

The Authority of the Civil Service Police Unit in Securing Regional Assets of the South Sulawesi Provincial Government

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Abstract

This study aims to identify and explain the implementation of the Authority of the Civil Service Police Unit in Securing Regional Assets of the South Sulawesi Provincial Government. To find out and explain the settlement of violations committed by the Civil Service Police Unit in Safeguarding Regional Assets for the South Sulawesi Provincial Government. This research uses normative-empirical research. The types and sources of law used in this research are document data and secondary data. Methods of collecting data through interviews and documentation, all of the data were analyzed qualitatively and presented in descriptive form. The results of the study show that the authority of the Civil Service Police Unit in securing regional assets of the South Sulawesi Provincial Government is the authority of the delegation, the authority that transfers responsibility to those who are given the authority in this case the regional secretary based on the BKAD letter which is dispositioned to Satpol PP, the delegation's authority is created because of their attribution authority, authority sourced from Law No. 23 of 2014, PP No. 16 of 2018 and Regional Regulation No. 3 of 2017. and Settlement of violations of the Civil Service Police Unit in securing regional assets of the South Sulawesi Provincial Government is carried out by PPNS Satpol PP in coordination and supervision of investigators the police with the process of investigation, examination, summons and solution.

Keywords: *Authority; Civil Service Police Unit; Regional Asset Security*

INTRODUCTION

The authority of the regional government in terms of autonomy is the delegation of part of the government affairs which are the authority of the central government to the governor as the representative of the central government and as the person in charge of general government affairs which is called decentralization. This means that it is clear that there are duties and authorities given to state apparatuses in carrying out their functions to serve the interests of the people in the country.¹

One of the apparatus that serves as a supporter of the implementation of regional government or law enforcement officers of regional regulations is the Civil Service Police Unit, hereinafter abbreviated as Satpol PP. Law No. 23 of 2014 concerning Regional Government stipulates that the Satpol PP is formed to enforce Perda and Perkada², to maintain public order and peace and to protect the public.

The definition of Satpol PP can be seen in Government Regulation Number 6 of 2018 concerning Satpol PP in Article 1 paragraph (1) stating that Satpol PP is a regional apparatus established to enforce Regional Regulations and Regional Head Regulations, maintain public order and peace and provide community protection. ³

The authority of the Satpol PP in securing regional property has been regulated in Article 255 paragraph (2) of Law No. 23 of 2014 concerning Regional Government, namely carrying out non-judicial control and administrative actions against community members, apparatus, or legal entities that violate local regulations and/or Perkada. Although it is not specifically explained regarding the rules of the PP Satpol in securing regional assets, but observing the rules related to the duties, functions and authorities of the PP Satpol in Article 11 PP No 16 of 2018 concerning the PP Sapol it is explained that the implementation of public order and public peace includes security activities.

According to the provisions of Article 297 of the Regional Regulation Number 3 of 2017 concerning the Management of regional property, it regulates the security of regional property which includes security on land, buildings, official vehicles, state houses or official houses, in this study the author will examine the security of buildings or buildings because they are considered a lot violates its use, where the security measures taken include physical, administrative and legal safeguards, while legal remedies are carried out in the event of a violation of rights or a criminal act and/or a civil act.

The sanctions are applied as stipulated in the Regional Regulation Article 513 Number 3 of 2017 concerning the Management of Regional Property. for every regional

¹Fajlurrahman Jurdi, *Hukum Tata Negara Indonesia*, Kencana, Jakarta, 2019. hlm 17.

²Lihat Pasal 254 Undang-undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah.

³Lihat Pasal 1 ayat (1) Nomor 6 Tahun 2018 tentang Satpol PP.

loss due to negligence, abuse/violation of the law on the management of regional property or regional assets, it is settled through a claim for compensation in accordance with the provisions of the legislation.⁴

The application of sanctions is carried out based on the investigation process which includes Investigation of Violations of Regional Regulations, Examination, Summons, Arrests, Confiscation and Settlement. Investigations are also regulated in Article 257 of Law Number 23 of 2014 concerning Regional Government which states that investigations into violations of regional regulations are carried out by investigating officers in accordance with the provisions of laws and regulations. The task of investigation is also regulated in Article 1 paragraph 3 of Government Regulation No. 16 of 2018 concerning the Civil Service Police Unit which states that Sipil Civil Servant Investigators, hereinafter abbreviated as PPNS, are civil servants who are given the task of conducting investigations into violations of the provisions of Regional Regulations in accordance with the provisions of the regulations legislation.

However, the problem that arises is the actions of the SatPol PP which never escapes the attention of the public, considering that all of its activities are easily known through the news in the mass media, both print and electronic. The views formed in the minds of the public on the actions of the SatPol PP apparatus are very far from ideal figures, which actually describe local government officials who in carrying out their duties uphold legal norms, religious norms, human rights and other social norms that live and develop in the community Public.

The Satpol PP's authority has not been maximized in carrying out non-judicial and administrative actions against users of regional assets, such as reporting notification letters or warning letters before securing regional property or regional assets, so that it often ends in physical clashes when carrying out security. other than that, dFrom various media, a plot of land that is recorded as a regional asset is claimed by the community as their own and even to the point of litigation in court also occurs in the State House or Official House occupied by a third party or retired State Civil Apparatus who should not have the right to occupy the building.⁵

Based on this background, the author took the initiative to raise an issue How is the Authority of the Civil Service Police Unit in Securing Regional Assets of the South Sulawesi Provincial Government? And what is the process of resolving violations

⁴Lihat Pasal 513 Nomor 3 Tahun 2017 Tentang Pengelolaan Barang Milik Daerah.

⁵Diakses pada tanggal 29 Januari 2022. <https://www.djkn.kemenkeu.go.id/kpknl-parepare/baca-artikel/13043/Pengamanan-Barang-Milik-Negara-Dalam-Rangka-Tertib-Administrasi-Tertib-Fisik-dan-Tertib-Hukum.html>

committed by the Civil Service Police Unit in Securing Regional Assets for the South Sulawesi Provincial Government?

METHOD

This research uses a normative-empirical type of research, using a statutory approach and a conceptual approach. The types and sources of law used in this study are Document Data and Secondary Data. Methods of collecting data through interviews and documentation, all of the data were analyzed qualitatively and presented in descriptive form.

RESULT AND DISCUSSION

1. The Authority of the Civil Service Police Unit in Securing Regional Assets of the South Sulawesi Provincial Government

Authority has an important position in the study of constitutional law and administrative law. So important is the position of this authority that FAM Stroink and JG Steenbek call it a core concept in constitutional law and administrative law.⁶In the administrative law literature it is explained that the term authority is often equated with the term power. In fact, the term power is not synonymous with the term authority.⁷

Judging from the legal aspect, the existence of Satpol PP is based on Law Number 23 of 2014 concerning Regional Government which is described in Government Regulation Number 16 of 2018 concerning Guidelines for Civil Service Police Units. In PP Number 16 of 2018, it is stated that the Satpol PP is tasked with assisting regional heads in enforcing regional regulations and administering public peace and order.

In a state of law, the authority of the Pol PP comes from the applicable laws and regulations. RJHM Huisman expressed his opinion that a government organ cannot assume that it has its own government authority, the authority is only given by law. Legislators can give government authority not only to government organs, but also to employees or to special agencies or even to private legal entities.⁸

Theoretically, the authority that comes from the laws and regulations is obtained through 3 (three) ways, namely attribution, delegation and mandate. One of these was explained by HD van Wijk who gave a definition to each of these methods, namely:⁹

1. Attribution is the granting of government authority by legislators to government organs;
2. Delegation is the delegation of government authority from one government organ to another; and

⁶Ridwan HR, *Hukum Administrasi Negara*, Rajawali Pers, Jakarta, 2006, hlm. 101.

⁷Aminuddin Ilmar, *Hukum Tata Pemerintahan*, Kencana, Jakarta, 2014, hlm. 101.

⁸Ridwan HR, *Hukum Administrasi...*, Op. Cit., hlm. 103.

⁹*Ibid.*, hlm. 104.

3. Mandates occur when a government organ allows its authority to be exercised by another organ in its name.

In contrast to van Wijk, FAM Stroink and JG Steenbeek stated that there were only 2 (two) ways for government organs to obtain authority, namely attribution and delegation. Attribution relates to the delegation of new authority, while delegation concerns the delegation of existing authority by an organ that has obtained attributive authority to another organ, so delegation is logically always preceded by attribution.¹⁰

At the attribution there is the granting of authority to the civil service police by a provision in the legislation. Here a new authority is born or created. In the case of delegation of authority through delegation, the following conditions must be met:¹¹

- a) Delegation must be definitive and the delegate can no longer use the authority that has been delegated;
- b) Delegation must be based on the provisions of laws and regulations, meaning that delegation is only possible if there are provisions for it in the laws and regulations;
- c) Delegation is not to subordinates, meaning that there is no delegation of personnel hierarchical relationships;
- d) The obligation to provide information (explanation), meaning that the delegation is authorized to request an explanation regarding the exercise of such authority;
- e) Policy regulations, meaning that the delegates provide instructions (instructions) on the use of that authority.

With regard to the mandate, Stroink and Steenbeek stated that the mandate did not discuss the transfer of authority, nor the delegation of authority. In terms of mandate, there is no change of authority whatsoever. There is only an internal relationship, for example the minister and the employee, the minister has the authority and delegates it to the employee to make certain decisions on behalf of the minister, while juridically the authority and responsibility remain with the ministry's organs. Employees decide factually, ministers juridically.¹²

In addition to the authority described by experts, Authority is also explained in Law Number 30 of 2014 concerning Government Administration. What is meant by authority is the right possessed by Government Agencies and/or Officials or other state administrators to make decisions and/or actions in the administration of government, while Government Authority, hereinafter referred to as Authority, is the power of Government Agencies and/or Officials or other state administrators to act in the realm of public law. Furthermore, in accordance with Article 11 of Law Number 30 of 2014, that authority is obtained through:

¹⁰*Ibid.*, hlm. 105.

¹¹Juniarso Ridwan dan Achmad Sodik Sudrajat, *Hukum Administrasi Negara dan Kebijakan Layanan Publik*, Nuansa Cendikia, Bandung, 2012, hlm. 139

¹²Ridwan HR, *Hukum Administrasi...*, Op. Cit., hlm. 106.

- a) Attribution, namely the granting of Authority to Government Agencies and/or Officials by the 1945 Constitution of the Republic of Indonesia or the Law
- b) Delegation, namely the delegation of Authority from a higher Government Agency and/or Official to a lower Government Agency and/or Official with responsibility and accountability fully transferred to the recipient of the delegation.
- c) Mandate, namely the delegation of Authority from a higher Government Agency and/or Official to a lower Government Agency and/or Official with responsibility and accountability remaining with the mandate giver

a. Attribution Authority of Civil Service Police Units in Safeguarding Regional Assets of the South Sulawesi Provincial Government

Attribution/Attributive Authority is the granting of authority granted by the Constitution or by law to State/Government Institutions, in this case the granting of authority to local law enforcement officers. The law that forms the basis for granting authority to enforcement officers of regional regulations by attribution is Law Number 23 of 2014 concerning Regional Government.

In particular, Satpol PP has a legal umbrella for the implementation of its duties and authorities in Government Regulation no. 16 of 2018 concerning the Civil Service Police Unit. This Government Regulation is a refinement of the previous Regulation in PP Number 6 of 2010. It is explained in article 2 paragraph (1) of the Government Regulation, "To enforce Regional Regulations and Regional Regulations, maintain public order and peace and provide community protection in every Province and Regency/City Satpol PP was formed.

With the authority of the Sat Pol PP to carry out the task of maintaining and administering public peace and order, it is not only based on Law Number 2 of 2002, but also the mandate of Article 12 paragraph (1) letter e, Law Number 23 of 2014 concerning Regional Government, which basically states that Mandatory Government affairs related to Basic Services include peace, public order, and community protection.

It seems clear that from the above provisions there are actually several main tasks of the National Police which are carried out by the SatPol PP, although based on Government Regulation Number 16 of 2018 it is emphasized that the tasks of the Sat Pol PP include enforcing Regional Regulations and Regional Regulations. The issuance of PP No. 16 of 2018 which is expected to be a guideline for Sat Pol PP officers in carrying out their authority, in practice it has not been able to prevent the tug of war of authority in the implementation of police functions between Sat Pol PP officers and Polri officers. As a result, Sat Pol PP officers are often found carrying out enforcement tasks which are actually the authority of the Police, or vice versa.

The difference in law enforcement authority between Satpol PP and Polri in creating public order and public peace is that Satpol PP is authorized to maintain public order, while Polri is more concerned with maintaining domestic security. Public order and public peace is a dynamic condition that allows the Government, Regional Government, and the community to carry out their activities in a peaceful, orderly and orderly manner, while the conception of domestic security is a conception of the development of national security through the regulation and implementation of security and welfare. prosperity) that is balanced, harmonious and in harmony in all aspects of life as a whole, comprehensive and integrated based on Pancasila, the 1945 Constitution of the Republic of Indonesia and the Archipelago Insight. However, to get around this,

The activities carried out jointly between the Satpol PP, the police and the TNI are a follow-up to Article 8 paragraph (2) of PP No. 16/2018 that in carrying out the enforcement of Regional Regulations and Perkada Satpol PP can coordinate with the Indonesian National Army, the Indonesian National Police, the Attorney General's Office. Republic of Indonesia, and courts located in the province/regency/city.¹³

In addition to carrying out the enforcement of regional regulations and regional regulations, the Satpol PP has the task of administering public order and public peace, namely the efforts and activities carried out by the Satpol PP that allow the Central Government, Regional Governments, and the community to carry out their activities in peaceful, orderly, and orderly situations and conditions in accordance with with its authority in the context of enforcing Regional Regulations and Regional Regulations. The implementation of public order and public peace as regulated in Article 11 PP No. 16 of 2018 includes the following activities: a. early detection and prevention; b. coaching and counseling; c. patrol; d. security; e. escort; f. control; and g. handling demonstrations and mass riots.

Furthermore, Article 12 PP Number 16 of 2018 confirms that in carrying out the duties of public order and public peace, the Satpol PP may request assistance from personnel and equipment from the Indonesian National Police and the Indonesian National Army in carrying out tasks that have broad social impacts and high risks. Basically, SatPol PP was formed as an implementation of the tasks of local governments (provinces, districts, cities) to maintain public order and public peace as mandated by Law no. 23 of 2014 concerning Regional Government. This is re-affirmed in Article 255 paragraph (1) that the Civil Service Police Unit was formed to enforce Regional Regulations and Regional Regulations, maintain public order and peace, and provide community protection.

The next role of Satpol PP regarding the authority of Satpol PP can be seen in the following enforcement actions of Regional Regulations and Regional Regulations:

¹³Lihat Pasal 8 ayat (2) PP No 16 Tahun 2018 tentang Satpol PP.

- a. Non-judicial control measures, meaning actions taken by Pol PP in order to maintain and/or restore public order and public peace against violations of Regional Regulations and/or Regional Regulations in accordance with the provisions of laws and regulations and do not reach the judicial process, this is what is meant by preventive, preventive.
- b. taking action against community members, apparatus, or legal entities that disturb public order and public peace, is intended as an effort to take legal action against violations of regional regulations to be processed through the judiciary in accordance with the provisions of laws and regulations. If preventive and preventive measures cannot be carried out, then enforcement efforts can be carried out by referring to the Perda and Perkada concerned that are violated. The punishment must not exceed the limits set out in the Regional Regulations and Regional Regulations.
- c. carrying out investigative actions means that Pol PP's actions do not use coercive measures in order to find data and information about alleged violations of Regional Regulations and/or Regional Regulations, including recording, documenting, or recording events/conditions and requesting information. In this case, the Satpol PP is faced with the ability of the Satpol PP apparatus to carry out investigations so that similar incidents do not happen again, or there is a deterrent effect for people who commit violations.
- d. take administrative action against community members, apparatus, or legal entities that violate local regulations and/or local regulations. This means that the action is in the form of giving notification letters and/or warning letters/warning letters for violations of Regional Regulations and/or Regional Regulations.

This is given to parties who violate regional regulations or regional regulations in order to provide a deterrent effect and not be imitated by other communities for violations made by perpetrators. These administrative actions vary. In accordance with Law Number 12 of 2011, that administrative sanctions can be in the form of, among others, revocation of permits, dissolution, supervision, temporary dismissal, administrative fines, or police coercion. Civil sanctions can be in the form of, among others, compensation.

Based on the results of the research above, it can be concluded that the Satpol PP has the authority based on attribution in the context of securing regional assets, which is directly explained by Regional Regulation Number 3 of 2017 related to securing regional assets and is also explained in Article 255 of Law No. 23 of 2014 concerning regional government related to Satpol PP which aims to enforce regional regulations and regional regulations in which there is a security task in its duties and according to the provisions of Article 11 letter (d) PP no. 16 of 2018 concerning Satpol PP related to security.

As an enforcer of regional regulations, it can be said that the Satpol PP has the authority to safeguard regional assets because securing regional assets has been regulated in the provisions of Article 297 of Regional Regulation Number 3 of 2017 concerning Management of regional property which regulates the security of regional property which includes security on land, building, official vehicle, state house or official house.

b. Authority of the Delegation of the Civil Service Police Unit in Safeguarding Regional Assets of the South Sulawesi Provincial Government

Delegation authority is the delegation of an existing authority (original authority) by a government agency/or position that has obtained attributive government authority to another government agency/or position.¹⁴So, delegation authority is always preceded by an attribution of authority.

Delegation of security of regional assets is the delegation of task authority from a regional apparatus organization or called OPD to the person in charge of tasks or programs and activities whose implementation is in accordance with Competence in this case Satpol PP related to securing regional assets. Then Satpol PP gets delegation authority based on the assignment of responsibilities to the governor or regional secretary based on a letter from the regional financial and asset agency or called BKAD which delegates its authority to the head of the civil service police unit or is called Kasatpol PP. Safeguarding regional assets or assets belonging to regional governments needs to have adequate security, so that regional assets can be used/utilized optimally, it is necessary to make efforts to secure regional assets. Security is an activity of controlling actions in the management of regional property in the form of physical, administrative, and legal action. To support the smooth implementation of the security of regional property, it is necessary to regulate provisions regarding the security of regional property. 3 of 2017 concerning Management of Regional Property. The regulation explains that the security of regional property is divided into 3 safeguards, namely: physical security, administrative security and legal action security.

a. Physical security

Physical security is security that is carried out directly in the context of maintaining security and preventing the physical condition of a regional property by using tools and physical measures against disturbances and threats posed by humans, animals, technical and others.

The legal basis that serves as a guideline for the physical security of a building or building by the enforcement officers of regional regulations is Article 304 paragraph (1) of Regional Regulation No. 3 of 2017 concerning the Management of Regional Property which is carried out by building guardrails, installing ownership signs, taking anticipatory actions and others.

¹⁴Juniarso Ridwan & Achmad Sodik Sudrajat,, *Hukum Administrasi Negara...*, Op. Cit., hlm. 110.

Physical security of Regional Property in the form of buildings and/or buildings is carried out by taking into account the priority scale and financial capacity of the Regional Government. Namely: a. function of building use; b. building location; and c. elements of the strategic value of the building.

b. Administration security

Administrative security is an activity carried out by an official appointed to administer it in the context of securing regional property from an administrative point of view.

The legal basis that serves as a guideline for securing the administration of a building or building by the enforcement officers of regional regulations is Article 304 paragraph (4) of Regional Regulation No. 3 of 2018 concerning the Management of Regional Property which is carried out by collecting, recording, storing, and administering in an orderly and orderly manner over documents in the form of ownership, determination of the status of building or building users, lists of user's property in the form of goods or buildings, etc.

c. Legal security

Legal Security is an activity to secure regional property by completing documents on the ownership status of regional property.

The legal basis that serves as a guideline for the legal security of a building or building by the enforcement officers of regional regulations is Article 304 paragraph (5) of Regional Regulation No. 3 of 2018 concerning the Management of Regional Property, which is carried out by administering building permits, for buildings that do not have building permits and proposing the determination of use status.

Regarding the legal security of a regional property, it is not the authority of the Satpol PP but the authority of the law bureau.

Based on the explanation above, the author is of the opinion that regarding the security of regional property or regional assets which are divided into physical security, administrative security and legal security, as a regional regulation enforcement officer or Satpol PP only has authority limited to physical security of a regional property or regional asset while related to administrative security and legal safeguards are the authority of regional financial institutions.

Based on the results of the research above, the authors conclude that the authority of the civil service police unit of the South Sulawesi provincial government in the context of securing regional assets is the authority of the delegation that comes from attributive authority then delegated by the governor in this case the regional secretary to the Head of Satpol PP, explained directly by various sources in the interview who explained that asset security was the authority of the delegation given by the Regional Secretary based on the Memorandum of the BKAD Service which was then disposed of to the head of the

civil service police unit. The head of the Satpol PP is responsible for securing regional assets in the South Sulawesi Province.

c. The Mandate Authority of the Civil Service Police Unit in Securing Regional Assets of the South Sulawesi Provincial Government

Mandate is the delegation of authority from a higher Government Agency and/or Official to a lower Government Agency and/or Official with responsibility and accountability remaining with the mandate giver.

The definition of mandate related to regional regulation enforcement officers is the delegation of authority from superiors who have higher structural positions to subordinates who are lower in structural positions, in this case the granting of authority to the head of the civil service police unit or called Kasatpol PP to the head of the field of peace and public order or called trantib and then delegated again to the head of the operational and control section or called ops as the executor of asset security in the field whose responsibility for the implementation of securing regional assets is still borne by the head of the civil service police unit.

The implementation of securing regional assets by the apparatus of regional regulation enforcement officers as officers of securing regional assets in the field on orders from superiors is an effort to prevent misuse of regional property, which can be categorized as a mandate of authority. In the mandate, because the delegation of authority is the recipient of the mandate (mandataris) only represents the mandate giver (mandatans), the mandataris makes decisions on behalf of the mandate, the mandataris is not responsible and is not accountable to third parties if a dispute arises related to regional assets, because the mandataris has no responsibility. responsible for the position, and cannot be sued by his superiors.

The implementation of the mandated authority related to the security of regional assets by regional regulation enforcement officers is carried out based on the mandate of the head of the Civil Service Police unit to his subordinates, namely the head of the operational field of public order and peace and then delegated again to the head of the operational and control section of the Satpol PP. With the following efforts:

a) Pre-emptive efforts to enforce local regulations & local regulations

Pre-emptive efforts are efforts by local law enforcement officers to carry out their duties by prioritizing appeals and approaches to the community with the aim of avoiding the emergence of potential social problems and crime in the community. Which is done in the following way:

- Early detection: a method used to identify potential regional regulations violations as early as possible.
- Inventory: an effort to collect data (subjects and objects of local law enforcement) related to the enforcement of regional legal products.

- Socialization: an effort to notify the public, state apparatus, legal entities, business entities, government agencies about the new Regional Legal Products that will be enforced.

b) Preventive efforts to enforce local regulations & local regulations

Preventive Efforts are efforts made by local law enforcement officers to prevent various violations related to violations of local regulations and local regulations. Some of the preventive measures are as follows:

- Counseling: an effort to inform the public, state apparatus, legal entities, business entities, government agencies about Regional Legal Products so that they are obeyed.
- Guidance: an effort to provide understanding to the public, state apparatus, legal entities, business entities, government agencies that violate Regional Legal Products so as not to commit further violations.
- Supervision: a way to record the public, state apparatus, legal entities, business entities, government agencies that violate Regional Legal Products.

c) Repressive efforts to enforce local regulations & local regulations

Repressive Efforts are an effort made by local law enforcement officials after the incident occurred violation of local law products which aims to restore public order and peace that has been disturbed due to violations of regional regulations and regional regulations by imposing sanctions in accordance with the violations that have been committed.

The repressive efforts carried out by regional law enforcement officers in securing regional assets are:

- Non-judicial: An act of providing extrajudicial sanctions against the public, state apparatus, legal entities, business entities, and government agencies that violate Regional Law Products so that they are deterred from committing further violations. in the form of:
 - Demolition
 - Activity stop
 - Sealing
- Pro judicial: a legal step taken by PPNS against the public, state apparatus, legal entities, business entities, government agencies that violate Regional Legal Products for legal proceedings in accordance with the Criminal Procedure Code

Based on the explanation above, when viewed from the source of authority consisting of attribution, delegation and mandate, local law enforcement officers in securing regional assets obtain authority through attribution and delegation, while in relation to field implementation, local law enforcement officers receive mandated authority from superiors.

This can be seen. Based on the provision that the Satpol PP has authority based on attribution, it is explained directly by the law related to securing regional assets but it has been explained in Article 255 of Law No. 23 of 2014 concerning regional government related to Satpol PP which aims to enforce Perda and Perkada. in whose duties there are security duties and in Article 11 letter (d) PP No. 16 of 2018 concerning Satpol PP related to security. And the authority possessed by regional regulatory enforcement officers in the context of securing regional assets is the authority of the delegation, explained directly by various sources in the interviews who explained that asset security is the authority of the delegation given by the regional financial and asset agency to the head of the civil service police unit. to the head of the civil service police unit responsible for BKAD related to securing regional assets. Regarding the mandated authority, Satpol PP obtains it from giving superiors to subordinates when carrying out security for regional assets in the field.

Based on this provision, it can be concluded that the Satpol PP in securing regional assets has the authority based on attribution and delegation, while the mandate authority is based on giving orders from superiors to subordinates during the implementation of securing regional assets in the field.

2. The Process of Settling Violations by the Civil Service Police Unit in Securing Regional Assets of the South Sulawesi Provincial Government

The existence of a Regional Regulation (Perda) which imposes criminal sanctions has encouraged the idea of forming a Civil Servant Investigator (PPNS) within the local government environment, even the fact shows that several regions have formed Regional Regulations (Perda) on Civil Servant Investigators (PPNS) in the environment. local government. One of the regions that has formed a Regional Regulation (Perda) regarding Civil Servant Investigators (PPNS) is the South Sulawesi provincial government in the South Sulawesi Provincial Regulation Number 2 of 2013 concerning Civil Servant Investigators.

Investigation of violations committed within the province of South Sulawesi is the responsibility of civil servant investigators or commonly called PPNS Satpol PP which has been explained in Law No. Regarding authority, it can be seen from the State Constitution which gives legitimacy to Public Bodies and State Institutions in carrying out their functions. Authority is the ability to act given by the applicable law to carry out legal relationships and actions.¹⁵An explanation of the concept of authority can also be approached through a study of the sources of authority and the concept of justification

¹⁵Marbun, (1997), *Peradilan Administrasi Negara dan Upaya Administrasi di Indonesia*, Yogyakarta: Liberty, hlm. 154

for acts of government power. The theory of sources of authority includes attribution, delegation, and mandate.¹⁶

In the perspective of state administrative law, the acquisition of authority is divided into two ways, namely attribution and delegation, but there is also the term mandate as a separate way to obtain authority.¹⁷Attributive authority is usually outlined or derived from the division of state power by the Constitution (UUD) usually with regard to the transfer of new authority, while delegative authority is an authority that originates from the delegation of a government organ to another organ on the basis of statutory regulations and concerns the delegation of authority that already exists by an organ that has obtained authority attributively to another organ, so logically it is always preceded by attribution.

Satpol PP in carrying out its role as enforcer of Regional Regulations and Regional Regulations needs to be limited in its authority. This limitation is carried out by the period or grace period of the authority, the region or area in which the authority is applied and the scope of the field or material of authority. This limitation of authority is necessary so that the role of Satpol PP remains in the corridor of Regional Regulations and Regional Regulations, not exceeding the authority of other agencies, especially the Police.

Carrying out investigative actions against members of the public, apparatus, or legal entities suspected of violating local regulations and/or local regulations is the authority of the Satpol PP which has been regulated in the provisions of Article 255 of Law no. 23 of 2014 concerning Regional Government.

Based on research conducted by researchers at the Satpol PP office of South Sulawesi Province, the researchers obtained data on violations of regional regulations of South Sulawesi province throughout 2022 related to securing regional assets, as follows:

¹⁶Dewa Gede Atmadja, *Penafsiran Konstitusi Dalam Rangka Sosialisasi Hukum: Sisi Pelaksanaan UUD 1945 Secara Murni dan Konsekwen*, Pidato Pengenalan Guru Besar dalam Bidang Ilmu Hukum Tata Negara Pada Fakultas Hukum Universitas Udayana 10 April 1996. Hal. 2.

¹⁷Nur Basuki Winanmo, (2008), *Penyalahgunaan Wewenang dan Tindak Pidana Korupsi*, Laksbang Mediatama, Yogyakarta, hlm. 65.

Table 1. Data on Violations of Regional Regulations of the South Sulawesi Provincial Government Months 1 - 6 of 2022

Regional Asset Type	Number of cases
Soil	1
Building	3
Official residence	11
Official Vehicle	-
Tbrain	15

Source: Document Data of the Satpol PP Office of South Sulawesi Province¹⁸:

The table above illustrates that there are 15 cases of violations of the use of regional assets within a period of 1 to 6 months during 2022. The highest number of cases occurred in regional assets in the form of state houses or official houses in Makassar City with 11 cases due to the expiration of the period of the residence permit or the term of office of the official has ended as according to the provisions of Article 312 paragraph (3) letter c of Regional Regulation No. 3 of 2017 says that a statement to return the state house after the expiration of the term of the residence permit or the term of office has ended to the Property User/Proxy of Property User.

followed by violations of regional assets against buildings, namely 3 cases located in Makassar City and the number of cases on regional assets in the form of land was 1 case in Bulukumba Regency, this was due to the expiration of the lease term for the use of regional property or regional assets to be operated by the lessee. regional assets, as stipulated in Article 134 of Regional Regulation No. 3 of 2017 concerning the management of regional property that the lease ends when the lease term expires.

The process for resolving violations committed by regional law enforcement officers against violations of regional assets, in their capacity as PPNS Satpol PP, are:

a. Investigation

In principle, PPNS based on Article 255 of Law Number 23 of 2014 concerning Regional Government (on the power of law) has the authority to conduct investigations. PPNS in the context of investigating violations of regional regulations can use their supervisory and or observational authority to find criminal violations within the scope of the law which is the legal basis (regional regulations). In certain cases, PPNS, if they need investigation activities, can also ask for assistance from Polri investigators.

¹⁸Hasil penelitian data dokumen di kantor Satuan Polisi Pamong Praja Provinsi Sulawesi Selatan, tanggal 10 Juni 2022.

Police investigators as coordination and supervision, hereinafter abbreviated as Korwas PPNS, have the obligation and responsibility to provide investigative assistance based on the joints of functional relationships. The PPNS Korwas needs to be carried out in order to improve the quality of PPNS so that the investigation carried out by PPNS against certain criminal acts which are the legal basis can run according to applicable regulations. In the Regulation of the Head of the State Police of the Republic of Indonesia Number 20 of 2010 Article 1 paragraph (8) Investigation assistance provided by the POLRI to PPNS can be in the form of¹⁹:

a. Technical support

Technical Assistance in Article 1 paragraph (9) is assistance for expert examination in the context of scientific evidence (Scientific Crime Investigation)

b. Tactical Assistance

Tactical Assistance in Article 1 paragraph (10) is the assistance of Polri personnel and Polri equipment in the context of investigating certain criminal acts

c. Forced Effort Assistance

Forced Effort Assistance in Article 1 paragraph (11) is assistance provided by police investigators to PPNS in the form of investigative activities in the context of investigations both to PPNS who have the authority and those who do not have the authority to take action.

Based on the author's research, the investigation process carried out by PPNS according to the provisions of the Minister of Home Affairs Regulation Article 9 Number 3 of 2019 concerning Civil Servant Investigators in the Regional Government is in principle the same as the investigation process carried out by the Police, which is guided by the UUHAP. If there are obstacles in the investigation process due to the limited authority of PPNS and limited resources owned by PPNS, then PPNS coordinates with Polri Investigators as stipulated in the Regulation of the Chief of Police Number 6 of 2010 concerning Investigation Management by PPNS and Regulation of the Chief of Police Number 20 of 2010 concerning Coordination, Supervision, and Investigation Guidance for PPNS.

Until now there are no regulations or regulations that can be guided to calculate the ideal number of PPNS Satpol PP needed in enforcing the Regional Regulation, but if it refers to the number of PPNS Satpol PP members and the number of violations of the regional regulation, the number of PPNS Satpol PP in South Sulawesi Province is considered insufficient.

The budget for PPNS has been regulated in Article 21 of the Minister of Home Affairs No. 3 of 2019 which explains that PPNS financing is charged to the provincial

¹⁹Peraturan Kepala Kepolisian Negara Republik Indonesia Nomor 20 Tahun 2010 Tentang Koordinasi, Pengawasan Dan Pembinaan Penyidik Pegawai Negeri Sipil

Revenue and Expenditure Budget, the Regency/City Regional Revenue and Expenditure Budget and can be charged to other legal and non-binding sources according to the provisions legislation.

b. Inspection:

1. The examination of suspects and witnesses is carried out by the PPNS concerned, in the sense that they cannot be delegated to other officers who are not investigators.
2. After the PPNS has examined the suspect and the suspect admits that he has violated the regional regulation and is willing and obeyed to implement the provisions of the regional regulation in accordance with the type of business/activity carried out within 15 days from the implementation of the inspection and admitting the error to the person concerned, he is required to make a letter. statement.

The examination process is a form of follow-up to the investigation efforts that have been carried out by the PPNS Satpol PP as the enforcement officers of the relevant regional regulations. The inspection process in question is a follow-up activity and dig up information from several people who are considered to know or have information related to perda violations. The object of the examination is focused on violators as a follow-up to the ongoing investigation process.

In conducting the examination, PPNS Satpol PP still refers to Law no. 23 of 2014 related to the authority as an investigator to enforce regional regulations. It's just that the research found an imbalance between the authority and responsibility that must be carried out with what happened in the field, if referring to the provisions Article 5 Perkapolri 26 of 2011 concerning the Implementation of Education and Training of Civil Servant Investigators explains that before members of the Satpol PP are appointed as investigators or PPNS, the Satpol PP participates in investigation training organized by the National Police and is appointed as PPNS officials by the Ministry of Law and Human Rights after receiving a recommendation. from the Criminal Investigation Police and the Attorney General's Office.

In fact, if referring to the Regulation of the Minister of Home Affairs Article 9 Number 3 of 2019 concerning Civil Servant Investigators in the Regional Government Environment related to the investigation process, the PPNS Satpol PP Investigators are assigned as units that have the right and authority to carry out examinations as a follow-up to the results of the examination conducted. have been done.

c. Summoning:

Summoning is the process of presenting someone with a relationship to an offence.

1. The legal basis for the summons is in accordance with the provisions of the Criminal Procedure Code as far as the summons is concerned.
2. The basis for summoning suspects and witnesses is in accordance with the authority stipulated in the law which is the legal basis for each (regional regulation).

3. In principle, the person authorized to sign the summons is the PPNS of the Civil Service Police Unit.
4. In the event that the leader of the Civil Service Police Unit is an investigator (PPNS), then the summons is signed by the leader as an investigator.
5. In the event that the leader of the Civil Service Police Unit is not an investigator (PPNS), then the summons is signed by the Civil Service Police Officer known by the leadership.
6. And the summons is carried out by the PPNS officer, so that those concerned with obligations can fulfill the summons (that intentional failure to fulfill the summons is threatened with article 216 of the Criminal Procedure Code).

As for the provisions of the Minister of Home Affairs Regulation Article 9 Number 3 of 2019 concerning Civil Servant Investigators in the Local Government Environment, the investigation process by PPNS includes summons. Therefore, based on this provision, PPNS is still required to summon users of regional assets who violate local regulations.

d. Solution

1. PPNS is obliged to carry out administrative investigation of every case handled.
2. The signing of the cover letter for the case file is carried out as follows:
 - a) In the event that the supervisor of the Civil Service Police member is an investigator (PPNS), the signing of the cover letter for the case file is carried out by the supervisor of the Civil Service Police member as the investigator.
 - b) In the event that the supervisor of the Civil Service Police is not an investigator (PPNS), then the signing of the cover letter for the case file is carried out by the Civil Service Police member who is the PPNS with the knowledge of the stage.
3. For perpetrators of criminal acts of Regional Regulation (Trantibum), PPNS takes the first action in the form of guidance on the budget in accordance with the field and form of public peace and order that is violated.
4. Then PPNS makes a Minutes of Statement Letter in the form of a Letter of Agreement.
5. The agreement letter contains the identity of who/the person in charge or the person in charge.
6. After the end of the agreement period, but the person concerned does not fulfill his promise, the PPNS can issue a letter of warning I with demands to the relevant agency in accordance with the field and form of violation of the Perda (Trantibum).
7. If the warning I (First) is not implemented within a period of 7 x 24 hours, it can be followed by a warning II (second) while still providing a copy to the relevant agency.
8. Based on the data and facts that are in accordance with the violations committed and the settlement steps taken previously, action can be given in accordance with the field and form of the Perda (Trantibum) that is violated. By providing suggestions, it is

concluded that the Regional Head can provide considerations as contained in the Regional Regulation, including the sealing which is administratively submitted to the relevant agencies in accordance with the field and form of the Perda that was violated and technically the operation is carried out by the Civil Service Police Unit assisted with other relevant agencies in in the case of sealing.

Table 2. Data on Settlement of Regional Regulation Violations of South Sulawesi Provincial Government Months 1 - 6 of 2022

Regional asset type	Number of	Solution
Soil	1	Resolved through Non Judicial Action
Building	3	Resolved through Non Judicial Action
Official residence	11	Resolved through Non Judicial Action
Official Vehicle	-	-
Tbrain	15	

South Sulawesi Province Satpol PP Office Document Data²⁰:

The table above illustrates that in 15 cases of violations of the use of regional assets within a period of 1 to 6 months during 2022. The highest number of cases occurred in regional assets in the form of state houses or official houses in Makassar City with 11 cases followed by violations of regional assets against buildings, namely 3 cases located in Makassar City and the number of cases on regional assets in the form of land is 1 case located in Bulukumba Regency, all of these cases were resolved by Non-Justice or taking over goods or regional assets through sealing actions according to the authority of Satpol PP which has been regulated in in Article 255 of Law no. 23 of 2014 concerning Regional Government.

Based on the explanation above, the author concludes that the settlement of violations against the security of regional assets is carried out by PPNS Satpol PP in the coordination and supervision of police investigators according to the provisions of Article 9 of the 2019 Minister of Home Affairs Regulation concerning PPNS in the Scope of Regional Government. Non-Justice or expropriation of regional goods or assets

²⁰Hasil penelitian data dokumen di kantor Satuan Polisi Pamong Praja Provinsi Sulawesi Selatan, tanggal 10 Juni 2022.

through sealing actions as stated in the authority of Satpol PP in Article 255 of Law no. 23 of 2014 concerning Regional Government.

CONCLUSION

The Civil Service Police Unit has the authority to safeguard regional assets, namely: *First*, Attribution authority, according to the provisions of Regional Regulation Number 3 of 2017 concerning the management of regionally owned assets related to securing regional assets and has been explained in Article 255 of Law Number 23 of 2014 concerning regional government related to Satpol PP which aims to enforce Regional Regulations and Regional Regulations, and Article 11 letter (d) PP No. 16 of 2018 Regarding Satpol PP, there is a security task in it. *Second*, Delegation authority, sourced from attributive authority then delegated by the governor in this case the regional secretary to the Head of Satpol PP, explained by various sources in the interview results explaining that asset security is the authority of the delegation given by the Regional Secretary based on the BKAD Office Memorandum then disposition to the head PP Satpol. *Third*, Mandate authority, local regulatory enforcement officers obtain it from giving superiors to subordinates when carrying out security for regional assets in the field. The process of resolving violations committed by the Satpol PP against the security of regional assets is carried out by the PPNS Satpol PP in the coordination and supervision of the National Police investigators with the process of investigation, examination, summons and settlement with Non-Justice actions or the takeover of regional assets through sealing actions as the authority of Satpol PP in Article 255 UU no. 23 of 2014 concerning Regional Government.

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