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Small Claim Court as a Refund State Losses Due to Corruption Crime By State Attorney

Sri Wulan Hadjar[1*], Osgar Sahim Matompo[2], Irmawaty[3]
[123]Pascasarjana Universitas Muhammadiyah Palu
(*)Email Korespondensi: sri.wulanhadjar@gmail.com

ABSTRACT

This study aims: (1) To find out the legal remedies taken by the prosecutor against the return of state losses in the crime of corruption. (2) The Effectiveness of the Prosecutors' Efforts as State Lawyers in Recovering State Losses Due to Corruption Crimes. The method that the researcher uses in writing this thesis is using a normative juridical research approach. Research Results: (1). The settlement of civil cases through the small claim court at the District Court is very helpful for the community to resolve their cases in a simple, fast, and low cost way. Perma No. 2 of 2015 and Perma No. 4 of 2019 is a new breakthrough and fills the legal vacuum to resolve simple cases that were previously resolved normally. (2). The limitation on the material value of the lawsuit is Rp. 500,000,000 (five hundred million rupiah) for example, which means that if the lawsuit filed exceeds this value, the lawsuit will not be accepted for settlement through a simple lawsuit process. Research Suggestions: (2) For litigants, it is hoped that they will be able to comply with and follow all the regulations in the Court, especially during the case examination process. Because the litigants actually also have an important role in the creation of a judiciary that is simple, fast, and low-cost as expected. (2). The Court must provide legal counseling by cooperating with related agencies (kelurahan and city governments) to the general public, so that public awareness of the law can be realized. So as a result it does not become one of the obstacles in the judicial process which is simple, fast, and low cost.

Keywords: *Small claim court, State Loss, Corruption*

ABSTRAK

Metode yang peneliti gunakan dalam penenlitian ini adalah menggunakan pendekatan Penelitian secara Yuridis Normatif. Penelitian ini bertujuan: (1) Untuk Mengetahui, Upaya Hukum Yang Dilakukan Oleh Jaksa Terhadap Pengembalian Kerugian Negara Dalam Tindak Pidana Korupsi. (2) Sejauh Mana Efektfitas Upaya Jaksa Sebagai Pengacara Negara Dalam Mengembalikan Kerugian Negara Akibat Tindak Pidana Korupsi. Hasil Penelitian: (1). Penyelesaian perkara perdata melalui small claim courtdi Pengadilan Negeri sangat membantu masyarakat untuk menyelesaikan perkaranya dengan cara sederhana, cepat, dan biaya ringan. Perma No. 2 Tahun 2015 dan Perma No. 4 Tahun 2019 menjadi terobosan baru dan mengisi kekosongan hukum untuk menyelesaikan perkara-perkara sederhana yang sebelumnya diselesaikan secara biasa. (2). Batasan nilai materil gugatan Rp.500.000.000 (lima ratus jutarupiah) misalnya yang memberi arti jikalau gugatan yang diajukan melebih nilai tersebut, maka gugatan tidak akan diterima untuk diselesaikan melalui proses beracara gugatan sederhana. Saran Penelitian: (2). Bagi pihak yang berperkara di harapkan dapat mematuhi dan mengikuti segala peraturan yang ada di Pengadilan, terutama selama dalam proses pemeriksaan perkara. Karena pihak yang berperkara sebenarnya juga memiliki peran penting dalam rangka tercipatanya peradilan yang sederhana, cepat, dan biaya ringan sesuai yang di harapkan. (2). Dari pihak Pengadilan harus memberikan penyuluhan hukum dengan bekerja sama dengan isntansi terkait (kelurahan dan pemerintah kota) kepada masyarakat umum, agar kesadaran masyarakat terhadap hukum dapat terwujud. Sehingga akibatnya tidak menjadi salah satu kendala dalam proses peradilan yang sederhana, cepat, dan biaya ringan.

Kata Kunci: *Gugatan Sederhana, Kerugian Negara, Korupsi*

1. INTRODUCTION

The Prosecutor's Office of the Republic of Indonesia according to Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia is a government institution that exercises state power in the field of prosecution and other authorities based on the law. One of the prosecutor's powers based on the law is that the prosecutor can act for and on behalf of the state both outside and inside the court in the field of Civil and State Administration (DATUN). Based on this authority, the term State Attorney (JPN) emerged. The Prosecutor's Office in Indonesia has a separate section for handling the DATUN case.

As it is known that the crime of corruption in Indonesia is a problem that has become widespread in the community, developments continue to increase from year to year both in terms of the quantity of cases that occur and the quantity of state financial losses as well as in terms of the quality of criminal acts carried out more systematically and in scope that enter aspects of people's lives. . (Sutrisno, S. 2018).

Efforts to eradicate Corruption Crimes carried out by the government are still ongoing with various strategies, but acts of corruption are still spreading in various sectors of life, not only in the bureaucracy including BUMN, so that by some circles corruption is seen as an extraordinary crime or a crime. an extraordinary crime because in addition to harming state finances it is also a violation of the social and economic rights of the wider community. (Marwan Effendy 2012). Law Number 48 of 2009 concerning Judicial Power in Article 2 Paragraph (4) explains that the judiciary is carried out simply, quickly and at low cost. With regard to the explanation of the judiciary that can be done simply, quickly and at low cost, it must refer to the principle of the judiciary which is the most important and which is the basis for good service covering the administrative field, which must be guided by the principles of effectiveness and efficiency. In reality, the Court not only has an independent spirit and integrity, but is obliged to provide fair and equitable services to every level of society. Every court at the first level must have a design with a main focus, namely being able to provide services for the benefit of the community, this is evidenced by the existence of a low-cost, simple and affordable process and also the right time for completion. (Wahyuningsih, S., Ilham, L 2018).

If we look at the Civil Procedure Code, which has a purpose as a sign and procedure in handling and resolving civil disputes based on fast, simple and low cost. PERMA Number 2 of 2015 contains an explanation of how the procedure for settling a small claim court is explained in which it explains that what is meant by a small claim court is commonly referred to as a Claim Court, which is a mechanism for resolving a case in a fast manner and following the established provisions.

Small claim court (small claim court) is a lawsuit in the field of civil law with a maximum material value of around Rp. 200,000 (two hundred million) which is completed by the procedure in simple proof (simple procedure and accidentiary). (Asnawi, M. Natsir. (2016). The small claim court (small claim court) system is

part of the general court's authority over civil disputes with relatively small claims. This means that small claim courts can only be carried out in general courts and cannot submitted to other courts (Priyanto, Waris. 2015).

Small claim court has long developed both in countries with a common law legal system and countries with a civil law legal system. It even grows and develops rapidly not only in developed countries such as America, England, Canada, Germany, the Netherlands but also in developing countries both in Latin America, Africa and Asia. This is because business dispute resolution forums through courts are efficient, fast and low-cost court fees for cases with small case values are needed in the business world. The establishment of such a forum is very much needed, especially for developing countries such as Indonesia, to increase the confidence of domestic and foreign investors to develop the business world. (Putri, S. A. (2018). Settlement of disputes through the courts (litigation) is considered ineffective and efficient so that it will disrupt or hinder business activities. This is due to: the dispute resolution process through the courts is very slow and time consuming as a result of the very poor examination system. formalistic and very technical; expensive court fees (considering that for registration of a lawsuit it is around Rp. 500,000-Rp. 750,000.00 multiple trial fees, attorney fees, confiscation fees, witness examination fees, and other costs related to the needs of the trial the author's practical experience); judiciary that is not responsive to defending the public interest and often acts unfairly; and court decisions often do not solve problems but instead create new problems considering that litigation processes always end with the loser and the winner. This has the potential to prolong the settlement process. dispute even though there is a principle of fast, simple and low cost.

From the thoughts above, in the author's opinion, there is a need for a form of dispute resolution procedure, especially business disputes, as is known in developed countries by giving the court the authority to settle cases based on the size of the value of the disputed object, so that dispute resolution can be achieved. , especially businesses, quickly, simply and cheaply, through a mechanism called a small claims court. The problem is how to implement the practice of dispute resolution through the small claims court mechanism.

The Supreme Court (MA) has issued Supreme Court Regulation Number 2 of 2015 concerning Procedures for Settlement of Small claim courts, hereinafter referred to as PERMA Number 2 of 2015. As amended by Regulation of the Supreme Court of the Republic of Indonesia Number 4 of 2019 concerning Amendments to Regulations of the Supreme Court of the Republic of Indonesia Number 2 of 2015 concerning Procedures for Settlement of Simple Lawsuits. The settlement of civil disputes specifically for small claims courts is limited to 14 working days with a maximum claim value of 500,000,000 (five hundred million).

The decision is final and binding at the first instance. The procedure for submitting a small claim court is also not required to be represented by a legal representative or an advocate as is the case in ordinary civil lawsuits. However, the parties (Plaintiff and Defendant) with or without legal counsel must be present during the trial. Therefore, a lawsuit cannot be filed if the Defendant's

place of residence or domicile is not known. The use of the services of a lawyer will certainly incur costs that are not small. The regulation actually contains an emphasis that the parties do not need to use the services of an advocate so that the judicial process is more effective and efficient in litigation of efficiency. This is because the Small Claim Court case is not designed as a dispute, but to find solutions to legal problems faced by the parties quickly and simply.

Based on the above background, this research focuses on the Small Claim Court by the Prosecutors as State Lawyers in Corruption Crimes. What are the legal remedies taken by the prosecutor to recover state losses in corruption? How is the prosecutor's effort as a state attorney in returning state losses due to corruption?

2. LITERATURE REVIEW

1. Understanding Simple Judiciary

Simple, Fast, and Low Cost Judicial Process based on Law Number 48 Year 2009 in Article 2 paragraph (4) and Article 4 Paragraph (2) requires the existence of important principles in the Civil Procedure Code, namely simple, fast, and low cost. Simple is that the examination and settlement of cases is carried out in an efficient and effective manner; Low fees are case costs that can be reached by the community, however, the principle of simplicity, speed and low cost in the examination and settlement of cases does not rule out accuracy and precision in seeking truth and justice. The principle of resolving cases within a reasonable timeframe. For, courts, especially at the first level, must be designed in such a way as to be able to serve the interests of the community which is characterized by a low cost, simple process, and fast case settlement time. (Ariani, N.V. 2016).

The principle of simple justice implies that a stage of the process is carried out through a mechanism that is not complicated, easy to understand and also easy for people from any group background to follow. Sometimes the litigants do not always have a sufficient educational background to understand legal procedures, but sometimes the litigants come from people with low educational backgrounds or even complete illiteracy. (Ridwan Mansyur 2017).

Quoting Erman Rajagukguk's statement, which states that the globalization of law will cause the regulations of developing countries regarding investment, trade and economic services to approach the convergence of developed countries, therefore nowadays not only in the field of economic law but also procedural law there is considerable influence stronger than the common law legal system. Prior to 2015, the settlement of civil disputes in court used procedural law as regulated in HIR/RBg as positive law, which did not distinguish the procedure based on the size of the lawsuit, but since August 2015 through Supreme Court Regulation no. 2 of 2015 concerning Procedures for Settlement of Small claim courts (hereinafter referred to as PERMA No. 2 of 2015) is enforced (Erman Rajagukguk).

1. Definition of State Attorney (JPN)

Affirmed in Law no. 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, Article 30 paragraph (1), namely that in the criminal field, the prosecutor's office has the following duties and authorities: (a), prosecute, (b), carry out judges' decisions and court decisions that have permanent legal force, (c), Supervise the implementation of conditional criminal decisions, supervisory criminal decisions, and parole decisions. (d), carry out investigations into certain criminal acts based on the law, (e), complete certain case files and for that can carry out additional examinations before being transferred to the court which in its implementation is coordinated with investigators. Furthermore, in Article 30 paragraph (2), it is clear that duties and authorities other than in the criminal field are the duties and authorities of the Prosecutor's Office in the civil and state administration fields. State attorneys' attorneys in returning state finances or assets resulting from criminal acts of corruption or on the basis of civil losses are quite effective but not yet optimal.

To find out whether the role of the State Attorney is effective or not, it can be seen at least five elements, namely:

1. The legal basis for the authority of the State Attorney;
2. JPN who carries out his duties as a State Lawyer
3. Facilities and funds that support the implementation of the JPN (State Attorney).
4. Client Awareness.
5. Quantity and quality of financial returns and or state assets.

If the prosecutor cannot play his role when he must behave as a prosecutor and when he behaves as a JPN (State Attorney) then a conflict will arise. This conflict is commonly referred to in the prosecutor's office as a conflict of interest. State attorneys have a certain approach to dealing with cases in the return of state finances. The approach in question is no longer using the approach as the prosecutor acts as a public prosecutor. In terms of resolving cases, they prefer to use non-litigation channels, and do not use attribution or the prosecutor's uniform. This approach is an approach that has been carried out by State Attorneys and is still considered effective.

The success of the State Attorney's Office in returning state finances or assets is not without obstacles. State attorneys' attorneys in carrying out their duties and obligations face various obstacles and challenges. From the various obstacles faced, it did not make the Attorney General's Office close itself to making repairs and improvements. One of the ideas that should be tried to be applied in overcoming obstacles in returning state finances or state assets is the use of progressive legal concepts. The idea of progressive law departs from two basic components in law, namely rules and behavior. Law is placed as an aspect of behavior but also as a rule.

Regulations will build a positive legal system, while behavior or humans will drive regulations and systems that have been (will) be built. Thinking towards the concept of progressive law emphasizes the dehumanization aspect of legal products that will be compiled or built in the

future. Laws must be composed for humans, not the other way around. Thus, humans are composed at a central point of law, so that their happiness, welfare, sense of justice and so on become the center of legal concern. Law is only a means to guarantee and maintain various human needs. If the law is not able to achieve such a guarantee, then it must be done and there must be a concrete effort against the law, including restructuring and restructuring. (Achmad Busro, 2011).

The theories related to the small claim court are presented as follows:

a. Law Enforcement Theory

Law enforcement is an attempt to bring the ideas of justice, legal certainty and social benefits into reality. So law enforcement is essentially a process of embodiment of ideas. Law enforcement is the process of making efforts to enforce or actually function legal norms as a guide for actors in traffic or legal relationships in social and state life. Law enforcement is an effort to realize the ideas and legal concepts that are expected by the people to become a reality. Law enforcement is a process that involves many things. (Moho, H. 2019).

Conceptually, the essence and meaning of law enforcement lies in the activity of harmonizing the relationship of values outlined in solid and embodied rules and attitudes of action as a series of final stage value elaborations, to create, maintain and maintain peaceful social life. (Soejono Soekanto 2012).

b. Law Effectiveness Theory

Effectiveness comes from the word effective which implies the achievement of success in achieving the goals that have been set. Effectiveness is always related to the relationship between the expected results and the results actually achieved. Effectiveness is the ability to carry out tasks, functions (operations, program activities or missions) of an organization or the like in which there is no pressure or tension between its implementation.

So legal effectiveness according to the above understanding means that the effectiveness indicator in the sense of achieving predetermined goals or objectives is a measurement where a target has been achieved in accordance with what has been planned. The purpose of law is to achieve peace by realizing certainty and justice in society. Legal certainty requires the formulation of generally accepted legal rules, which also means that these rules must be strictly enforced or implemented. This causes that the law must be known with certainty by the citizens of the community, because the law consists of rules that are determined for present and future events and that these rules apply in general. Thus, in addition to the tasks of certainty and justice, there is also an element of usefulness in law.

What this means is that every member of the community knows for sure what things are allowed to be done and what are prohibited from being carried out, besides that their interests are not harmed within reasonable

limits. The law functions for justice, certainty and expediency. In the practice of administering law in the field, there are times when there is a conflict between legal certainty and justice.

c. Legal System Theory

According to Lawrence M. Friedman, the legal system is a legal entity consisting of three elements, namely the legal structure, legal substance and legal culture. In simple terms, the legal structure is related to law enforcement institutions or institutions or can be said to be law enforcement officers. In terms of criminal law, the institution in charge of implementing it is manifested in a criminal justice system, which is essentially a system of power to enforce criminal law which consists of investigative power, prosecution power, adjudicating power and making decisions as well as the power to implement decisions/ punishment by the agency/implementing/executional apparatus. (Lawrence M. Friedman, 1975).

In the criminal law enforcement process, these elements are manifested in the institutions of the Police, Prosecutors and Courts. Legal substance is the entirety of legal principles, legal norms and legal rules, both written and unwritten, including court decisions in terms of the substance of criminal law in Indonesia, so our material criminal legislation is the Criminal Code (KUHP). , while the parent of formal criminal legislation (procedural law) is the Criminal Procedure Code (KUHAP).

3. METHODS

This research is a normative legal research with a conceptual approach that is looking for principles, doctrines and sources of law in a juridical philosophical sense. The reason the researcher uses normative legal research is because it is related to the title raised by the researcher, namely Small Claim Court as an Effort to Recover State Losses Due to Corruption Crimes by State Attorneys. So that it can produce arguments, theories or new concepts to answer problems in solving the problems at hand. As stated by Mukti Fajar and Yulianto Achmad. (Mukti F and Yulianto A. 2010). Whereas the object of normative legal research always takes issues from the law as a system of norms used to provide a perspective "justification" about a legal event. So that normative legal research makes the norm system the center of its study. The research specifications used are descriptive-analytical, namely by describing the applicable laws and regulations associated with legal theories and the practice of implementing positive law related to problems. describe the existing facts or existing facts and describe a problem that exists in the implementation. In accordance with the title and problems that will be discussed in this study and in order to provide useful results, this research was carried out with normative juridical research (normative legal research method). The normative juridical research method is library law research conducted by examining library materials or secondary data alone (Amiruddin & Zainal Asikin 2012).

4. RESULTS AND DISCUSSION

1. Prosecutors' Legal Efforts Against Reimbursement of State Losses in Corruption Crimes.

The functions and duties of the Prosecutor's Office of the Republic of Indonesia are regulated in the Law of the Republic of Indonesia Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia. This rule is the legal basis for the Prosecutor's Office in carrying out its duties and steps as investigators and public prosecutors. The Prosecutor's Office of the Republic of Indonesia, the Prosecutor's Office has the following functions: (UU.16.2004).

1) Formulation of technical policies for special criminal justice activities in the form of providing guidance and coaching in their field of duty
2) Planning, implementation, additional examination of prosecution, execution, or carrying out legal determinations and court decisions, supervision of the implementation of parole decisions and other legal actions and their administration
3) Fostering cooperation, implementing coordination and providing technical guidance and instructions in handling special criminal cases with related agencies and institutions regarding investigations and investigations based on the laws and policies stipulated by the attorney general.
4) Providing suggestions, conceptions of opinions and or legal considerations of the attorney general regarding special criminal cases and other legal issues in law enforcement policies.
5) Development and improvement of the ability, skills and personality integrity of special criminal officers within the prosecutor's office
6) Technical handling and implementation of the duties and authorities of the Prosecutor's Office in the field of special crimes based on statutory regulations and policies determined by the Attorney General.

In the implementation manual on the Criminal Investigation Process, it is stated that the Prosecutor is a state law enforcement tool, obliged to maintain law enforcement, justice and protection of human dignity, as well as order and legal certainty. Thus the Prosecutor acts as a law enforcer who protects the public. Article 1 paragraph (1) of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia stipulates that "the prosecutor is a functional official who is authorized by this Law to act as an investigator, public prosecutor and implementation of court decisions that have obtained legal force and other authorities based on Law Number 16 of 2004".

The Prosecutor's Office of the Republic of Indonesia as a government institution that exercises state power in the field of prosecution is free from any political power. In utilizing freely regardless of the influence of

government power and the influence of other powers. The Prosecutor's Office as a law enforcement agency plays more of a role in upholding the rule of law, protecting the public interest, upholding human rights, and eradicating corruption which may be high, mediocre, or whatever.

The Effectiveness of State/Regional Prosecutors in Recovering State/Regional Finances Due to Corruption Crimes, the aim is as far as possible to be able to restore state or state financial losses due to corruption, if viewed from the effectiveness of the State/Regional Attorney's Office as an instrument to restore the state/regional economy due to criminal acts. State attorneys use corruption by non-litigation even though the settlement is not optimal because the convict pays it in installments. Compared to the litigation method, the litigation process handled by the State Attorney by filing a civil suit to the District Court even though the lawsuit is won by the State Attorney but will not be able to pay state losses due to corruption in their civil decisions, because the defendant does not have sufficient property so that execution cannot be executed.

Meanwhile, if you use Law No. 31 of 1999 which has been amended and replaced with Law No. 20 of 2001 concerning Amendments to Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption for State Prosecutors, it will not be a problem because if the convict is unable to pay compensation according to with the decision, the convict will serve a subsidiary sentence in the form of imprisonment for a length of time that does not exceed the threat of the principal sentence and the length of time has been determined in the decision. (Sutrisno, S. 2018).

The term State Attorney is known for the capacity of the Prosecutor in law enforcement who represents the state in the Civil and Administrative fields. Signs that read the Government Law Office can usually be found at the Attorney General's Office throughout Indonesia. Some use only Indonesian, some are combined with English. The sentence written on the signposts of the Prosecutor's Office refers to the position of the Prosecutor as a State Attorney (JPN). State institutions that are facing legal problems can give power to the Prosecutor and represent the leadership of the state institution in court. The term JPN is not explicitly explained in Law Number 16 of 2004 concerning the Prosecutor's Office, but as stated in Article 30 paragraph (2) of the Prosecutor's Law, the special powers in the Civil sector referred to are identical with lawyers. The term state attorney is a known translation in Staatblad 1922 No. 522 concerning Representation, Article 2 Staatblad 1922 No. 522 states that in a process or dispute that is handled in a civil manner, the one who acts for the government as the person in charge of the state in court is the Prosecutor.

2. The Prosecutors' Efforts as State Lawyers in Recovering State Losses Due to Corruption Crimes.

In an effort to return the money in exchange for corruption cases, the prosecutor (Prosecutor) as a representative of the state or government based on the authority according to law can take legal actions that are deemed necessary, including mediating, negotiating and filing lawsuits in court. Asset recovery efforts as an effort to recover state losses from corruption can be carried out by confiscation of assets resulting from corruption through criminal prosecution and confiscation of assets resulting from criminal acts of corruption through civil lawsuits. (Djufri, D., et al. 2020).

If there is an instrument for confiscation of assets, it is very possible, firstly, it is possible that the perpetrator will think about committing a crime because it will not be profitable or the profits will be confiscated for the State. Second, the crime of loss of independence (prison) will not be able to prevent the commission of a crime because the perpetrator can still enjoy the results/profits of his crime. Third, the seizure of assets can increase public support and be an important message that the government is serious about fighting crime. Fourth, the seizure of assets is a reflection in supporting the conduct of war against certain criminal acts. Fifth, the fines that have been imposed on the perpetrators are considered insufficient to deter perpetrators of criminal acts. Sixth, asset confiscation serves to warn those who want to commit a crime (Suhariyono AR) 2014).

Efforts to recover assets as an effort to recover state losses from corruption crimes The essence of eradicating corruption can be divided into 3 (three) things, namely through preventive, repressive and restorative actions. Preventive actions related to the regulation of eradicating corruption in the hope that the community does not commit corruption. Restorative action, one of which is the return of assets of perpetrators of corruption in the form of criminal law actions and civil lawsuits. (Bernadeta Maria Erna 2013).

Asset recovery is a process of handling assets resulting from crimes that are carried out in an integrated manner at every stage of law enforcement, so that the value of these assets can be maintained and fully returned to victims of crime, including to the state. Asset recovery also includes all preventive actions to keep the asset's value from decreasing. (Romli Atmasasmita, 2014). The Prosecutor's Office is an institution, agency, government institution that exercises state power in the field of prosecution and other authorities. Meanwhile, the person who carries out the duties, functions, and authorities is called the Prosecutor. This is confirmed in Article 1 point 1 of Law No. 16 of 2004 concerning the Prosecutor's Office, that the Prosecutor is: (UU.16.2004). "The prosecutor is a functional official who is authorized by law to act as a public prosecutor and implementer of court decisions who have obtained permanent legal force and other powers based on the law". The Prosecutor's Office is a law enforcement agency that carries out its duties as public prosecutors and implementing decisions and other authorities such as state attorneys who represent the state outside and inside the court related to civil law and state administrative problems encountered,

become investigators in certain special crimes and other duties of authority that have been determined by laws and regulations.

The Civil and State Administration at the Prosecutor's Office is one of the fields that carry out the duties and authorities of the Prosecutor's Office in the Civil and State Administration Sector. Prosecutors who are structurally and functionally in the Civil and State Administration Sector are referred to as State Attorneys. The State Attorney's Office is indeed quite foreign to hear, because the public is more familiar with the Prosecutor's Office as one of the law enforcement agencies that acts as a public prosecutor in handling criminal cases, not civil. The Prosecutor's Law itself never clearly states what a State Attorney is. Juridically, the State Attorney is clearly stated in Law Number 31 of 1999 concerning the eradication of criminal acts of corruption, this means that the State Attorney's Attorney has the authority in efforts to eradicate corruption which is emphasized in the authority of the State Attorney's Attorney, namely law enforcement. The State Attorney's Attorney in the Law on the Eradication of Criminal Acts of Corruption has a role, namely seeking the return of state financial losses due to criminal acts of corruption committed by corruptors through civil law instruments.

The State Attorney's Office has the authority to seek to recover state financial losses due to corruption through civil law instruments so that the proceedings are guided by the civil justice system. The civil justice system essentially has the same characteristics almost all over the world, where the initiative in the proceedings comes from the parties, the judge is passive and the truth sought is the formal truth that is bound to legal evidence according to the law. (Hiariej, E. O. 2013).

5. CONCLUSION

1. The settlement of civil cases through the small claim court at the District Court is very helpful for the community to resolve their cases in a simple, fast, and low cost way. Perma No. 2 of 2015 and Perma No. 4 of 2019 is a new breakthrough and fills the legal vacuum to resolve simple cases that were previously resolved normally. The small claim court is limitative, meaning that if one of the pre-determined conditions is not met, the case cannot be resolved through a simple lawsuit.
2. The limitation of the material value of the lawsuit is Rp. 500,000,000 (five hundred million rupiah) for example, which means that if the lawsuit filed exceeds this value, the lawsuit will not be accepted for settlement through a simple lawsuit process.

Based on the conclusions of the study, the researchers recommend the following:

1. For litigants, it is hoped that they will be able to comply with and follow all the regulations in the Court, especially during the case examination process.

Because the litigants actually also have an important role in the creation of a simple, fast, and low-cost judiciary as expected.

2. The Court must provide legal counseling in collaboration with related institutions (district and city governments) to the general public, so that public awareness of the law can be realized. So as a result it does not become one of the obstacles in the judicial process which is simple, fast, and low cost.

References

Asnawi, M. Natsir. (2016). *Hukum Acara Perdata; Teori, Praktik dan Permasalahannya Di Peradilan Umum dan Peradilan Agama.* Jakarta: UII Press.

Ariani, N.V. (2016). Small claim courtDalam Sistem Peradilan Di Indonesia. *Jurnal Penelitian Hukum p-ISSN*, 1410, 5632

Achmad Busro, (2011). *Optimalisasi Peran Jaksa Pengacara Negara Dalam Pengembalian Keuangan Dan Atau Aset Negara Hasil Tindak Pidana Korupsi Maupun Atas Dasar Kerugian Keperdataan*. Desertasi Program Doktor Ilmu Hukum Program Pascasarjana Universitas Diponegoro.

Amiruddin & Zainal asikin, pengantar Metode Penelitian Hukum,2012,Raja Grafindo Persada Jakarta.hal 118

Bernadeta Maria Erna, Peranan Jaksa dalam Pengembalian Aset Negara, Seminar Nasional Optimalisasi Kewenangan Kejaksaan dalam pengembalian Aset hasil Korupsi melalui Instrumen Hukum Perdata, Paguyuban Pasundan, FH Universitas Pasundan,Bandung 26 Oktober 2013, hlm2.

Djufri, D., Kesuma, D. A., & Afriani, K. (2020). Model Pengembalian Aset (Asset Recovery) Sebagai Alternatif Memulihkan Kerugian Negara Dalam Perkara Tindak Pidana Korupsi. *Disiplin: Majalah Civitas Akademika Sekolah Tinggi Ilmu Hukum Sumpah Pemuda*, 120-132.

Erman Rajagukguk, "Peranan Hukum Dalam Pembangunan Pada Era Globalisasi" *Jurnal Hukum Bisnis* Vol 6, No ii hlm 114.

Hiariej, E. O. (2013). Pengembalian Aset Kejahatan. *Jurnal Opinio Juris*, *13*, 2-3.

Indonesia, Undang-Undang Nomor 16 Tahun 2004 tentang Kejaksaan Republik Indonesia, Psl 1 angaka 1

Lawrence M. Friedman,1975, *The Legal System, Asocial Secience Perspective*, Russel Sage Foundation, New York

Moho, H. (2019). Penegakan Hukum di Indonesia Menurut Aspek Kepastian Hukum, Keadilan dan Kemanfaatan. *Warta Dharmawangsa*, *13*(1).

Marwan Effendy, *Sistem Peradilan Pidana Tinjauan Terhadap Beberapa Perkembangan Hukum Pidana*, Referensi, Tahun 2012, hlm. 132.

Mukti Fajar Dan Yulianto Achmad. 2010. *Dualisme Penelitian Hukum Normatif Dan Empiris*. Yogyakata: Pustaka Pelajar. Hlm 25

Priyanto, Waris. (2015). Pemeriksaan Gugatan Sederhana, PN Lampung.

Putri, S. A. (2018). Penyelesaian Sengketa Perdata Melalui Small claim courtBerdasarkan Perma No. 2 Tahun 2015. *Jurnal Pengabdian Kepada Masyarakat*, *2*(12), 1047-1050.

Romli Atmasasmita, Asset Recovery dan Mutual Assistance In Criminal Matters, Pelatihan Hukum Pidana dan Kriminologi Asas-asas Hukum Pidana dan Kriminologi serta perkembangannya Dewasa Ini, Mahupiki dan FH Universitas Gadjah Mada, Yogyakarta, 23-27 Februari 2014, hlm5

Ridwan Mansyur, Small claim courtTeori Praktek dan Permasalahannya, Pustaka Dunia, Jakarta: 2017, hlm. 46-47.

Sutrisno, S. (2018). Efektifitas Jaksa Pengacara Negara Dalam Upaya Pemulihan Keuangan Negara/Daerah Sebagai Akibat Tindak Pidana Korupsi Di Kejaksaan Negeri Purwokerto. *Jurnal Idea Hukum*, *4*(2).

Suhariyono AR, Rancangan Undang-undang tentang Perampasan Aset Tindak Pidana, Workshop Pemulihan Aset Tindak Pidana, Mahupiki, Jakarta, 28-29 Agustus 2014, hlm 3

Sutrisno, S. (2018). Efektifitas Jaksa Pengacara Negara Dalam Upaya Pemulihan Keuangan Negara/Daerah Sebagai Akibat Tindak Pidana Korupsi Di Kejaksaan Negeri Purwokerto. *Jurnal Idea Hukum*, 4(2).

Soejono soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, Raja Grafindo Persada, Jakarta, 2012, Hal. 13.

Undang-Undang Republik Indonesia Nomor 16 Tahun 2004 tentang Kejaksaan Republik Indonesia.

Wahyuningsih, S.,Ilham, L., & Dahri, I. (2018). Penerapan sistem small claim court(small claim court) dalam penyelesaian perkara wanprestasi di pengadilan negeri makassar. *Jurnal Tomalebbi*, (1), 86-98.