlights several important aspects. One aspect that has been studied is the additional authority possessed by the JPN to act as a facilitator and mediator in the context of recovering State finances (Prihandana, R., Murthi, T. S. W., Tambunan, J. E., & Syafari, 2023). The results of previous studies show the importance of the role of JPN in recovering State financial losses due to corruption crimes (Sari, D., Indonesia, U., Hukum, F., Studi, P., Hukum, I., Sistem, K., & Pidana, 2008). By facilitating and mediating the process, the JPN not only helps to recover the State's finances but also ensures that the recovered funds are returned to the rightful party, i.e. the State, for use in further development.

RESEARCH METHODS

The author's method for writing this article uses a normative juridical method, with an approach to secondary data in the form of primary, secondary and tertiary legal materials (Iftitah, 2023). When writing normative juridical articles, library data material is the basic data in the article as secondary data material (Mamudji, 2014). The specification of this article is descriptive analysis, namely articles that reflect facts based on accurate analysis of national or international laws and regulations, which are then connected to legal theories (Sonata, 2014).

RESULT AND DISCUSSION

The mention of the word "Prosecutor" was heard centuries ago, at that time the term Prosecutor came from the Sanskrit Adhyaksa. Adhyaksa was used in giving the title to the highest priest in the Javanese Kingdom in Indonesia, in giving the status of high judge in the King's government. Judging from the spelling during the reign of the Vereenigde Oostindische Compagnie (VOC) in the 16th century, it was written as "JAXA". In the Netherland (Netherland) government in 1942, the term "JA- Matahari (Japan) occurred, "JAKSA" is the title for legal officials who have the authority to carry out prosecutions in criminal matters (Andi, 1995).

The Public Prosecutor is an official who has the authority based on statutory regulations to carry out his duties as a Public Prosecutor in court proceedings, and implement the judge's decision which already has permanent legal force and authority based on legislation. Article 1 point 1 of the Prosecutor's Law provides the definition: "A prosecutor is an official with the authority granted by law in terms of carrying out his authority as a Public Prosecutor and who carries out the judge's decisions which have permanent legal force and authority based on legislation." Meanwhile, Article 1 Point 6 (b) UU no. 8 of 1981 concerning Criminal Procedure Law (KUHAP), provides the meaning: "The public prosecutor as a prosecutor who has the authority based on statutory regulations to act in matters of prosecution and implementation of court decisions"

State Attorneys are regulated in Article 24 of PERPRES Number 38 of 2010 concerning the Organization and Work Procedures of the Indonesian Prosecutor's Office. The PERPRES explains that the Deputy Attorney General for Civil Affairs and State Administration (JAM DATUN) is a supporting element for the Attorney General in implementing the functions and authority of the Prosecutor's Office in the field of Civil Affairs and State Administration, which has obligations and responsibilities to the Attorney General. It can be interpreted that one of the tasks, functions and authorities of the Prosecutor's Office in the field of Civil Affairs and State Administration is to act on behalf of the government in civil proceedings based on special powers. JPN is a prosecutor with the authority to carry out duties in civil and state administrative cases based on special powers, as a representative of the state and the government in civil and state administrative cases. (*Collection of Instructions for the Deputy Attorney General for Civil and State Administration (JAM DATUN)*, nd).

In Article 30 paragraph (2) of the Attorney General's Law, it is stated that: "In civil and state administration matters, the Prosecutor's Office based on the SKK can act both inside and outside the court for and on behalf of the state or government." JPN has the authority to carry out functions and obligations through SKK from other institutions, such as government institutions, BUMN, BUMD and State Officials. The meaning of JPN is explained in detail in the Prosecutor's Law, however, the meaning of "special power" in the civil sector has elements in common with "lawyer", which means someone who provides assistance to their client in terms of acting for and on behalf of the client on the basis of a Power of Attorney in proceedings. in

the court(Hajar, nd). So that a prosecutor who accepts SKK to represent the state and government in civil cases in court can legally mean that JPN is a lawyer or advocate for the state and government.

JPN's Code of Ethics in carrying out its authority to represent the State and government:

1. JPN based on special power of attorney represents on behalf of the Principal and is limited to
2. vested authority.
3. JPN in proceedings is subject to applicable procedural law.
4. JPN's position is equivalent to that of the opposing party's Principal/Lawyer.
5. JPN upholds professionalism.
6. JPN reports every case development to the client.

JPN Characteristics:

1. JPN carries out its duties for and on behalf of the Principal based on statutory regulations.
2. JPN run his task professionally, reliable and capable for compete with private lawyers.
3. There is no charge for JPN services.
4. If JPN knows that the SKK grantor's case has a small chance of winning, JPN may not reject the Special Power of Attorney (SKK).
5. JPN works according to its duties, functions and authority without causing conflict of interest.
6. JPN does not represent civil society citizens, so it must be state institutions and state officials.
7. That the main task and function of JPN is to prevent legal problems from occurring, in this case does not rule out the possibility of criminal acts of corruption occurring.

The legal basis for the authority and existence of JPN is explained in statutory regulations, namely:

1. Prosecutor's Law.

Article 30 paragraph (2) regulates "In civil and state administration matters, the Prosecutor's Office based on the SKK can act both inside and outside the court for and on behalf of the state or government." This article provides the understanding that the prosecutor's office can have authority for and on behalf of the State and government inside or outside the court in handling civil and state administrative cases, based on the SKK. This is a letter granting power of attorney by the power of attorney, the contents of the SKK explain the actions that must be carried out by JPN.

2. Presidential Regulation Number 38 of 2010 concerning the Organizational Structure and Work Procedures of the Indonesian Prosecutor's Office. Article 24 paragraph (2) regulates "The Prosecutor's Office in the field of civil and state administration in paragraph (1) including in terms of implementing legal considerations, law enforcement, other legal actions and legal assistance for the state and government, including State institutions, BUMN, BUMD and government agency whose aim is to rescue, restore state assets, maintain the authority of the State and the Government and serve the community in legal matters."

Based on Article 24 of PERPRES Number 38 of 2010, conclusions can be drawn regarding the authority of the prosecutor who can act for and on behalf of the state as well as the government in civil rights and state administration in terms of implementing legal considerations, law enforcement, other legal actions and legal assistance for the state also the government, including State institutions, BUMN, BUMD and government agencies whose aim is to rescue, restore state assets, maintain the authority of the State and the Government and serve the community in legal matters.

3. Regulation of the Attorney General of the Republic of Indonesia Number: 040/A/JA/12 /2010

concerning Standard Operating Procedures (SOP) for the implementation of JPN's authority in the field of civil and state administration. The Attorney General's Regulation explains the main duties and overall authority of JPN.

JPN's authority in the field of civil and state administration is implemented based on KEPPRES Number 55 of 1991 concerning the authority of the Prosecutor's Office in matters of civil and State Administration as well as the Attorney General's Decree Number: KEP - 035 / JA / 3 / 1992 concerning the organizational structure of the Indonesian Attorney General's Office, and JAMDATUN instructions (*Profile of the Deputy Attorney General for Civil and State Administration in the 20th Year* 11, nd). Based on the Prosecutor's Law Article 30 paragraph (2) and the Republic of Indonesia Attorney General's Regulation Number: 040 /AJA/ 12 / 2010, the Prosecutor's Office has the authority in civil and state administrative matters as JPN including Legal Aid, which is JPN's authority in civil and state administrative matters to assist institutions. The State, based on the existence of the SKK, in representing and assisting the State and the Government, the Prosecutor can act as a plaintiff or defendant, either through trial or outside of trial with jurisdiction either within the country or abroad, for example: carrying out mediation and negotiations. Juridically, the Prosecutor's Office is a government apparatus or tool that has authority and acts as a law enforcer. This authority not only carries out duties as a public prosecutor, but also acts and has authority in civil and state administration matters, namely JPN in terms of its authority as a lawyer for the state and government.

Law in general has the aim that the law can apply and has goals that can be implemented, if the law can provide benefits to citizens. In Achmad Ali's opinion, the function of law is as follows:

1. The function of law as "a Tool of Social Control"

Laws that function as social control have the aim of providing order in behavior in deviant society, social punishment that must be accepted by society because of this deviation. For example, there is a prohibition against claims for compensation. The use of legal action as social control in society can be interpreted as meaning that the law places restrictions and regulates society, meaning that the law has the function of providing rules for behavior in society if it is indicated that it is not in line with and violates legal regulations. In Achmad Ali's explanation and opinion, the primacy of law is a tool of social control and social control in society, law and society must work in harmony and hand in hand until they complement one another, law is also passive, namely law that adapts to the conditions of society.

2. Function of Law as "A Tool of Engineering"

"A Tool of Engineering" explains that law has this function as a means of carrying out social engineering, which means legal actions that make changes to society by bringing about changes in society aimed at orderly progress, this means social engineering to carry out restructuring in society. society in an orderly and planned manner in line with the aim of national and state prosperity and order in society, in current developments there are rapidly developing legal dynamics. This situation proves that no society has a monotonous social life. All communities in this world will experience a dynamic life, based on this development, law implementers must be able to follow the legal dynamics that develop in society. An explanation regarding the function of law which functions as a tool of engineering by Soerjono Soekanto is the function of law as a "Pioneer of Change" which is implemented or carried out by a person or a group of people who are trusted by the public as pioneers of change. The benefits and rules of law as a way to make changes to society clearly have an important role, namely in desired changes and planned changes (intended change and planned change) (Rusli Effendi, nd).

3. Function of Law as a Symbol

In relation to the function of law as a symbol, it provides the understanding that law simplifies actions and events, with the aim of obtaining general aims and objectives. The

provision of symbols in this case provided by law will clearly make it easier for law implementers, law makers and the public to understand each other about the aims and objectives of events in society in general. Law as a symbol helps to carry out interaction and communication for both law makers, law implementers and society, up to the process of socializing the law itself.

The purpose of the function of law as a symbol is to make legal regulations simple so that they can easily be understood by the public. This is the basis for everyone knowing the purpose and function of the law. The symbolic function of law provides coverage of the processes that regulate and wants everyone to be able to understand, apply and describe a series of legal terms that are easier to understand and comprehend. To understand it better, we must understand and understand what the purpose of legal symbolization is. The purpose of legal symbolization is:

- a. Providing ease of understanding and applying as well as describing a series of laws that may have the same essence of understanding.
 - b. Providing convenience for legal officers in carrying out the application of legal symbols for an event that is not in line with the law.
4. The function of law as "a political instrument"

Law in its function as "A political instrument" aims to strengthen the State and its power in the political field to facilitate the implementation of State policies. From the definition of the function of law above, it explains that the existence of written law is made according to procedures. In fact, the usefulness and existence of law are inseparable between law and politics, the reason is that the existence of law is a written rule which is a political message, but once it is ratified and enforced in society, it cannot have a political interpretation containing the interests of one group, but must have juridical interpretation and benefits for society.

5. Legal Function as an Integrator

Understanding the function of law as an Integrator is the function of being able to reduce differences of opinion and conflicts that occur with the aim of facilitating social interaction. This means that law is a tool for realizing harmony of various interests in society, so that the continuity of social life can run orderly and smoothly.

The function of law aims to facilitate community interaction to realize economic development, this can be viewed from the aspect of the use of the law, including:

- a. Public law has the character of administration to accelerate economic development through legal institutions.
- b. Private law has the character of providing definite rules in the good relations of economic actors with the aim of increasing the supremacy of law based on agreements (Ali, 2002).

The famous philosopher, namely Joseph Raz, interprets and argues that the function of law is a function that develops in society as a social function. According to Joseph Raz, the function of law can be divided into:

a. Direct function

Legal objectives that have a direct function consist of two functions, including a primary direct function and a secondary direct function. The primary direct functions include the following:

- 1) as a tool or means to prevent unlawful acts;
- 2) As a means to facilitate private plans;
- 3) As a means for providing services and distributing goods.
- 4) As a means and tool for resolving disputes outside regular channels. The secondary direct functions consist of:
- 5) Processes and procedures to realize changes in legal dynamics
- 6) Process and procedures for implementing a law that has been passed.

b. Indirect function

Understanding the function of indirect law, namely the aim and function of indirect law to realize dynamics in respecting certain moral values (Ali, 2002). Satjipto Rahardjo said that the function of law is a means of resolving disputes and the function of law is a means of social control in society (Rahardjo, 2014). The function of law is a means of resolving disputes, meaning that law has the aim of resolving disputes that occur in society, this creates peace for society. Furthermore, the function of law as a means of social control means that the function of law is a planned process which aims to provide advice, invitations and orders and even force people to follow and comply with applicable laws. Legal mechanisms have several characteristics in social control, these characteristics are implemented in several forms, including:

- 1) A preventive legal mechanism, which aims to avoid legal disputes in society.
- 2) Repressive legal mechanisms aim to create balance where there is conflict in society.
- 3) Preventive and repressive legal mechanisms

Adamson Hoebel believes that law has a very important function in controlling social life, this does not apply to simple groups. The function of law according to Adamson Hoebel is:

- a. Provide a specific definition regarding relations between communities,
- b. to provide restrictions regarding actions that may be carried out and which may not be carried out, to create integration of activities between individuals in an association.
- c. The obligation to accommodate power is general and aims to create order.
- d. Provide solutions to resolve disputes that occur.
- e. Provides a definition of individual relationships with individual groups when social life changes. This condition is carried out in order to realize the ability to make adjustments.

The literal meaning of legal certainty is a situation that does not cause confusion for the public regarding a legal rule, both in terms of regulation and in terms of implementation or enforcement.

The character and nature of legal certainty is necessary to create peace and order in society, this is in line with the nature of legal certainty, namely as follows:

- a) There are punishments from the authorities to create discipline and order in society;
- b) The nature of legal certainty must be implemented and obeyed by all levels of society.

The main aim of legal certainty is aimed at the outward attitudes of humans. Legal certainty does not matter whether a person's inner attitude is good or bad, the main objective is how his or her outward actions are. Legal certainty does not provide punishment and sanctions against someone who has a bad inner attitude, but what is given punishment and sanctions is the manifestation of that bad inner attitude, or making real or concrete actions out of that bad inner attitude, in other words the implementation of bad mental attitude intentions. The application of formal and material legal certainty is when legislation is made and legally ratified and conveyed to the public, because legal certainty is in the nature of regulating citizens, which means it does not give rise to doubt or multiple interpretations.

Based on the opinion of Gustav Radbruch, legal certainty has 2 (two) meanings, including: legal certainty within the law itself, and legal certainty whether from within or outside the law. A law that can provide benefits in providing guarantees of legal certainty in society, namely a law that is valid and useful. This makes legal certainty have another legal task, namely providing guarantees of legal justice and that the law applies continuously.

Law on the Prosecutor's Office Article 30 paragraph (2) regulates that the Prosecutor's Office based on its authority can act inside or outside the court with SKK, the Prosecutor's Office through JPN represents the State and the government with SKK for civil and state administration resolutions, so that JPN can act freely to carry out its duties. , legal functions and authority are based on statutory regulations (*Law No. 8 of 1981 concerning Criminal Procedure Law (KUHP)*, nd).

The Deputy Attorney General for Civil Affairs and State Administration is an assistant leadership element in carrying out duties and functions within the authority of the Prosecutor's Office in the field of Civil Affairs and State Administration, who has full responsibility to the Attorney General. The authority of the Prosecutor's Office in matters of civil and state administration is explained in PERPRES Number 38 of 2010 and Attorney General Regulation Number Per-025 / A / JA / 11 / 2015 concerning Implementation Instructions, Legal Aid, Law Enforcement, Other Legal Actions, Legal Considerations and Legal Services in civil and State Administrative matters (*Article 24 of the Presidential Regulation of the Republic of Indonesia No. 38 of 2010 concerning the Organization and Work Procedures of the Prosecutor's Office of the Republic of Indonesia*, nd), from the two regulations above it is clear that JPN carries out legal functions which function as "a Tool of Engineering", "a Tool of Social Control" and Integrator, JPN's authority also has a purpose based on Joseph Raz's opinion, that JPN carries out legal functions in an effective manner. Directly, which is primary, namely in resolving disputes outside regular channels to provide legal certainty, justice and the benefits of these three elements have similarities with John Rawls' opinion that the main goal of law is to create and realize the greatest happiness of the greatest number (happiness that largest, for the most people), these views are contained in the Prosecutor's Law which regulates several other duties and authorities of the Prosecutor, including setting aside cases in the public interest, making effective law enforcement provided by law, filing appeals in the public interest to Supreme Court in criminal, civil and state administrative cases.

The authority of JPN is in line with the opinions and views of Thomas Aquinas in providing justice, namely general justice (*iustitia generalis*), namely that JPN acts based on the will of the law aimed at the public interest, in this case creating order, harmony and balance in the law because justice is the ultimate goal of law. main.

JPN has authority that is in line with Jeremy Bentham's view, namely the flow of utility, namely the greatest happiness of the greatest number (the greatest happiness, for the most people), for example JPN can provide legal aid and legal services for the State and citizens in legal matters and provide legal considerations for the State.

JPN in representing the State has a certain approach to dealing with civil issues. The approach in question is not to use the approach used by the prosecutor as a public prosecutor. However, the Prosecutor will resolve a civil problem by means of both litigation and non-litigation, in which case he can act as Plaintiff or Defendant in litigation. JPN prioritizes and prioritizes the resolution of civil cases using non-litigation channels. JPN also does not use attributes. or prosecutor's uniform. This approach is the approach that has been used by JPNs and is still felt to be effective, in the event of civil lawsuits from the public or disputes between State institutions, in this case JPN can carry out mediation and non-litigation settlements so that justice, legal certainty and expediency in handling will be created. Civil cases and disputes between these State institutions.

Prosecutors in their efforts to resolve civil cases are regulated in the Prosecutor's Law. The main task of the authority attached to the Prosecutor is to create order, security and balance in society (Social Control). In the view of Jeremy Bentham, namely the utility school, Bentham gave the view that the nature of all things has a tendency to create happiness, pleasure and goodness, this is in line with the authority of the JPN which formally provides legal certainty, justice and legal benefits for the State and State institutions in resolving cases civil and disputes between State institutions.

Maximum utilization of JPN in representing the State will also provide positive value for the Indonesian Prosecutor's Office, namely positive value for the achievements of the Prosecutor's Office, the role of JPN can provide benefits for the State based on its authority in

resolving civil cases in the form of direct savings in state or regional funding and providing State income. non-tax and refund of State losses or payment of State receivables.

CONCLUSION

The Prosecutor's Office of the Republic of Indonesia is a State institution based on its authority to exercise State power in terms of prosecution and other authorities based on statutory regulations. In its functions and duties as a JPN, the Prosecutor's Office is the representative of the State in resolving the handling of cases in the fields of civil and state administration. Article 30 paragraph (2) of the Prosecutor's Law states that in civil and state administration matters, on the basis of SKK from state and government institutions the prosecutor has the authority to act both inside and outside the court for and on behalf of the state and government. Namely, as a proxy for the government, BUMD or BUMN, JPN is a prosecutor whose main duties and functions are carrying out tasks related to civil law and state administration. This provides an overview of the broad legal aspects that the Prosecutor's Office has. The authority of the Prosecutor's Office as JPN is a real need for the State and government, apart from general activities, there are quite a few civil activities carried out by the State and government as legal entities, so that representatives are needed as proxies in carrying out the duties of the State and government in civil matters, This representation can be carried out by the Prosecutor's Office through JPN to represent the interests of the State and government.

The Deputy Attorney General for Civil Affairs and State Administration is an assistant leadership element in carrying out duties and functions within the authority of the Prosecutor's Office in the field of Civil Affairs and State Administration, who has full responsibility to the Attorney General. The authority of the Prosecutor's Office in matters of civil and state administration is explained in PERPRES Number 38 of 2010 and Attorney General Regulation Number Per-025 / A / JA / 11 / 2015 concerning Implementation Instructions, Legal Aid, Law Enforcement, Other Legal Actions, Legal Considerations and Legal Services in civil and State Administrative matters, these two regulations explain that JPN carries out legal functions which function as "a Tool of Engineering", "a Tool of Social Control" and Integrator.

JPN's authority also has a goal based on Joseph Raz's opinion, that JPN carries out direct application of legal functions which are primary in nature, namely in resolving disputes outside regular channels to provide legal certainty, justice and benefits from these three elements which are similar to John Rawls' opinion that the purpose of law the main thing is to create and realize the greatest happiness of the greatest number (the greatest happiness, for the most people), these views are contained in the Prosecutor's Law which regulates several other duties and authorities of the Prosecutor, including setting aside cases in the public interest , making effective law enforcement provided by law, filing appeals in the public interest to the Supreme Court in criminal, civil and state administrative cases. Law and legal services for the State and citizens in legal matters as well as providing legal considerations for the State. In the view of Jeremy Bentham, namely the utility school, Bentham gave the view that the nature of all things has a tendency to create happiness, pleasure and goodness, this is in line with the authority of JPN which in formal language provides legal certainty, justice and legal benefits for the State and State institutions in resolving cases. civil and disputes between State institutions.

REFERENCES

- Adwi Mulyana Hadi, Anik Iftitah, and S. A. (2023). Restorative Justice Through Strengthening Community Legal Culture in Indonesia: Challenges and Opportunity. *Mulawarman Law Review*, 8(1). <https://doi.org/https://doi.org/10.30872/mulrev.v8i1.1140>
- Ali, A. (2002). *Menguak Tabir Hukum (Suatu Kajian Filosofis dan Sosiologis)* (Cetakan II). PT. Toko Gunung Agung.
- Andi, H. (1995). *Jaksa diberbagai Negara Peranan dan Kedudukannya*. Grafika.
- Asshiddiqie, J. (2006). Penegakan Hukum yang Menjamin Kepastian Hukum dan Rasa Keadilan Masyarakat, Suatu Sumbangan Pemikiran. In *Makalah*. Seminar “Menyoal Moral Penegak Hukum” dalam rangka Lustrum XI Fakul^{ts} Hukum Universitas Gadjah Mada. <http://jimly.com/pemikiran/makalah>
- Hajar, I. (n.d.). Pengawan Advokat: Upaya Menuju Profesionalisme. In (*Al-Mawarid Edisi XII Tahun 2004*).
- Iftitah, A. (Ed.). (2023). *Metode Penelitian Hukum* (Mei 2023). Sada Kurnia Pustaka. <https://repository.sadapenerbit.com/index.php/books/catalog/book/54>
- Indonesia, K. A. R. (2011). *Jaksa Agung Muda Bidang Perdata dan Tata Usaha Negara sebagai kantor Pengacara Negara*. hal. 1.
- Mamudji, S. S. dan S. (2014). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (16th ed.). Jakarta: Raja Grafindo Persada.
- Maringka, J. S. (2017). *Reformasi Kejaksaan Dalam Sistem Hukum Nasional*. Sinar Grafika.
- Mertokusumo, S. (1993). *Bab-bab Tentang Penemuan Hukum*. Yogyakarta: Citra Aditya Bakti.
- Pasal 2 ayat (1) Undang-undang Nomor 11 Tahun 2021 Tentang Perubahan Atas Undang-Undang Nomor 16 Tahun 2004 Tentang Kejaksaan Republik Indonesia.
- Pasal 24 Peraturan Presiden Republik Indonesia No. 38 Tahun 2010 tentang Organisasi dan Tata Kerja Kejaksaan Republik Indonesia*.
- Prihandana, R., Murthi, T. S. W., Tambunan, J. E., & Syafari, I. (2023). Wewenang Jaksa di Bidang Keperdataan Berdasarkan Pasal 30 Undang-Undang Nomor 16 Tahun 2004 tentang Kejaksaan Republik Indonesia. *Halu Oleo Law Review*, 7(1). <https://holrev.uho.ac.id/index.php/journal/article/download/16/16/176>
- Profil Jaksa Agung Muda Perdata Dan Tata Usaha Negara Pada Tahun Ke-11*. (n.d.). 1.
- Himpunan petunjuk Jaksa Agung Muda Perdata Dan Tata Usaha Negara (JAM DATUN)*, XXII (testimony of Kejaksaan Agung R.I).
- Rahardjo, S. (2006). *Membedah hukum progresif*.
- Rahardjo, S. (2014). *Ilmu Hukum*. Citra Aditya Bakti.
- Rusli Effendi, D. (n.d.). *Teori Hukum* (Cetakan 1). Hasanuddin University Press.
- Sari, D., Indonesia, U., Hukum, F., Studi, P., Hukum, I., Sistem, K., & Pidana, P. (2008). *Optimalisasi Peran Kejaksaan dalam Pengembalian Kerugian Keuangan Negara Akibat Tindak Pidana Korupsi*. Universitas Indonesia. <https://lib.ui.ac.id/file?file=digital/2017-1/20269862-T37142-Derliana Sari.pdf>
- Sonata, D. L. (2014). Metode Penelitian Hukum Normatif Dan Empiris: Karakteristik Khas Dari Metode Meneliti Hukum. *Fiat Justicia Jurnal Ilmu Hukum*, Volume 8(1).
- UU No. 8 Tahun 1981 tentang Hukum Acara Pidana (KUHAP)*. (n.d.).