

The Role of State Attorneys in Recovering State Finances for State-Owned Enterprises (BUMN) in the Covid-19 Pandemic Era

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Abstract. The presence of the coronavirus or coronavirus disease 2019 (covid-19) has had an unimaginable impact, making the economic situation around the world worsening, including in Indonesia. It is undeniable that State-Owned Enterprises (BUMN) as state entities in conducting their business is not always smooth and feel the impact. Problems arise in the case of business ventures or commercial work carried out by BUMN, either with private parties or other communities. The problems are manifold and most of them are related to previously agreed work or not fulfilling a promise as stated in the agreement, causing default in the form of late payment. Many business actors who are unable to complete their obligations to BUMN are then reported and legally processed through a Special Power of Attorney to the State Attorney with the hope of restoring State Finances. According to the provisions of Article 30 paragraph (2) of Law Number 16 of 2004 concerning the Republic of Indonesia Public Prosecutor's Office, the State Attorney's Office can play a role as the party receiving the BUMN power of attorney.

Keywords : State Attorney, State-Owned Enterprises (BUMN), State Financial Recovery

1. Introduction

The presence of the coronavirus or coronavirus disease 2019 (covid-19) has worsened the economic situation around the world. The COVID-19 pandemic has had an unimaginable impact, making the economic situation around the world worse, including in Indonesia. In fact, world financial institutions such as the International Monetary Fund (IMF) have projected that the global economy will grow at minus 3%. No exception for Indonesia itself.

The government through the Ministry of Finance noted that impacts of the COVID-19 pandemic on the Indonesian economy, ranging from labor problems to industrial performance. This impact has massively shattered the social and economic foundations of Indonesia, including widespread layoffs (PHK), declining import performance, inflation, the collapse of domestic and international flights due to flight cancellations, loss of revenue from the air service sector which reached more than Rp 300 billion per day, decreased number of foreign tourists Decreased hotel occupancy.[1]

The impact of the outbreak of COVID-19 also has an impact on investment itself. According to a study by the Institute for Development of Economics and Finance (INDEF), the potential impact of investment in Indonesia can reach trillions of rupiah. The Institute for Development of Economics and Finance (INDEF) predicts a potential loss of investment value of Rp. 127 trillion due to the outbreak of COVID-19. This is not without reason, considering that one of the contributing factors is the declining prospect of economic activity and growth. [2]

The government through the Ministry of Finance admits that Covid-19 has had a huge impact on Indonesia. In almost all aspects of people's lives, there are enormous economic pressures. Indonesia is experiencing a very heavy domino effect, where health hits social, social hits the economy and the economy will definitely affect the financial sector, especially from bank and non-bank financial institutions.

State-Owned Enterprises (BUMN), which all or most of their capital comes from separated state assets, are economic actors in the national economic system who are also experiencing the impact of the COVID-19 pandemic. In the national economic system, State-Owned Enterprises (BUMN) play a role in producing goods and /or services that are necessary in order to realize the greatest prosperity of society. The role of BUMN is felt to be increasingly important as a pioneer or pioneer in the private sector.

The Minister of BUMN said that the impact of the COVID-19 pandemic on the performance of State-Owned Enterprises (BUMN) was very heavy. Even the Minister of SOEs said that 90 percent of SOEs' performance was affected. Only telecommunications and Himbara businesses are in a sustainable position, but most of other State-Owned Enterprises (BUMN) business conditions are in very difficult conditions. The impact of covid 19 which has an impact on the economy, of course, also has an impact on the legal field, many business actors who become business partners of SOEs who are unable to complete their obligations, reported and processed legally In response to these conditions, the Ministry of SOEs has prepared a survival strategy until 2021. [3]

The various problems faced by State-Owned Enterprises (BUMN) in the COVID-19 pandemic era were mostly related to work that was previously agreed upon or not fulfilled a promise as stated in the agreement, causing default in the form of late payments. As part of the impact of the weakening economy during the pandemic, many business actors are unable to complete their payment obligations to State-Owned Enterprises (BUMN). Business actors who are unable to complete their obligations will certainly disrupt the cash flow of state finances managed by State-Owned Enterprises (BUMN).

According to the provisions of Article 30 Paragraph (2) of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, the State Attorney can play the role of the party receiving the State-Owned Enterprises (BUMN) power of attorney. [4] With regard to the State-Owned Enterprises (BUMN) problem, several business entities that have problems with the State-Owned Enterprises (BUMN) are then reported and legally processed through a Special Power of Attorney to the State Attorney with the hope that the State Finances managed by State-Owned Enterprises (BUMN) can be restored. Therefore, the author will discuss related to: how is the role of the State Attorney in carrying out state financial recovery for State-Owned Enterprises (BUMN) in the Covid-19 Pandemic era?

2. Method

This article used is a normative legal research method, using the statute approach. This methodology using secondary data sources obtained through library research in the form of documents, books, scientific works, journals and data. After the secondary data is collected, it is then analyzed qualitatively to answer the problems. [5]

3. Result and Discussion

3.1. The concept of State Finance in State-Owned Enterprises (BUMN)

The purpose of the state is basically to provide prosperity to its people. To be able to achieve this goal, the state uses state revenues from taxes and non-taxes. State revenue sourced from non-tax income can be obtained, among others, from conducting business activities, namely by establishing a company. Companies founded by the state are now known as State-Owned Enterprises.[6] State-Owned Enterprises, from now on abbreviated as BUMN, are business entities whose entire or most of the capital is owned by the state through direct investment originating from separated state assets.[7]

In essence, "*separated state assets*" are part of state finances. The definition of state finances according to Article 1 point 1 of Law No. 17 of 2003 concerning State Finances are all rights and obligations of the State that can be valued in money, as well as everything in the form of money or goods that can be used as property of the State in connection with the implementation of these rights and obligations. [8] State and/or controlled by the central government, regional government, state/regional companies, and other bodies related to state finances. Meanwhile, the term "*separated*

state assets" is contained in Law No. 17 of 2003 concerning State Finance, its existence is regulated in Article 2 letter f of Law No. 17 of 2003 concerning State Finance. Separated state assets are defined as state assets/regional assets managed by themselves or by other parties in the form of money, securities, receivables, goods and other rights that can be valued in money, including assets separated from state/regional companies. The presence of separated state assets as referred to in Article 2 letter f of Law no. 17 of 2003 concerning State Finances, is inseparable in the scope of state finances which must be managed based on the state budget of revenues and expenditures. This is confirmed in Article 1 point 10 of Law no. 19 of 2003 concerning State-Owned Enterprises, which regulates that separated state assets are state assets originating from the state revenue and expenditure budget to be used as state capital participation in Persero and/or Public Companies, as well as other limited liability companies.”[9]

Every company establishment is required to have capital that is included in the company when it is founded. Likewise, the state as the founder of State-Owned Enterprises (BUMN) has also included its capital originating from state finances to become the wealth of State-Owned Enterprises (BUMN). The capital before being deposited is first separated from the APBN (State Revenue and Expenditure Budget) so that the management of BUMN does not follow the APBN system as applied to government/state offices, but is managed based on sound corporate principles. This is done because the status of BUMN is pure as a company. There are 2 (two) types of BUMN, namely Persero (company) and Perum (public company).

State assets that are separated as state capital participation in State-Owned Enterprises are state finances. Therefore, State-Owned Enterprises Persero are obliged to account for the separated state assets as state capital participants to the state. The liability of a State-Owned Enterprise Persero given or addressed to the government includes the separated state assets as capital. Accountability can be carried out in the current fiscal year, the end of the fiscal year or after the end of the fiscal year. As for the accountability report from State-Owned Enterprises (BUMN), then an audit is carried out by the Supreme Audit Agency (BPK).

With business actors not making payments, of course there will be problems with state receivables and lead to findings of arrears in payment of state receivables. That the delay in payment automatically disrupts the cash flow of state finances in the BUMN. Almost all business actors who collaborate with SOEs use the Covid-19 pandemic as an excuse for arrears in payments. During the Covid 19 pandemic until it entered a new phase of "new normal" the financial management of State-Owned Enterprises (BUMN) tried to rise from adversity. Several attempts to collect state receivables have been carried out by State-Owned Enterprises (BUMN) as part of state entities, one of which is by collaborating with government institutions, namely the Attorney General of the Republic of Indonesia.

3.2 The existence of the Role of the State Attorney

The Prosecutor's Office of the Republic of Indonesia as one of the elements of the government apparatus that serves as law enforcement does not only carry out the main task as a public prosecutor, but is also burdened with other tasks, including in civil cases where the Attorney is in his position as a State or government attorney. In relation to the problems faced by State-Owned Enterprises (BUMN) as part of state entities, the State Attorney's Attorney can act as the party receiving the SOE's power of attorney in the event of a State-Owned Enterprises (BUMN) contractual dispute with other parties. According to the provisions of Article 30 paragraph (2) of Law Number 16 of 2004 concerning the Prosecutor's Office of the Republic of Indonesia, it is stated that in carrying out the duties and functions of the State Attorney's Attorney as follows "in the Civil and Administrative fields, the Attorney General's Office with a Special Power of Attorney can act both inside and outside the Court for and on behalf of the State or Government". The title of State Attorney is not explicitly stated in Law Number 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia. However, the meaning of "special power" in the field of civil and state administration is by itself synonymous with "lawyer".

Based on the Presidential Regulation of the Republic of Indonesia Number 29 of 2016 concerning Amendments to Presidential Regulation Number 38 of 2010 concerning the Organization and Work Procedure of the Prosecutor's Office of the Republic of Indonesia, the State Attorney is authorized to represent State-Owned Enterprises (BUMN) and Regional-Owned Enterprises (BUMD). [10] Furthermore, Circular Letter Number 04 of 2014 concerning the Implementation of the Formulation of the Results of the Plenary Meeting of the Supreme Court Chamber of 2013 as Guidelines for the Implementation of Duties for the Court has discussed that the Prosecutor as a State Lawyer can become a proxy for BUMN/BUMD. [11]

The Duties and Functions of the State Attorney's Attorney in the scope of the Civil and State Administration fields are as follows: [12]

a. Law Enforcement

Law enforcement carried out by the State Attorney in the form of filing a lawsuit or application to the court in the civil sector as regulated in laws and regulations to maintain legal order, legal certainty and protect the interests of the state and government as well as the civil rights of the community

b. Providing Legal Services

- State Attorney can provide legal services to the public, individuals or private legal entities in the form of legal services. The legal services referred to are the provision of legal services by the State Attorney in writing or orally to the public, which includes individuals or legal entities related to Civil or State Administrative matters in the form of consultations, opinions and information.
- The State Attorney General can provide legal services to government agencies: State-Owned Enterprises (BUMN), Regional-Owned Enterprises (BUMD), State Legal Entities or other governments, namely:
 - 1) Non-Litigation Legal Aid : is the provision of legal services in the field of Civil and State Administration by the State Attorney to the State or Government to act as Legal Counsel based on a Special Power of Attorney to resolve civil law and state administrative disputes outside court/arbitration
 - 2) Litigation Legal Aid : is the provision of legal services in the field of Civil and State Administration by the State Attorney to the State or Government to act as Legal Counsel based on a Special Power of Attorney to settle cases of Civil law or State Administration through judicial institutions, including cases of judicial review of laws at the Constitutional Court or the Supreme Court, General Election Disputes and arbitration cases.
 - 3) Legal Opinion is a legal service provided by the State Attorney in written form in accordance with the legal facts on request and for the interest of the State or the government.
 - 4) Legal Assistance is a legal service provided by the State Attorney in the form of a legal opinion on an ongoing basis on an activity (Civil law matters or State Administration) proposed by the Petitioner and ends with the conclusion of giving the Legal Opinion in the form of Minutes of Legal Assistance.
 - 5) Legal Audit is a legal service provided by the State Attorney in the form of a thorough and thorough examination from a legal perspective carried out at the request of the State or Government against an act that has been carried out related to Civil law to describe compliance with legal provisions for an activity. or legal entity in a normative juridical manner.
 - 6) Other Legal Action is the provision of legal services by the State Attorney to act as a conciliator or mediator or facilitator in the event of a dispute or dispute between the State or the Government.

The State Attorney through the granting of power from State-Owned Enterprises (BUMN) has legal standing in taking actions representing State or government entities to resolve disputes. This also includes if the attorney from the State-Owned Enterprises (BUMN) undergoes a trial process (litigation) or through a settlement outside the trial (non-litigation). Disputes regarding the existence of arrears in state-owned receivables usually arise from disputes over previously agreed work or non-fulfillment of a payment promise as stated in the agreement, resulting in default in the form of late payments. By looking at the condition of the cash flow of State-Owned Enterprises (BUMN) affected by COVID-19 which is getting weaker, appropriate methods or formulas are needed so that disputes regarding the existence of arrears in state-owned receivables can be resolved quickly, simply and at low cost.

All corners of the world have criticized the role of the judiciary. Criticism that appears against the judiciary is not only a symptom that grows in Indonesia. However, it is evenly distributed throughout the world. In developed industrialized countries, the criticisms made by the justice-seeking community

are more intense, especially from economic groups. The American public accused the destruction of the national economy, due to the high cost of the judiciary. Tony Mc Adams mentions Law has become a very big American Business and litigation cost may be doing damage to the nation's company. [13] Case resolution through the litigation process is generally slow and a waste of time. All parties consider the cost of the case to be very expensive, especially if it is related to the length of the settlement, because the longer the settlement, the more expensive the court fee will be.

3.3 The performance of the State Attorney's Office in Restoring State Finances in the Covid-19 Pandemic Era

If an agreement has been agreed, then each party is bound and obliged to fulfill its achievements. However, in its implementation there may be obstacles. The parties to the agreement are usually already aware of the possibility of this kind of obstacle, considering that the implementation of the agreement does not occur immediately, but requires a grace period. Realizing this desire and the desire to maintain the continuity of the good relations that have been established, sometimes there are even parties who want that if a dispute arises, at least it can be resolved without being known to outsiders or other parties, in the agreement the parties include a special clause

There are several ways that the disputing parties can take to resolve disputes arising from the business agreement, including through informal agreements, conciliation, arbitration or through the courts. If each party wishes to resolve the dispute that arises amicably, the settlement of the dispute can be agreed to be resolved outside the procedural law. The promise that has been mutually agreed is the law for the person concerned (*pacta sun servanda*). So that is the legal basis for alternative dispute resolution or alternative dispute resolution mechanisms. [14]

Settlement of business disputes in the era of globalization with the characteristic of "moving quickly" requires informal ways of fast procedures. The outside world often questions the existence of the judiciary in Indonesia and doubts its effectiveness in resolving business disputes. This doubt makes business people, trading partners or foreign investors less interested in becoming partners and investing their capital. The only institution that is relied on as a pressure value, first resort and the last resort, because it still relies on the judiciary through the litigation process (*ordinary court*). All parties consider the cost of the case to be very expensive when it is associated with the length of settlement. The longer the settlement, the higher the costs that must be incurred including official fees, and attorney fees / wages that must be borne. Seeing the high court fees make people litigating in court, all resources, energy, time and thoughts are drained and considered litigation paralyze people. Another general criticism addressed to the court is in the form of facts, experiences and observations which state that the court is less responsive, unresponsive or unresponsive in the form of behavior that is less responsive to defend and protect the public interest and community needs. Courts are considered unfair because they provide services and opportunities and flexibility to large institutions and the rich.

The objective fact that the court's decision is not able to provide a satisfactory solution to the parties. Court decisions are considered incapable of providing peace and tranquility to the litigants, among others, one party must win and the other party must lose (*win-lose*). The state of losing-win in litigation never brings peace, but breeds the seeds of revenge and enmity and hatred. Court decisions are often seen as confusing. Court decisions also do not always provide legal certainty (*uncertainty*) and cannot be predicted (*unpredictable*).

After many criticisms have been described, it has illustrated that the main factor causing the loss of public trust is due to the judicial system being too formalistic and technical. As a result, dispute resolution takes a long time, takes a long time and is long-winded, even though people want a fast and low-cost dispute resolution, especially in business disputes where informal settlement procedures are required.

Slow dispute resolution in the business world results in high costs. Moreover, the slow and lengthy resolution of business disputes will drain all the potential and resources of the company concerned. Facing the dispute resolution process is slow and the heavy burden of costs incurred through the litigation process emerges, then there are thoughts and efforts to improve the court system.

The author agrees that the judiciary is still maintained as a pressure value in a legal and democratic state. However, its position needs to be shifted as the last resort institution for resolving business disputes, while other alternative dispute resolution institutions are placed in front as the first resort.

Since 1977, alternative forms of dispute resolution (Alternative Disputes Resolution) using arbitration have been introduced in Indonesia. To more broadly understand the various Alternative Dispute Resolution systems through arbitration, the author will first convey the growing critique of arbitration. If the arbitration is considered expensive and the award may not be enforceable. Sometimes business people take disputes to court, even though the work agreement contains an arbitration clause. BANI (Indonesian National Arbitration Board) as a business arbitration institution is considered expensive, especially because there is still the possibility that the decision cannot be executed and the execution process is submitted to the court, so that it takes more time and costs. BANI's reputation is further complicated because there are cases that have been accepted in court, even though BANI has decided and the work agreement clearly states arbitration as an option for dispute resolution. BANI is also considered not vital because it does not have the authority to execute. [15]

At first, there was thought as to why it was necessary to integrate the Alternative Dispute Resolution component into law together with the arbitration. This idea is intended to make Alternative Disputes Resolution (ADR) an alternative form of dispute resolution outside the court that is proliferating because there is community participation in resolving their own disputes in order to increase competitiveness and invite investors to Indonesia and there is legal certainty including the availability of a system efficient dispute resolution. The existence of a legal basis for the implementation of alternative dispute resolution (ADR), provides legal certainty for the implementation of alternative dispute resolution for the implementation of alternative settlement institutions outside the court through informal and efficient procedures. On the other hand, this makes it easier for the community to participate and develop their own conflict resolution mechanism and get options for resolving disputes that may arise by choosing alternative dispute resolution (ADR) as their dispute resolution option.

In Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, the definition of arbitration is distinguished from alternative dispute resolution whose methods are through, among others, consultation, negotiation, conciliation or expert appraisal. [16] The definition of alternative dispute resolution or arbitration has been introduced as an institution/institution chosen by the binding parties if a difference of opinion or dispute arises. The meaning of "binding" means that there is an agreement made in writing and arbitration or alternative dispute resolution as a means of resolving disputes that may arise between the parties. Alternative dispute resolution based on law acts as an independent institution outside of arbitration, while arbitration by law has been explained to have its own provisions, methods and conditions for the implementation of its formalities. However, both of them have similarities regarding the forms of disputes that can be resolved, namely: civil disputes or differences of opinion in the trade sector and according to laws and regulations, the dispute or difference of opinion is submitted as an effort to make peace.

Article 6 of Law Number 30 of 1999 states that the parties can use the method of negotiation, conciliation or expert judgment, which is resolved in a direct meeting by the parties within 14 (fourteen days) and the results are stated in a written agreement. This provision is important, because it provides flexibility for the parties to determine the rule of the games for the resolution of their conflict, even though it is only given a maximum of 14 days for the parties to resolve the dispute.

During the Covid 19 pandemic, for the settlement of contractual disputes for State-Owned Enterprises (BUMN), the State Attorney Attorney as the holder of the power of attorney for State-Owned Enterprises (BUMN) can optimize efforts to resolve contractual disputes. In general, as in practice in the business world, every agreement made especially in the civil sector, especially in the trade / business sector, the public is generally faced with the choice of dispute resolution by litigation / through court. However, at this time when State-Owned Enterprises (BUMN) are faced with or have the choice to use alternative dispute resolution facilities or institutions, they will discuss it with the State Attorney.

Underlying the Regulation of the Attorney General of the Republic of Indonesia Number: PER-025/A/JA/11/2015 concerning Guidelines for Implementing Law Enforcement, Legal Aid, Legal Considerations, Other Legal Actions and Legal Services in the Civil and Administrative Sector. In the appendix, it is explained that other legal actions that are the duties of a State Attorney are the provision of legal services by State Attorneys outside of Law Enforcement, Legal Assistance, Legal Services and Legal Considerations in the context of saving and recovering State Finances/Wealth and upholding government authority, among others to act as a conciliator, mediator or facilitator in the event of a dispute or dispute between States or Governments. [17]

In principle, every civil case is prioritized to be resolved outside the court. As for implementation of the settlement of cases out of court (non-litigation) there are 2 (two) stages, namely the preparation stage and the implementation stage. Whereas at the preparation stage, what the State Attorney needs to pay attention to are:

- State Attorneys carry out their duties based on special power of attorney and substitution power of attorney.
- The State Attorney General coordinates with the Authorized Person related to the matter of the case, to obtain maximum input and information in handling cases.
- The State Attorney's Attorney must master the material which includes the cash position, the necessary evidence and other relevant matters.

Then in the Implementation Stage of the State Attorney's Office in rescuing or recovering state finances through a non-litigation process, they must prepare the following matters:

- The State Attorney General communicates with the opposing party in the case, both informally and formally, by inviting the opposing party to negotiate, if necessary, including the party giving the power of attorney.
- Every action of the State Attorney in conducting negotiations must be coordinated with the Authorizer and each stage of the negotiation reported to the Leader and the Authorized in accordance with the Administration of Civil Cases and State Administration.
- In carrying out negotiations, one must adhere to Article 1320 of the Civil Code and must understand the scope of State Finance and State Assets based on laws and regulations that apply as separated State Assets and as unseparated State Assets in order to anticipate an existing State Financial Loss or potentially caused by a problem proposed by the Petitioner in order to avoid any legitimacy through a civil mechanism for an act of corruption.
- If a peace agreement is reached in negotiations, then the agreement is stated in a Peace Agreement signed by the parties in the form of a Notary Deed or Deed signed by the parties and witnesses legalized by a Notary or Agreement signed by the parties and witnesses adjusted to the weight of the case.
- The handling of non-litigation cases is declared complete with the agreement of the parties or an agreement not to make peace.
- Against the agreement of the parties as set forth in the Peace Agreement, if the other party breaks the promise (default), the Authorizer may grant a new special power of attorney to the State Attorney to realize the Peace Agreement.
- If a peace agreement cannot be reached in the negotiation, the State Attorney is obliged to make a report to the leadership and then the leadership forwards it to the attorney with the suggestion that the settlement of the case can be done through litigation.
- The time limit for the settlement of non-litigation cases follows the provisions of the applicable Standard Operational Procedures for Handling Civil and Administrative Cases.

As for how to settle disputes outside the court (Non Litigation) that can be done by the State Attorney as the recipient of the power of attorney for State-Owned Enterprises (BUMN), during the pandemic, among others, by optimizing:

1. Conciliation

The method of dispute resolution is through a negotiation process with the assistance of the State Attorney as a conciliator to identify problems, create options, provide consideration of settlement options and provide input/concepts/proposals of dispute resolution agreements.

2. Mediation

The dispute resolution method is through a negotiation process with the assistance of the State Attorney as a mediator to identify problems and encourage the parties to reach an agreement made by the parties themselves.

3. Facilitation

How to solve problems with the help of the State Attorney as a facilitator to facilitate parties who have problems without getting too far into the problem material, among others by facilitating meetings between the parties.

Whereas for the success of the Other Legal Action process, a State Attorney must be appointed who has the competence as a conciliator, mediator and facilitator and masters the subject matter of the dispute/problem. Other legal actions taken by the State Attorney's Office in the context of providing legal services to rescue/recover state finances, whether as conciliator, mediator or facilitator, must be based on the approval of both parties. As a conciliator, mediator and facilitator, the State Attorney must be a neutral party and not take sides with either party and help resolve disputes between the parties.

In the conciliation process, the State Attorney acts as a conciliator and has an obligation to assist in resolving the disputes of the parties through the negotiation process by identifying problems, creating options, providing consideration of settlement options and providing input/concepts/proposals of dispute resolution agreements. In the mediation process, the State Attorney acts as a mediator and has the obligation to assist the resolution of the parties' disputes through the negotiation process by identifying problems and encouraging the parties to reach an agreement made by the parties themselves. Meanwhile, in the facilitation process, the State Attorney acts as a facilitator and has an obligation to help resolve the disputes of the parties through the negotiation process by facilitating the parties without going too far into the subject matter, among others by facilitating the meeting of the parties. The process of facilitation, mediation and conciliation ends after all processes are carried out, even though no agreement is reached by the parties.

The State Attorney is obliged to report in stages to the Head of the Work Unit regarding facilitation, mediation and conciliation, whether or not an agreement is reached. Then the head of work unit from the state attorney's office submits a report on the implementation of conciliation/mediation/facilitation to the applicant for legal services. In this case, the applicant for legal services is a State-Owned Enterprise that has given power, especially to the State Attorney. That which needs to be emphasized by a State Attorney in carrying out his duties and authorities is by upholding the ethics of the State Attorney in the proceedings. The Ethics of State Attorneys include:

- State Attorney acting for and on behalf of the Authorizer and is limited to the authorized authority;
- The State Attorney in the proceedings is subject to the applicable procedural law;
- The position of the State Attorney is equivalent to that of the principal/lawyer of the opposing party;
- State Attorney General upholds professionalism.
- The State Attorney's Attorney reports every progress of the case to the client.

Benefits received from applicants for legal assistance from State-Owned Enterprises (BUMN) who use the services of a State Attorney include:

- The State Attorney's Attorney represents the Authorizer based on the Legislation.
- State Attorney acting professionally and ready to compete with Private Lawyers;
- The State Attorney's Office does not recognize the lawyer fee.

- The State Attorney cannot refuse the special power of state attorney (SKK) given from the government or the State even though The State Attorney has known that in the case the position is less likely to win.
- The State Attorney's Office does not cause a conflict of interest (not double-edged). State Attorneys do not represent individuals.
- Whereas the main functions of the Civil and State Administration at the Attorney General's Office of the Republic of Indonesia can prevent legal problems, including the emergence of criminal acts of corruption, and make maximum efforts to save or restore state finances that the effectiveness of the efforts to restore state finances carried out by the State Attorney at the South Jakarta District Attorney through the Litigation and Non-Litigation channels has benefited the State-Owned Enterprises (BUMN) that gave their power of attorney, including:
 1. PT. Pembangunan Perumahan (Persero), tbk
 2. PT. PP URBAN
 3. PP Construction&Investment
 4. PT. Semen Indonesia Beton
 5. BPJS Kesehatan
 6. BPJS Ketenagakerjaan
 7. PT. Pegadaian (Persero).
 8. PT. Semen Indonesia Logistics

The success of the State Attorney at the South Jakarta District Attorney's Office in 2020 has restored state finances of Rp. 515,836,591,483 (five hundred and fifteen billion eight hundred thirty-six million five hundred ninety-one thousand four hundred and eighty-three rupiahs). Then based on the data, until May in 2021, the State Attorney at the South Jakarta District Attorney has succeeded in representing the interests of the State in recovering state finances amounting to Rp. 370,864,940,966 (three hundred seventy billion eight hundred sixty four million nine hundred forty thousand nine hundred and sixty six rupiah). So that the total state financial recovery that has been carried out by the State Attorney at the South Jakarta District Attorney during the Covid pandemic in the period January 2020 to May 2021 the total recovery of State Finance that has been carried out is Rp. 886,701,532,449 (eight hundred eighty six billion seven hundred one million five hundred thirty two thousand four hundred forty nine rupiah).

The success of the State Attorney at the South Jakarta District Attorney's Office is mainly by using the contractual settlement method through non-litigation. Dispute resolution methods carried out outside of court (*Non Litigation*) or often referred to as alternative dispute resolution (ADR) are considered to be faster, more efficient and save more on operational costs for handling civil cases. Efforts to resolve disputes carried out by the State Attorney by optimizing the use of other legal actions through non-litigation channels. The State Attorney can invite the disputing parties to conduct conciliation, mediation or the State Attorney can facilitate the negotiation (mediation), so that the process of collecting the State's receivables goes well. Good performance of State Attorney has a significant influence in the process of recovering state finances.

4. Conclusion

The impact of the COVID-19 pandemic has resulted in many business actors being unable to complete their obligations to State Owned Enterprises (BUMN). Such business actors are then reported and legally processed through a Special Power of Attorney to the State Attorney. This is done with the hope that the State Attorney's Attorney can restore State Finances. The role of the State Attorney's Office in restoring State finances for SOEs in the Covid-19 Pandemic era can be carried out through litigation and non-litigation processes. Especially by optimizing efforts to resolve disputes using other legal actions through non-litigation channels, including by conducting conciliation, mediation and facilitation.

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- [12] See Description of the Duties and Functions of the Prosecutor's Office in the Civil and Administrative Sector Article 444 paragraph (2) to Article 514 of the Regulation of the Attorney General of the Republic of Indonesia Number 006 of 2017 concerning the Organization and Work Procedure of the Attorney General of the Republic of Indonesia.
- [13] Tony Mc. Adam's, *Law Business and Society*, Third Edition, Irwin USA, pp.195. (1992)
- [14] Suyud Margono, 2010. *Penyelesaian Sengketa Bisnis Alternative Disputes Resolutions (ADR) Teknik dan Strategi dalam Negosiasi, Mediasi dan Arbitrase*, Bogor: Ghalia Indonesia, pp.7
- [15] H. Ahmad Zulkifli, "Putusan Arbitrase Sulit Di Eksekusi", *Forum Keadilan* No. 19, Tahun IV, Januari 1996.
- [16] Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution.
- [17] Regulation of the Attorney General of the Republic of Indonesia Number: PER-025/A/JA/11/2015 concerning Guidelines for Implementing Law Enforcement, Legal Aid, Legal Considerations, Other Legal Actions and Legal Services in the Civil and Administrative Sector.