



REGULATIONS ON THE AUTHORITY OF THE PROSPERITY IN MOTOR VEHICLE PROOF TUCTIONS IN INDONESIA

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Abstract : Crime is an act that can harm the nation and state. This implies the necessity of enforcing criminal law which can recover state losses. This view can be carried out through the auction of evidence which is feared to be easily damaged and reduce its economic value. To do this, the Attorney General's Office is given a mandate by the Republic of Indonesia Prosecutor's Regulation Number 7 of 2020 concerning the Second Amendment to the Attorney General's Regulation Number Per-027/A/Ja/10/2014 concerning Guidelines for Asset Recovery. The position of the prosecutor as the auctioneer of state loot has in its development led to problems due to the lack of authority of the prosecutor in processing motorized vehicle ownership documents which in the end lead to the winning bidder receiving the auctioned goods without ownership documents for said motorized vehicles. The purpose of this study is to find out and find issues related to why regulations related to the authority of prosecutors in the auction of evidence of motorized vehicles have not been able to bring about justice, to find out and find weaknesses in regulations related to the authority of prosecutors in auctions of evidence of motorized vehicles that have not been fair. Based on the research conducted, it is known that the regulation of the attorney's authority in motor vehicle auctions in its development has not been able to achieve justice for the auction winner, this is because the auctioned goods auctioned by the attorney are not equipped with documents proof of vehicle ownership which makes the auction winner unable to process vehicle ownership documents. Weaknesses in the regulation of the prosecutor's authority in motor vehicle auctions consist of a legal vacuum related to the regulation of proof of ownership of motorized vehicles as a result of the prosecutor's auction, weaknesses in the structure of the prosecutor's party are not informative regarding the issue of the existence of motorized vehicle ownership documents on the evidence being auctioned, and cultural weaknesses in the form of there was no attempt by the auction winner to be more observant in examining the ownership status of the motorized vehicle which is evidence being auctioned off by the prosecutor's office.

IndexTerms - Prosecutor, Authority, Auction, Reconstruction.

I. INTRODUCTION

Evidence has an important position in the administration of examinations in court. This is because evidence is the essence of efforts to achieve justice in court. The loss of the evidentiary process will result in the cessation of the examination in the criminal justice process. R. Subekti argues that proof is a process to convince the judge about the truth of the arguments or arguments put forward in a dispute. From this opinion, R. Subekti places the urgency of proof as to obtain conviction and with this belief aims to strengthen the truth of the argument about the legal facts that are the subject matter, so that by fulfilling this belief the judge will obtain a basis of certainty to make a decision/convict [1].

Proof in criminal law is specifically a medium in digging up the truth and the judge's conviction regarding the existence of a criminal act that occurred. So that in criminal law the position of objects included in the category of evidence is very much needed. Related to the existence of evidence, it is not uncommon for the legal process to take a long time. The length of the legal process often results in lots of evidence being damaged, this is due to the lack of adequate storage space. This will clearly make the use of evidence to recover state losses due to criminal acts cannot be realized. In the case of the interest of recovering state losses and to restore legal justice, evidence can also be auctioned. This can be seen in several provisions, Article 45 of the Criminal Procedure Code. In its development, auctions for evidence are not only carried out by investigators but also by public prosecutors or prosecutors. This is in accordance with the Attorney General's Regulation Number 7 of 2020 concerning the Second Amendment to the Attorney General's Regulation Number Per-027/A/Ja/10/2014 concerning Guidelines for Asset Recovery [2].

However, the implementation of the auction cannot be said to have run without problems. The implementation of auctions of evidence, especially by the prosecutor's office in a regulatory manner, has constraints related to the civil aspects of objects that are included in evidence. Criminal acts are often related to the personal interests of the parties who become victims. The existence of a dogma that evidence is returned to the state as the estuary of the criminal law doctrine as public law, often results in the loss of victims' rights, especially related to the recovery of loss assets through auctions of evidence. Then, because the prosecutor's office is not the party that directly knows about a criminal act in the field and the losses experienced directly by the victim, making the

auction calculation never pays attention to the position of the victim. This can be seen by the absence of a provision for restitution of losses to victims of criminal acts in the provisions of the Attorney General's Regulation of the Republic of Indonesia Number 7 of 2020 concerning the Second Amendment to the Attorney General's Regulation Number Per-027/A/Ja/10/2014 concerning Guidelines for Asset Recovery. The most obvious problem in the implementation of the prosecutor's authority in conducting auctions is related to the management of documents proving the ownership of the vehicles resulting from the auction. The winner of the vehicle auction obtained through the auction of evidence by the Attorney General's Office cannot process the vehicle ownership documents that have been obtained [3].

II. RESEARCH OBJECTIVES

- 1) To analyze the regulation on the authority of prosecutors in the auction of motor vehicle evidence in Indonesia.
- 2) To find out and analyze the weaknesses in the regulation of the authority of prosecutors in the auction of motor vehicle evidence in Indonesia.

III. RESEARCH METHODS

The type of legal research used is non-doctrinal with deductive logical thinking. In this non-doctrinal legal research, law is conceptualized as a manifestation of the symbolic meanings of social actors as seen in their interactions. That the real reality of life does not exist in the empirical realm, which is also the observed realm, does not appear in the form of behavior that is patterned and structured objectively (let alone normative) and therefore can be measured to produce quantitative data. The reality of life only exists in the realm of meaning which appears in the form of symbols which can only be understood after being interpreted. Such a reality cannot be easily "captured" by outside observations and measurements.

IV. RESEARCH RESULTS AND DISCUSSION

IV.1 Motorized Vehicle Auction Mechanism by the Attorney General's Office

Based on the results of observations made by researchers in auction practices carried out by the Barito Kuala Prosecutor's Office, the auction mechanism at the Barito Kuala District Attorney's Office adheres to RI PMK Number 27/PMK.06/2016 concerning instructions for implementing auctions. In accordance with chapter 1 of the general provisions of Article 1 point 4 concerning the auction of goods for execution of court decisions that have permanent legal force. The results of the confiscation began with the submission of evidence by the suspect who had committed a general criminal offense and a specific criminal offense. So that the evidence must be handed over or confiscated by police investigators, namely the Polsek, Polres, and Polda. In general, this evidence is usually used by perpetrators to commit crimes such as the crime of robbery. The evidence in the case will be increased at the investigative level up to the P21 level.

One of the confiscated items at trial was a motorized vehicle which had received the full force of a court decision. After the decision from the Barito Kuala District Court, the Barito Kuala District Prosecutor's Office prepared for the auction by determining the limit value as the minimum price for confiscated goods in accordance with Article 17 point 1 determining the limit value, after the limit value was determined then write to the State Property and Auction Services Office (KPKNL). Article 53 number 1 the announcement of the auction is carried out through a daily newspaper published and or circulating in the city or district where the goods are located, in connection with this article the Barito Kuala District Prosecutor's Office makes an announcement of the implementation of the auction through the Tribun Lampung Post newspaper and online which can be viewed through the Attorney's website Barito Kuala Country. The auction for confiscated goods at the District Attorney's Office is held online without the presence of participants on the date and time determined by the KPKNL by accessing the www domain address. Lelangdjkn.kemenkeu.go.id is in accordance with article 77 point 1 that the auction committee, prosecutors and judges are prohibited from participating in the auction. Then an auction will be held at the Barito Kuala District Attorney's Office. In practice, participants who take part in the auction are collected at the District Attorney's Office to participate in the auction process [4].

The auction participants consisted of 20 participants, not many of them took part because the vehicle did not have complete documents. Motorized vehicles that will be auctioned include Vixion, Beat, Vega Zr, Supra X 125 Fi Cw, Kharisma, Mio J Gt, Scoopy. The auction itself is held openly in public. The buying and selling process of bidding auctions is carried out openly, so there is no cover price because fellow buyers must offer prices openly to get the best price. The condition of the vehicles being auctioned can be seen directly and nothing is covered either in terms of the condition of the body, engine, vehicle type or vehicle documents so that they can be adjusted to our budget. After there is a winner in the auction, the winner must pay off the principal costs and the auction fee is regulated in Article 72, and take the auctioned goods that are at the Barito Kuala District Attorney and then be given the minutes of the auction, which are authentic deeds and have perfect evidentiary power and contain all the events that occurred in the auction sale procession as evidence of auction implementation authentication as stipulated in the provisions of Article 1 number 35 of the Minister of Finance Regulation Number 27/PMK.06/2016 concerning auction implementation instructions, which among other things reads that the minutes of auction implementation are made by auction officials who have perfect strength of evidence for the parties [5].

IV.2 Legal Protection for Confiscated Goods Auction Winners

The problem of the lack of legal certainty in legal protection for the winner of the auction of confiscated goods in the form of a two-wheeled vehicle which was executed by way of auction by the prosecutor's office can be seen in the study of the two cases below:

1. Legal protection for the winner of the auction of confiscated goods in the form of a two-wheeled vehicle which was executed by auction by the prosecutor in the City of Barito Kuala

The Barito Kuala District Attorney's Office is auctioning off state property that has permanent legal force or inkraht from corruption and specific crimes, on April 15, 2020. A few conditions must be met for interested bidders. "Auction of the stolen goods

through the official website www.lelang.go.id," said the Barito Kuala District Attorney through the Head of Intelligence, AZ, Monday, April 13, 2020. April 13, 2020. Meanwhile, auction items resulting from specific crimes can be seen until April 14, 2020. Interested citizens can participate in the auction process by fulfilling predetermined requirements. First, interested parties need to create a virtual account on the website and activate it. The amount or nominal that is applied to the virtual account number must be the same as the required security deposit. The security deposit must be received by the Palangkaraya KPKNL no later than one day prior to the auction. Meanwhile, settlement of the auction price is given within 5 days after the auction and the buyer's auction fee is 3 percent of the auction value. The items to be auctioned from the corruption case are 15 cars of various types. Meanwhile, there are various kinds of special crimes, starting from cell phones, motorcycles, and trucks. It is known that the auction, which was conducted by the Barito Kuala District Attorney, was not accompanied by documents of vehicle ownership, either the Vehicle Registration Certificate (STNK) or the Motorized Vehicle Ownership Certificate (BPKB). This will obviously result in the absence of two-wheeled vehicle ownership documents for the auction winner [6].

2. Legal protection for the winner of the auction of confiscated goods in the form of a two-wheeled vehicle which was executed by way of auction by the prosecutor's office in Bandar Lampung City

The Public Prosecutor's Office of Bandar Lampung carried out the execution of state loot which had been decided by the court, had permanent and binding legal force. The execution was carried out on one unit of two-wheeled motorized vehicles as contained in the Minutes of Auction Quotation Number: 908/2016 issued by the Bandar Lampung State Assets and Auction Service Office (KPKNL). The auction venue was held at the Bandar Lampung District Attorney's Office, which is located at Jalan WR Supratman Number 26 Teluk Betung Bandar Lampung with the Auction Officer named ATH, SE. The sale of the auction was carried out at the request of R, S.H., M.H., as the Head of the Bandar Lampung District Prosecutor's Sub-Section for Development with an application letter Number: B521/N.8.10/Cu.1/11/2016 dated 3 November 2016, with the type of auction, namely the Execution auction State Loot. The official selling the confiscated goods was R, S.H., M.H., as the Head of Sub-Division for the Development of the Bandar Lampung District Prosecutor's Office with the Sales Officer Assignment Letter Number: PRINT-3880a/N.8.10/Cu.1/8/2016 dated 23 August 2016. As for the object of the auction being sold was 1 (one) unit of black Honda Beat Pop motorbike Police Number: BE 7396 RW frame number MH17 119 FK 076071 and engine number missing.

This item is not accompanied by a letter or proof of ownership of a vehicle registration number (STNK) and proof of motorized vehicle ownership (BPKB). with a purchase price of Rp. 2,220,000 (two million two hundred and twenty thousand rupiah), then the winner will be given an excerpt of minutes of auction number: 908/2016 which functions as a deed of sale and purchase. The process of executing state loot by the Bandar Lampung District Prosecutor's Office is in accordance with applicable laws and regulations, the legal basis is Article 30 Paragraph (1) letter (b) of the Prosecutor's Law that in the criminal field, the prosecutor's office has the duty and authority to carry out the determination judges and court decisions that have obtained permanent legal force. The procedure for executing court decisions by the Prosecutor's Office as stipulated in Article 270 of the Criminal Procedure Code (KUHAP), namely that the clerk sends a copy of the Court's Decision to the prosecutor. The execution of court decisions can only be carried out by the prosecutor, after the prosecutor receives a copy of the decision letter from the clerk [7].

The deadline for sending a copy of the decision from the Registrar to the prosecutor for ordinary procedural cases is a maximum of 1 (one) week and for cases with a brief procedural no longer than 14 days. Confiscated goods as evidence can be confiscated, as stated in Article 1 of the Criminal Code, that goods belonging to the convict obtained by crime or intentionally used to commit a crime can be confiscated for the state. Confiscated goods used as evidence in a criminal case can be confiscated by the Attorney General's Office, if there are several elements fulfilled by the judge to seize an item, namely the confiscated goods belonging to the convict obtained by crime or intentionally used to commit a crime. Based on the results of an interview with R, as the Head of the Bandar Lampung District Prosecutor's Office Development Sub-Division, it is known that the confiscated goods can be confiscated, then these items must belong to the perpetrator, if the confiscated goods are used by the convict to commit a crime or the proceeds of the crime will be but the goods do not belong to the convict, then these goods cannot be confiscated but only as evidence and must be returned to those who are entitled, except in cases of counterfeiting money as regulated in Article 250 of the Criminal Code [8].

The implementation of the decision on evidence is carried out based on the court's decision, it can be returned to the rightful person whose name is included in the decision. Before the court decision obtains permanent force. In Article 194 Paragraph (2) of the Criminal Procedure Code it is stated that unless there is a valid reason the court stipulates that the evidence be submitted immediately after the trial is over. In the elucidation of Paragraph (2) of Article 194 of the Criminal Procedure Code, it is emphasized that the stipulation regarding the delivery of such goods is, for example, very necessary to make a living. If the submission of evidence is submitted before the decision has permanent force, then it must be accompanied by certain conditions, including that the goods are presented to the court every time intact (Article 194 Paragraph (3) of the Criminal Procedure Code and its explanation). The grace period for completing the confiscated goods is no later than 4 (four) months after the Court decision obtains permanent legal force (Article 4).

Confiscated goods that have been decided by the Court are handled by the Division authorized to complete the confiscation as soon as possible after the Court's decision has permanent legal force, enclosing a copy of the verdict and legal opinion. After receiving the confiscated goods, the area authorized to complete the loot applies to the Head of the District Attorney or the Head of the High Prosecutor's Office or Junior Attorney General who has the authority to complete the loot. Based on the results of an interview with R as the Head of the Bandar Lampung District Attorney's Development Subdivision, it is known that any loot that will be sold at auction by the Attorney's Office first obtains permission from the Head of the District Prosecutor's Office or the Head of the High Prosecutor's Office or Junior Attorney General who has the authority to complete the loot, according to price and confiscated goods issued by the competent authority.

After the auction process is carried out in accordance with the applicable laws and regulations, the state's seized goods in the form of motorbikes will transfer their ownership rights to the auction winner. Furthermore, the auction winner certainly wants legal ownership documents in the form of a Vehicle Registration Certificate (STNK) and Proof of Motorized Vehicle Ownership (BPKB) for the vehicle he obtained from the auction process. This is in accordance with Law Number 22 of 2009 concerning Road Traffic and Transportation that every person who drives a motorized vehicle who cannot show a driving license (SIM), valid STNK or

other proof required according to statutory provisions cross the road or he can show but the validity period has expired. According to SN's explanation as the Auction Winner, it is known that after getting the motorbike he cannot process documents as proof of ownership, both proof of ownership of the Vehicle Number Certificate (STNK) and Proof of Motorized Vehicle Ownership (BPKB), so in this case it becomes a separate obstacle for him in terms of riding a motorcycle on the highway, for example, feeling insecure and comfortable when riding the motorcycle on the highway because it is not equipped with a STNK. Based on the results of an interview with RK as Head of the Bandar Lampung Police Traffic Unit, it is known that the enactment of Law Number 22 of 2009 concerning Road Traffic and Transportation basically aims to realize road traffic and transportation services that are safe, secure, orderly, smooth, and integrated with other modes of transportation [9].

The Other means of transportation to boost the national economy, advance public welfare, strengthen national unity and integrity, and be able to uphold national dignity. In addition to realizing traffic ethics and national culture and realizing law enforcement and legal certainty for the community. According to SN's explanation as the Auction Winner, it is known that apart from not being able to take care of the STNK, as the winner of the auction of stolen goods in the form of motorbikes, he is also unable to take care of the Proof of Ownership of a Motorized Vehicle (BPKB). Thus, the auction winner feels uncomfortable owning a motorbike from the auction results without being equipped with valid ownership documents. The only document he has on the motorcycle is the Minutes of Auction. Based on the results of interviews with RK as Head of Traffic Unit of the Bandar Lampung Police, it is known that the issuance of the BPKB is a mandate of Law Number 22 of 2009 concerning Road Traffic and Transportation which is an integral part of the registration and identification of motorized vehicles. According to Article 64 of Law Number 22 of 2009 it is stated that every motorized vehicle must be registered. Such registration includes registration of new motorized vehicles, registration of changes in identity of motorized vehicles and owners, registration of renewal of motorized vehicles; and/or registration of Motorized Vehicle authorization. Based on the results of interviews with KI as the Head of UPTD Region I Bandar Lampung/ Bandar Lampung Samsat it is known that the main task of the Bandar Lampung Samsat is to carry out services to the community in an integrated and coordinated manner including Procedures for Motorized Vehicle Registration, Procedures for Collecting PKB and BBN-KB in accordance with regulations applicable taxation and SWDKLLJ Collection Procedures [10].

IV.3 Regulations Related to Prosecutor's Authority in Auctions for Evidence of Motorized Vehicles

In its development, the regulation on the authority of prosecutors to conduct auctions of evidence seized by the state was not accompanied by documents on vehicle ownership. This clearly results in the winner of the motor vehicle auction not having a guarantee of safety in road traffic. because every person who drives a motorized vehicle who cannot show a driving license (SIM), valid STNK or other proof required according to the provisions of road traffic laws, or he can show but the validity period has expired as regulated in Article 211 of the Criminal Procedure Code Law Number 22 of 2009 concerning Road Traffic and Transportation. Another obstacle faced by the winning bidder was that he did not have a BPKB as proof of legal ownership of the motorbike obtained from the results of the execution of the auction for seized goods from the state, while on the other hand the issuance of the BPKB was a mandate from Law Number 22 of 2009 concerning Road Traffic and Transportation. is an integral part of the registration and identification of motorized vehicles. According to Article 64 of Law Number 22 of 2009 it is stated that every motorized vehicle must be registered. Such registration includes registration of new motorized vehicles, registration of changes in identity of motorized vehicles and owners, registration of renewal of motorized vehicles; and/or certifying registration. Such a situation has clearly resulted in the loss of the essence of legal certainty as well as justice in the auction of evidence by the prosecutor, especially for the auction winner [11].

Law has several values that become a guide in its application, namely legal certainty, and justice. Law without certainty will lose its identity and meaning, because it can no longer be used as a guideline for everyone's behavior. Legal certainty itself is essentially one of the goals of law. Community order is closely related to certainty in law because order is the essence of certainty itself.

Certainty in law means that every legal norm must be able to be formulated in sentences that do not contain different interpretations. The result will bring compliance or non-compliance with the law. In practice, many legal incidents arise, where when faced with the substance of the legal norms governing them, it is sometimes unclear or imperfect so that different interpretations arise which consequently will lead to legal uncertainty. Whereas certainty because of law is intended, that because of the law itself there is certainty, for example the law determines the existence of an expired institution, with the passage of time a person will get rights or lose rights. This means that the law can guarantee certainty that someone with an expired institution will get a certain right or will lose a certain right.

Order will cause a person to live with certainty in carrying out activities carried out in community life. Legal certainty requires efforts to regulate law in legislation made by the authorities so that the rules have a juridical aspect that can guarantee certainty that the law functions as a rule that must be obeyed.

Legal certainty is contained in the 1945 Constitution of the Republic of Indonesia Article 28D paragraph (1) which reads "everyone has the right to recognition of guarantees of protection, and fair legal certainty and equal treatment before the law". According to Sudikno Mertokusumo, legal certainty is a guarantee that the law is enforced, that those entitled according to law can obtain their rights and that decisions can be implemented. Therefore, what is the meaning of legal certainty is also very important for society. The legal certainty set forth in the judge's decision is a result based on the facts of the trial that are legally relevant and considered with conscience. Judges are always required to always be able to interpret the meaning of laws and other regulations that are used as the basis for implementation. This is very important, because the existence of legal certainty will greatly affect the authority of judges and the electability of the court itself. Because the judge's decision which contains elements of legal certainty will contribute to the development of science in the field of law [12].

In enforcing the law there are three values that must be considered, namely legal certainty, expediency, and justice. These three values must have a compromise, must receive proportionally balanced attention. However, in practice it is not always easy to seek a proportional compromise between the three elements. Without legal certainty people do not understand what to do and finally anxiety arises. But too much emphasis on legal certainty, too strict adherence to legal regulations will result in being rigid and will create a sense of injustice. Legal objectives that are close to realistic are legal certainty and legal benefits. Positivism emphasizes more on legal certainty, while Functionalists prioritize the benefits of law, and if it can be argued that "summon ius, summa injuria, summa lex, summa crux" which means that harsh laws can hurt, unless justice can help, thus Even though justice is not the only legal objective, the substantive legal objective is justice.

Legal certainty normatively is when a regulation is made and promulgated with certainty because it regulates clearly and logically. Clear in the sense of not causing doubts (multiple interpretations) and logical. It is clear in the sense that it becomes a system of norms with other norms so that they do not clash or cause a conflict of norms. Legal certainty refers to the enactment of laws that are clear, permanent, and consistent, the implementation of which cannot be influenced by subjective circumstances. Certainty and justice are not just moral demands, but factually characterize law. A law that is uncertain and does not want to be fair is not just a bad law. Legal certainty can be realized through good and clear acceptance of a law and its application will also be clear. In other words, legal certainty means the exact law, the subject and the object and the threat of punishment. However, legal certainty should perhaps not be considered as an absolute element, but a means used in accordance with the circumstances and conditions with due regard to the principles of benefit and efficiency [13].

Justice is one of the most widely discussed legal goals throughout the history of legal philosophy. The purpose of law is not only justice, but also legal certainty and legal benefits. The purpose of the law is to regulate the association of life peacefully if it leads to just rules, meaning rules where there is a balance between the interests protected, and everyone gets as much as possible which is his share. Ideally, the law should accommodate all three. The judge's decision, for example, is as far as possible the resultant of the three. Even so, there are those who argue that among the three legal objectives, justice is the most important legal objective, and some even argue that justice is the only legal objective.

The definition of justice is a balance between what the parties deserve, both in the form of profits and losses. In practical language, justice can be interpreted as giving rights that are equal to one's capacity or enactment to each person proportionally, but it can also mean giving equally to everyone what is their share based on the principle of balance. Law without justice is meaningless.

According to Hans Kelsen, the purpose of law is the Grund norm or Basic Norm. The purpose of law must be understood as the basis as well as binding in the formation of legislation. Here the value aspect contained in the purpose of law is increasingly important, and it functions instrumentally, especially for policy makers (technical policy). About legal objectives in Indonesia, Pancasila is said to be a legal objective (rechtsidee) in the life of society, nation, and state. The purpose of law contains principles that apply as norms for justice or legal injustice, thus legal ideals simultaneously provide double benefits, namely with legal ideals the applicable positive law can be tested, and legal ideals can be directed positive law towards fair law.

The purpose of law according to Sudikno above, it is necessary to relate it to the theory of legal ideals by Gustav Radbruch, where there are 3 (three) basic values of legal ideals which should be the basis for operating law in Indonesia, namely the value of certainty, the value of expediency, and the value of justice. Legal certainty, according to Soedikno Mertokusumo, is one of the conditions that must be met in law enforcement. So that legal certainty is justifiable protection against arbitrary actions, which means that someone will be able to get something that is expected in certain circumstances. Montesquieu gave an idea which became known as the principle of nullum crimen sine lege, which aims to provide legal protection for every citizen against state arbitrariness [14].

In implementing or enforcing the law, the community expects benefits. Law is for humans, so the implementation of law or law enforcement must provide benefits or uses for society. Do not let the implementation or enforcement of the law cause unrest in society. The verdict, namely punishment, is not given to the state but the convict as a person or legal subject, according to the Judicial Review provisions, only the convict has the right to submit a Judicial Review, and the heirs in the mention do not stand alone but for the sake of law represent the convict. Extraordinary legal remedies cannot be limited in time or formality provisions for filing extraordinary legal remedies, such as PK, because it is very possible that a substantial novum has just been discovered which at the time the previous PK had not been found. This is what seekers of justice (justiciablen) really desire those cases submitted to court can be decided by judges who are professional and have high moral integrity so that they can produce decisions that not only contain aspects of legal certainty (procedural justice), but also have the dimension of legal justice. moral justice, and social justice considering that justice is the main goal to be achieved from the dispute resolution process in court. Therefore, the limitation of PK legal action can only be carried out once so that it must be studied from the perspective of equality in providing opportunities to submit PK to the parties [15].

The value of justice in a review that can be carried out more than once, namely giving freedom of the right to apply for a review on the grounds that there is a novum related to technological developments and knowledge that has never been submitted before in a trial or initial PK, and truly constitutes evidence containing new facts are not mere repetition. Because repeated PKs can also pay attention to corrective justice, where it is necessary to correct something that went wrong when a mistake was made by the state through a judge's decision that has permanent legal force. Corrective justice seeks to provide adequate compensation for aggrieved parties, namely convicts whose rights have been deprived by the state including arrest, investigation, detention, and trial proceedings. Therefore, the review aims to restore the rights of the convict if new evidence or conditions are found where it is possible for the judge to give a free or acquittal decision to the convict. Seeing legal certainty and justice is like seeing two sides of a coin. Because both must exist to create a state of peace. What justice cannot be achieved if certainty is not fulfilled. Here the two values experience antinomies, because according to a certain degree, the values of certainty and justice must be able to give certainty to everyone's rights in a fair manner but must also provide benefits from them.

V. CONCLUSION

1. The regulation of the attorney's authority in motor vehicle auctions in its development has not been able to achieve justice for the auction winner, this is because the auctioned goods auctioned by the attorney are not equipped with documents proof of vehicle ownership which makes the auction winner unable to process vehicle ownership documents.
2. Weaknesses in the regulation of the prosecutor's authority in motor vehicle auctions consist of a legal vacuum related to the regulation of proof of ownership of motorized vehicles as a result of the prosecutor's auction, weaknesses in the structure of the prosecutor's party are not informative regarding the issue of the existence of motorized vehicle ownership documents on the evidence being auctioned, and weaknesses culture in the form of no attempt by the winning bidder to be more observant in examining the ownership status of motorized vehicles which are evidence being auctioned off by the prosecutor's office.

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