

Involvement Of The Parties In The Execution Of Evidence To Minimize Civil Lawsuits

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ABSTRACT

Decision court strong criminal law permanent imply implementation criminal wrong the only one execution goods evidence done through auction. Auction goods evidence that does not involve the relevant parties with act criminal potential cause existence lawsuit civil by the parties. Study this aim for formulating strategy prosecutor executor in executing goods proof through an auction to avoid lawsuit civil from the parties. Study this is study law using qualitative and juridical normative methods. Data was used in the form of primary data obtained through Interviews and observation and secondary data obtained through studies document. Secondary data from ingredient primary law, material law secondary, and ingredient law tertiary. Data analysis was performed in a qualitative normative manner. The results show that the involvement of figures in the implementation proves to have a positive influence on minimizing civil lawsuits because the evidence is strong both physically and administratively considering that civil lawsuits occur quite often due to poor communication so that many important figures are not involved in the execution process of an item that is still pending. Considered controversial regarding its ownership.

Keyword: Goods Evidence, Prosecutor, Execution, Lawsuit Civil, Certainty law.

INTRODUCTION

Goods proof in case criminal is essential in the inspection and proof case process. Inspection and proof of case started from investigation, investigation, and prosecution until with verdict. Evidence is goods confiscation or goods existing loot relation with act criminal and used in the trial process. Goods proof in the judge is one of the various methods to prove the deed perpetrator and help the judge consider and set a verdict.

Goods proof has two functions, namely 1) to prove that occur something acts criminal; and 2)

to prove that correct a perpetrator is acting criminal. Evidence, deeds, and perpetrator deed is a unit that is the focus of efforts to seek and find material truth.

In the implementation decision, besides the execution body, there is execution goods evidence. Execution goods proof aims to realize the certainty of law, justice and benefit. Implementation decision the court that has get strength law permanent conducted by prosecutor Executor. In practice, the execution goods proof by the prosecutor Executor often does not involve the parties. Consequently, no involvement of the parties results in the existing

civil lawsuit. Lawsuit civil often give birth to different verdicts with Decision Criminal, which result in problems and uncertainty law.

For that very important to do a study about the parties' involvement in the implementation of auction goods proof for realizing certainty law. Study this aim describe how the parties' involvement in executing goods proof could realize certainty law.

METHODS

Study this is study law normative with use approach juridical normative and approach juridical empirical. A study was done in the wrong the one attorney Republic of Indonesia. Data used in the study this in the form of primary data and secondary data. Secondary data consist of ingredient primary law, material law secondary, and ingredient law tertiary. Primary data collection is obtained through Interviews with more formerly ask relevant availability as resource person/respondent. Collected data through extended interviews related to Decision Criminal, Minutes Auction, Evidence Ownership, Application Lawsuit, and Verdict Civil Code. Besides Interview also conducted observation about goods changing evidence status Becomes Goods The spoils of the state (Baran) and results from auction already deposited to State Treasury. Secondary data collection was conducted through studies documents related to Decision Criminal, Minutes Auction, Evidence Ownership, Application Lawsuit, Verdict Civil and Proof Deposit to the state treasury. As for the respondent, the study is the prosecutor, Executor and party third in Thing this (Leasing and acknowledgement party as the rightful owner to goods proof that). Data analysis performed is qualitative good by descriptive nor prescriptive about execution goods proof as implementation decision court powerful law permanent in System Justice Indonesian Criminal.

RESULTS AND DISCUSSION

Before discussing further about the results of this study, it is better to understand first about civil and civil lawsuits.

First, civil law is one of the important things that is used as an effort to enforce the law as well as justice for all levels of society [1]. Civil law is a law that regulates relations between humans in carrying out their rights and obligations as citizens living in the community. The applicable law has a binding nature or regulates rights, property, and various other matters relating to individuals as well as authorized legal entities.

Second, civil lawsuits. A civil lawsuit can be defined as the submission of a dispute by two or more parties regarding various things that occur in court where this lawsuit is submitted to the chairman of the district court in the hope of obtaining justice for the plaintiffs.

Filing a lawsuit certainly has side effects for the legal process where judges and prosecutors must review the case, especially if the goods being sued have been included in the state financial treasury, which means that the goods cannot be returned to third parties [2]. Of course this creates new problems so that the legal process does not run effectively and efficiently.

This civil lawsuit often occurs because the evidence brought by the prosecutor is not strong enough [3] or even has a double meaning where this evidence is brought in the court process as supporting evidence for charges deemed to have violated the law.

Usually after the trial is over there will be evidence that is auctioned and the results will go into the state treasury. Unfortunately, civil lawsuits that are often carried out are regarding auctioned or confiscated goods where the plaintiff also brings original and correct documents.

Therefore, a prosecutor in conducting an investigation must be investigated by collecting various auction administrations or confiscated goods such as auction minutes and/or a decree/approval for the management of BMN which must be carefully prepared [4].

Moreover, in this case the judge has a passive role in civil cases, the strength of the evidence shown by the prosecutor can help judges to make decisions quickly and accurately. In collecting civil evidence so that civil lawsuits can be minimized.

In fact, there are quite a lot of civil problems in Indonesia, as the results of an interview with one of the judges at the T court, he said that there were quite a number of civil cases, such as intolerance, blasphemy, spreading hate speech, and so on which made life between the people of the nation and state uncomfortable. and peaceful.

Discussing some of the civil cases above, Prof. Dr. Noorhaidi gave notes to the government, especially regarding the problem of spreading hate speech that often occurs on social media, where the government must carry out strict supervision of social media, both milli preachers and non-preachers, so that the spread of hate speech can be resolved effectively. effective and efficient. Considering that Indonesia is now beginning to be influenced by populism, political movements that lead to religion, including Islam as the religion with the largest adherents in Indonesia [5]

On the other hand, Prof. Dr. Sahiron also gave responses regarding civil cases so that prosecutors and judges can handle cases fairly and wisely, through a study of the background of the perpetrators, scientific authority possessed, political interests, and so on that are owned by the perpetrators so that the legal process civil law is not immediately carried out [6]

In the author's opinion, as well as the results of an interview with one of the prosecutors at Court T, the hasty court process, especially because it was led by public opinion, actually made the prosecutor not optimal in determining various evidences with in-depth analysis and study to produce strong administrative or physical evidence. This has led to many civil lawsuits.

Besides that, based on results, interviews, observations, and studies document to execution of goods evidence done by wrong one

agency attorney Republic Indonesian suit with decision criminal that is with method robbed for the country, implementation execution with did auction one car no involve the parties so that result in happening lawsuit civil. Lawsuit civil law party third the give birth to decision different civil with decision criminal. In the decision, criminal goods proof in the form of car robbed for Countries with method did auction, while in decision civil goods proof returned to party third (leasing). The lawsuit was civil to implementation execution decision criminal result in existence uncertainty law. For that moment, implementation auction goods proof prosecutor Executor must involve owner and party third (leasing) that can show proof ownership on goods proof that. So that implementation auction goods proof appropriate target and minimize happening lawsuit civil.

Therefore, as a prosecutor, he must have an open mind by involving various parties or figures who are able to give consideration to civil cases in order to strengthen the evidence held so that civil lawsuits can be minimized and judges and prosecutors can continue to examine other issues in order to enforce the law and justice in Indonesia.

CONCLUSION

Results study could conclude that execution of goods proof with item status auctioned loot involves the owner and party third (leasing) minimizes civil lawsuit. Involvement owner and party third in implementation execution goods proof could realize implementation execution goods proper proof target and existence certainty law. Should reformulation regulation about execution goods should involve the relevant parties with the incident criminal.

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