

Effectiveness of the Role of State Attorneys in Resolution of Legal Issues on Control of land Assets Local Government Through Non-Litigatory Legal Aid

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Abstract. *The effectiveness of the State Attorney's role in resolving legal issues concerning the control of regional government land assets is important because land assets constitute regional wealth that must be legally secured and utilized for public purposes. This issue is reflected in the public infrastructure, facilities, and utilities land of Medang Lestari Housing in Medang Village, Pagedangan District, Tangerang Regency, covering 11,213 m² with an estimated value of IDR 67,278,000,000, which has been controlled by another party for approximately fifteen years. This research employs an empirical juridical method with a descriptive-analytical specification. Primary data were obtained through interviews, while secondary data were collected from legislation, books, scientific journals, and other relevant legal materials. The data were analyzed qualitatively by combining the legal framework with the factual implementation of non-litigation legal assistance by the State Attorney at the Tangerang Regency District Attorney's Office. The results show that the State Attorney acted on the basis of a Special Power of Attorney from the Regional Financial and Asset Management Agency of Tangerang Regency. The legal steps consist of reviewing the legal problem and asset documents, coordinating with the grantor of authority, and issuing a formal legal warning to the party controlling the land. Based on Role Theory, the State Attorney performed an active institutional role rather than merely holding formal authority. Based on the Theory of Legal Effectiveness, the role was effective because the land was vacated without litigation, the regional government regained control of the assets, and the land could again be directed toward the public interest, particularly the construction of SMPN 2 Pagedangan.*

Keywords: Attorney; Government; Legal; Litigation; Regional.

1. Introduction

The Unitary State of the Republic of Indonesia is a state based on law as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The principle of a state based on law demands that governance, including the management of regional assets, be carried out based on law. In this context, regional government land assets are not merely numbers on an inventory list, but rather part of public assets that must be secured and utilized to support services to the community.¹

Land assets have strategic value because they can be used for the construction of schools, healthcare facilities, service offices, open spaces, sports facilities, and various public facilities. Therefore, asset management goes beyond administrative record-keeping. Asset management requires inventory, legal audits, assessments, optimization, monitoring, and control to ensure the assets truly provide the benefits intended for their ownership.² If assets are only recorded but are not in clear physical control, then asset management cannot be said to be running optimally.

Vulnerability of regional land assets arises when there is a discrepancy between legal status and actual conditions on the ground. Land that is legally owned by the region can be physically occupied, used, or controlled by others. Research on land ownership as regional property shows that the discrepancy between actual ownership and asset status can lead to legal and administrative issues, as well as obstacles to utilization by local governments.³

Normatively, regional assets are regulated based on Law Number 1 of 2004 concerning State Treasury, which places goods purchased or obtained at the expense of the Regional Budget or other legal acquisitions as regional assets.⁴ Its management is strengthened through Government Regulation Number 27 of 2014 as amended by Government Regulation Number 28 of 2020, which requires the management of state/regional assets to be orderly, effective, efficient, and optimal.⁵

The security of regional assets is also emphasized through Minister of Home Affairs Regulation Number 19 of 2016, as amended by Minister of Home Affairs Regulation Number 7 of 2024. Land asset security essentially encompasses administrative, physical, and legal safeguards. Administrative safeguards relate

¹Jimly Asshiddiqie, *The Constitution and Constitutionalism of Indonesia*, Jakarta: Sinar Grafika, 2010, pp. 55-60.

²Doli D. Siregar, *Asset Management*, Jakarta: Gramedia Pustaka Utama, 2004, pp. 518-520.

³Ismail Hardi, "Control of Land as Regional Property by the Padang City Government," *UNES Law Review*, Vol. 6 No. 1, 2023, pp. 1419-1432.

⁴Law Number 1 of 2004 concerning State Treasury.

⁵Government Regulation Number 27 of 2014 concerning Management of State/Regional Property as amended by Government Regulation Number 28 of 2020.

to the recording and completeness of documents, physical safeguards relate to actual control and land boundaries, while legal safeguards relate to the steps taken in the event of a claim or unauthorized control.⁶ Studies on the security of local government land assets show that the implementation of security can still face obstacles so that it does not always take place optimally.⁷

When regional land assets are controlled by another party, local governments require legal instruments capable of effectively restoring control of the assets. While court resolution remains available, litigation is time-consuming, expensive, and requires institutional energy, potentially prolonging the conflict. Therefore, non-litigation resolution through clarification, summons, negotiation, mediation, or summons can be an option when the nature of the problem still allows for an out-of-court settlement.

This need opens up space for State Attorneys. The Republic of Indonesia Attorney General's Office not only carries out criminal prosecution functions, but also has authority in the civil and state administrative fields. Article 30 paragraph (2) of Law Number 16 of 2004 concerning the Republic of Indonesia Attorney General's Office as amended by Law Number 11 of 2021 grants the Attorney General's Office, based on special powers, the authority to act both inside and outside the court for and on behalf of the state or government.⁸

The implementation of these functions is guided by the Republic of Indonesia Attorney General's Regulation Number 7 of 2021 concerning law enforcement, legal assistance, legal considerations, other legal actions, and legal services in the civil and state administrative fields.⁹ In non-litigation legal assistance, the State Attorney can review documents, identify the legal position of the power of attorney, coordinate with relevant agencies, and use legal instruments such as summonses to encourage settlement without trial.

Despite the authority, the effectiveness of the State Attorney's function is not automatically realized simply by having a legal basis. Previous research has shown that the implementation of the JPN's function still faces obstacles such as budget constraints, the inactivity of collaborating agencies, and a unequal

⁶Regulation of the Minister of Home Affairs Number 19 of 2016 concerning Guidelines for Management of Regional Property as amended by Regulation of the Minister of Home Affairs Number 7 of 2024.

⁷Sarifudin and Novianto Eko Wibowo, "Securing Assets in the Form of Land Owned by the Seruyan Regency Government," *Restorica: Scientific Journal of Public Administration and Communication Science*, Vol. 11 No. 2, 2025, pp. 60-67.

⁸Article 30 paragraph (2) of Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia as amended by Law Number 11 of 2021.

⁹Regulation of the Attorney General of the Republic of Indonesia Number 7 of 2021 concerning Guidelines for the Implementation of Law Enforcement, Legal Aid, Legal Considerations, Other Legal Actions, and Legal Services in the Civil and State Administrative Fields.

understanding of the JPN's capabilities in civil and state administration matters.¹⁰ Therefore, effectiveness needs to be assessed based on concrete actions, institutional support, responses from related parties, and the results achieved in a case.

The case of the Medang Lestari Housing Infrastructure, Facilities, and Utilities land in Medang Village, Pagedangan District, Tangerang Regency provides a concrete example. The 11,213 m² plot of land, valued at approximately Rp67,278,000,000, is an asset of the Tangerang Regency Government and is earmarked for the construction of the Pagedangan 2 Junior High School building. However, the asset had previously been controlled by another party for approximately fifteen years, preventing it from being utilized according to development plans.¹¹

This situation demonstrates the gap between the ideal and the actual situation. Normatively, local government assets should be under clear control, secured administratively, physically, and legally, and available for use in the public interest. In reality, the Medang Lestari PSU land has been outside the control of the local government for a long period of time. The Tangerang Regency Government then granted a Special Power of Attorney to the State Attorney at the Tangerang Regency District Attorney's Office to seek non-litigation legal assistance.

This research therefore focuses on two issues. First, how the State Attorney's Office (Public Attorney) implements the role of the Tangerang Regency Government's land control authority through non-litigation legal aid. Second, how effective this role is in the Medang Lestari Housing Estate land acquisition case. The study focuses not only on the results of the eviction, but also on the relationship between authority, the handling process, supporting documentation, the response of the party controlling the asset, and the ultimate benefit to the public interest.

2. Research Methods

This study uses an empirical legal approach with analytical descriptive specifications. Primary data were obtained through interviews with the Head of the Civil and State Administration Section at the Tangerang Regency District Attorney's Office, while secondary data were obtained through a literature review of laws and regulations, books, scientific journals, and documents relevant to the duties of the State Attorney and the management of local

¹⁰Iska Tirta Adiyaksa and Dossy Iskandar Prasetyo, "The Role and Obstacles to the Functionalization of State Attorneys in the Civil and State Administrative Fields: A Case Study of the Sidoarjo District Attorney's Office," *Jurnal Judiciary*, Vol. 13 No. 2, 2024, pp. 10-16.

¹¹Tangerang Regency District Attorney's Office, "Tangerang Regency District Attorney's Office Saves 1 Hectare of Assets Worth IDR 67 Billion," accessed May 2, 2026.

government land assets. Data were analyzed qualitatively by linking legal norms with the implementation of non-litigation legal aid in the Medang Lestari Housing PSU land case.

3. Results and Discussion

3.1. Implementation of the Role of the State Attorney at the Tangerang Regency District Attorney's Office in Resolving Legal Problems Regarding the Control of Land Assets of the Tangerang Regency Government through Non-litigation Legal Aid

The role of the State Attorney at the Tangerang Regency District Attorney's Office must be understood in light of the Prosecutor's Office's position in civil and state administrative matters. The authority to act for the state or government requires special powers. Therefore, the State Attorney does not act independently without a request from the relevant agency, but rather carries out legal functions based on a clear and limited power of attorney relationship with the object of the power granted.¹²

In the case of the Medang Lestari Housing Estate land acquisition scheme, the Tangerang Regency Government, through the Regional Financial and Asset Management Agency, granted the power of attorney. The Special Power of Attorney serves as the formal basis for the JPN to review the legal issues, examine asset documents, determine the local government's legal position, and select the most appropriate resolution. Therefore, the initial stage of the JPN's role is not merely a summons, but rather a verification of the authority and the validity of the documents underlying the local government's claim.

The object being investigated is the land belonging to the Medang Lestari Housing Development Unit (PSU) in Medang Village, Pagedangan District, Tangerang Regency. Based on research data, the land area reaches 11,213 m² with a value of approximately Rp67,278,000,000. The land is an asset of the Tangerang Regency Government and was planned for the construction of SMPN 2 Pagedangan, but in fact, it has been controlled by another party for approximately fifteen years.¹³ This situation creates problems because physical control is not in line with the legal status of the asset.

The settlement process began when the Tangerang Regency BPKAD granted a Special Power of Attorney to the JPN. After receiving the power of attorney, the JPN team reviewed the issues and asset documents, coordinated with the BPKAD, and then issued a summons to the party controlling the land. The

¹²Marwan Effendy, *The Attorney General's Office of the Republic of Indonesia: Its Position and Function from a Legal Perspective*, Jakarta: Gramedia Pustaka Utama, 2005, pp. 136-140.

¹³Tangerang Regency District Attorney's Office, "Tangerang Regency District Attorney's Office Saves 1 Hectare of Assets Worth IDR 67 Billion," accessed May 2, 2026.

summons served to establish the Tangerang Regency Government's legal position as the asset owner and also provided the party controlling the land with the opportunity to resolve the matter voluntarily without a court proceeding.¹⁴

An interview with Eddy Purwanto, Head of the Civil and State Administration Section of the Tangerang Regency District Attorney's Office, revealed that a Special Power of Attorney serves as the primary basis for the JPN to examine the issue, review asset documents, and determine non-litigation measures. The interview also explained that a summons was chosen because it was deemed sufficient to convey the local government's legal standing and provide the opportunity for voluntary resolution.¹⁵

After the summons was issued, the party in control of the land vacated it. This eliminated the need for a lawsuit. The Tangerang Regency District Attorney then returned the Special Power of Attorney along with the settlement documents to the Regional Financial and Asset Management Agency (BPKAD). This sequence demonstrates that non-litigation legal aid can operate as a measurable process: starting with power of attorney, review, coordination, legal action, response from the relevant parties, and finally, closure.

This implementation can be analyzed using Role Theory. Soerjono Soekanto explains that a role is a dynamic aspect of a position; a role is visible when the rights and obligations inherent to the position are actually carried out.¹⁶ In the context of this research, the JPN's position as the authorized person cannot be assessed solely on the basis of a Special Power of Attorney. A new role becomes clearly evident when the JPN uses this authority to examine issues, coordinate with the authorized person, and issue summonses.

This view is in line with the understanding of roles which places the actions of a person or institution in relation to the expectations attached to their social status and function.¹⁷ The Tangerang Regency Government granted power of attorney in the hope that the asset control issue could be resolved legally, quickly, and effectively. The JPN's actions in this case demonstrate the alignment between its legally granted position and its actual functions.

From a non-litigation legal aid perspective, a summons plays a crucial role because it is a relatively simple legal tool yet possesses normative coercive power. Out-of-court settlements essentially provide the parties with the opportunity to resolve their disputes without litigation through more flexible

¹⁴Tangerang Regency District Attorney's Office, "Tangerang Regency District Attorney's Office Saves 1 Hectare of Assets Worth IDR 67 Billion," accessed May 2, 2026.

¹⁵Results of an interview with Eddy Purwanto, Head of the Civil and State Administration Section of the Tangerang Regency District Attorney's Office, May 2, 2026.

¹⁶Soerjono Soekanto, *Sociology: An Introduction*, Jakarta: RajaGrafindo Persada, 2012, p. 212.

¹⁷Abu Ahmadi, *Social Psychology*, Jakarta: Rineka Cipta, 2002, p. 115.

mechanisms, provided they do not violate the law.¹⁸ In this case, the summons not only serves as a warning, but also as a medium to clarify the local government's legal position and encourage eviction without trial.

The successful implementation of the JPN's role also depends on the cooperation of the authorized agency. The JPN is not in a position to build an entire asset database on its own. The Regional Development Planning Agency (BPKAD) plays a crucial role in providing documents, asset histories, area and value data, and information on utilization plans. Coordination between the BPKAD and the JPN is part of the legal aid implementation mechanism, as the quality of legal action is crucially determined by the quality of the information received.

The implementation of the JPN's role in this case ultimately demonstrates that the Prosecutor's Office's function in civil and state administrative matters extends beyond representation in court. Non-litigation legal assistance can be an instrument for securing assets when disputes can still be resolved voluntarily. This role operates through a series of targeted actions based on special powers, resulting in a concrete resolution in the form of the eviction of land assets belonging to the Tangerang Regency Government.

However, the mechanism used in this case cannot be separated from the character of the object and the strength of the asset documentation. A summons will be less effective if the asset's status is unclear or if there is a rights dispute requiring more complex proof. Therefore, the implementation of non-litigation legal aid must still begin with an assessment of the adequacy of the documents, the scope of the authority, and the possibility of voluntary settlement before determining whether the case should proceed to litigation.

3.2. The Effectiveness of the Role of State Attorneys at the Tangerang District Attorney's Office in Resolving Legal Problems Regarding the Control of Land Assets of the Tangerang District Government through Non-litigation Legal Aid

The effectiveness of the State Attorney's role in the Medang Lestari Housing PSU land case is assessed by the success of legal actions in achieving resolution. The primary goal of non-litigation legal aid is to end another party's control of Tangerang Regency Government assets without the need for court proceedings. Therefore, effectiveness is measured not only by the presence or absence of JPN action, but also by the relationship between the legal basis, quality of implementation, supporting facilities, the response of related parties, legal culture, and the final outcome.

Soerjono Soekanto's Theory of Legal Effectiveness explains that the working of the law is influenced by five factors, namely legal factors, law enforcement

¹⁸Rachmadi Usman, *Options for Dispute Resolution Outside the Court*, Bandung: Citra Aditya Bakti, 2003, pp. 3-5.

factors, means or facilities factors, community factors, and cultural factors.¹⁹ These five factors are used to assess why non-litigation legal aid in this case was successful in resulting in the disgorgement of assets.

First, the legal factor. The JPN's authority has a clear normative basis through Article 30 paragraph (2) of the Prosecutor's Office Law, which grants the Prosecutor's Office, with special powers, the authority to act both inside and outside the courts for the state or government.²⁰ This basis is complemented by the Republic of Indonesia Attorney General's Regulation Number 7 of 2021 as an operational guideline for civil and state administrative matters.²¹ In this case, the general legal basis is concretely confirmed by a Special Power of Attorney from the BPKAD of Tangerang Regency.

The clarity of the legal basis ensures that the summons issued by the JPN is not an unauthorized action. The JPN acts as the regional government's authorized representative for certain matters, while the Regional Development Planning Agency (BPKAD) remains the agency with legal interests. This structure provides certainty regarding who is represented, what matters are handled, and what actions can be taken in non-litigation resolution.

Second, the law enforcement factor. The effectiveness of the law depends on the ability of officials to exercise their authority appropriately. In this case, the National Land Agency (JPN) did not immediately resort to litigation, but instead reviewed the documents and chose a summons as a proportionate measure. Interviews indicated that the summons was deemed sufficient to convey the local government's position and provide an opportunity for voluntary vacancy.²² The right choice of mechanism is an important element of effectiveness.

Third, the infrastructure or facilities factor. The facilities needed to handle land assets include not only physical facilities but also legal documents, asset data, Special Powers of Attorney, ownership history, and inter-agency coordination. Soerjono Soekanto places supporting facilities as one of the requirements for effective legal operation.²³ In this case, data regarding land area, asset value, location, ownership status, and utilization plans for school construction strengthen the local government's legal position.

¹⁹Soerjono Soekanto, *Factors Influencing Law Enforcement*, Jakarta: RajaGrafindo Persada, 2014, p. 8.

²⁰Article 30 paragraph (2) of Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia as amended by Law Number 11 of 2021.

²¹Regulation of the Attorney General of the Republic of Indonesia Number 7 of 2021 concerning Guidelines for the Implementation of Law Enforcement, Legal Aid, Legal Considerations, Other Legal Actions, and Legal Services in the Civil and State Administrative Fields.

²²Results of an interview with Eddy Purwanto, Head of the Civil and State Administration Section of the Tangerang Regency District Attorney's Office, May 2, 2026.

²³Soerjono Soekanto, *Factors Influencing Law Enforcement*, Jakarta: RajaGrafindo Persada, 2014, p. 37.

Adequate asset documentation allows the JPN to develop stronger arguments for a legal warning. Without clear data and documentation, a legal warning risks losing its legitimacy. Support from the Regional Financial and Asset Management Agency (BPKAD) as the authority granting the notice is therefore essential for effective handling, not merely an administrative aspect.

Fourth, the societal factor. In non-litigation settlements, the response of the party to whom the summons is addressed is crucial because there is no direct, compelling judicial ruling. In the Medang Lestari PSU case, the party controlling the land responded to the summons by vacating it. This response demonstrated that the JPN's legal position was accepted, enabling the resolution to be achieved without escalating the case to court.

Fifth, the legal culture factor. Non-litigation resolution requires the parties' willingness to respect the law and choose an orderly resolution outside of court. The vacating of the case after the summons demonstrates a supportive attitude toward resolution without prolonging the conflict through litigation. Thus, the legal culture in this specific case positively impacts the effectiveness of the resolution.

In terms of results, the effectiveness is very evident. Land assets previously under the control of another party for approximately fifteen years were successfully vacated without a judicial process. The 11,213 m² of land, valued at approximately Rp67,278,000,000, is now back under the control of the Tangerang Regency Government.²⁴ This success demonstrates the achievement of the direct objectives of non-litigation legal aid.

The benefits of the settlement extend beyond the administrative aspects and the economic value of the asset. The land is earmarked for the construction of the SMPN 2 Pagedangan building. The return of control of the asset opens the opportunity for its reuse for educational purposes. Thus, the effectiveness of the JPN's role can also be measured by the public benefits generated after legal obstacles to the asset's use are resolved.

These results can be compared with research on the functionalization of JPN which shows that there are still obstacles in the form of budget limitations, the lack of activity of collaborating agencies, and the unequal understanding of JPN's capabilities.²⁵ In the case of Tangerang Regency, some of these obstacles could be reduced because the BPKAD granted authority, provided data, and coordinated with the JPN, while the JPN chose clear and measurable legal action.

²⁴Tangerang Regency District Attorney's Office, "Tangerang Regency District Attorney's Office Saves 1 Hectare of Assets Worth IDR 67 Billion," accessed May 2, 2026.

²⁵Iska Tirta Adiyaksa and Dossy Iskandar Prasetyo, "The Role and Obstacles to the Functionalization of State Attorneys in the Civil and State Administrative Fields: A Case Study of the Sidoarjo District Attorney's Office," *Jurnal Judiciary*, Vol. 13 No. 2, 2024, pp. 10-16.

Non-litigation legal aid in this case can be considered effective because it fulfills a series of mutually supportive elements: a basis for specific authority and power; concrete legal action through review and a summons; availability of asset data and documents; a response from the party controlling the land; and a result in the form of an eviction that benefits the local government and the community. Effectiveness, therefore, is not solely the result of a single summons, but rather the interaction between norms, apparatus, facilities, social responses, and legal culture.

This assessment still needs to be proportionate. The success of the Medang Lestari PSU does not mean that every local government land asset acquisition can be resolved with a summons. The effectiveness of non-litigation depends on the strength of the evidence of ownership, the nature of the ownership, the attitude of the landowner, and the support of the authority granting the land. If a complex rights dispute arises or a summons is not complied with, litigation may be a necessary next step.

Based on five factors of legal effectiveness, the role of the State Attorney at the Tangerang Regency District Attorney's Office can be deemed effective in this case. The legal factor is fulfilled through the basis of authority and a Special Power of Attorney; the law enforcement factor is fulfilled through the JPN's active and proportional actions; the means factor is fulfilled through supporting asset documentation; the community factor is evident in the response to the eviction; and the legal culture factor is evident in the settlement without trial. All of these factors resulted in a concrete solution that benefits the public interest.

4. Conclusion

The implementation of the role of the State Attorney at the Tangerang Regency District Attorney's Office in resolving legal issues regarding the control of Tangerang Regency Government land assets through non-litigation legal assistance has been carried out in accordance with the JPN's position in the civil and state administration fields. The implementation begins with a Special Power of Attorney from the Tangerang Regency BPKAD, followed by a review of the problems and asset documents, coordination with the principal, and a summons to the party controlling the Medang Lestari Housing PSU land. Viewed from the Role Theory, the JPN is not only in a formal position as a power of attorney, but carries out an active function through targeted legal actions to resolve the problem without trial. The JPN's role in the Medang Lestari Housing PSU land case can be considered effective. This effectiveness is evident from the clear legal basis, the JPN's ability to choose appropriate non-litigation measures, the support of asset data and documents from the Regional Financial and Development Agency (BPKAD), the response of the landowner to the summons, and the culture of resolving the dispute without prolonging it. The final result was the vacating of 11,213 m² of land previously controlled for approximately

fifteen years, allowing the Tangerang Regency Government to regain control and direct the use of the land for public interests, specifically the construction of SMPN 2 Pagedangan.

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