

The Function of Law Enforcement Intelligence Based on the Attorney General's Instruction Number 5 Of 2023 In Building the Legal Awareness of Rural Communities Through the Village Guard Program (Jaga Desa)

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Abstract

Attorney General Instruction No. 5 of 2023 is a strategic policy of the Attorney General's Office of the Republic of Indonesia that emphasizes the optimization of law enforcement intelligence functions through the Village Guard Prosecutor Program (JAGA DESA). This program is aimed at building legal awareness among rural communities while preventing legal violations, particularly in the administration of government and management of village funds. This study aims to analyze the regulation and implementation of law enforcement intelligence functions based on Attorney General Instruction No. 5 of 2023 and to examine the implementation of the JAGA DESA Program as an instrument of the Attorney General's Office in building legal awareness among rural communities. The research method used is normative legal research with a regulatory and conceptual approach. The results of the study show that Attorney General Instruction No. 5 of 2023 normatively expands the role of the Attorney General's Office intelligence not only in the aspect of securing law enforcement but also in educational and preventive functions through village legal assistance. The JAGA DESA program is an important instrument in building a culture of legal awareness among rural communities through a persuasive approach and continuous guidance.

Keywords: Law Enforcement Intelligence, Village Guard Prosecutors, Legal Awareness, Villages.

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Introduction

Villages are the foremost governmental entities that are in direct contact with the community. The constitutional position of villages is recognized and reinforced through Law Number 6 of 2014 concerning Villages, which grants broad authority to villages in regulating and managing the interests of the local community based on customary rights and local authority at the village level.

As the allocation of village funds from the State Budget (APBN) increases, the potential for legal irregularities in village administration also grows. Various cases of criminal corruption involving village funds show that weak legal understanding among village officials and low legal awareness among the community are dominant factors in legal violations. The aim is to introduce the community to the problems of village financial and asset management.

In this context, law enforcement cannot rely solely on a repressive approach. The modern law enforcement paradigm requires a preventive and educational approach to build public legal awareness as the foundation for sustainable legal compliance. In the context of law enforcement, this principle serves as the basis for all law enforcement agencies, including the Attorney General's Office, to act in accordance with positive law and uphold the principle of the rule of law. The Attorney General's Office of the Republic of Indonesia, as a law enforcement agency, has a strategic role in implementing this paradigm through its law enforcement intelligence function.

Attorney General Instruction No. 5 of 2023 concerning the Optimization of the Role of the Attorney General's Office in Building Legal Awareness in Rural Communities through the Village Guard Prosecutor (JAGA DESA) Program is a concrete manifestation of law enforcement policies oriented towards prevention. This instruction places the intelligence function of the Attorney General's Office at the forefront of supervision, assistance, and legal guidance for village administrations and communities. In this case, it is necessary to compare the main tasks and functions of the Attorney General's Office Intelligence with those of other intelligence agencies such as the State Intelligence Agency (BIN), the Police, and the Indonesian National Armed Forces (TNI) in order to highlight the differences and limitations of each institution's authority. The functions of the Attorney General's Office's intelligence include data collection, information analysis, and early detection of potential violations of the law that could harm state finances. The Attorney General's Office can provide early warning and early detection to prevent corruption before it develops into a major case. Andi Hamzah emphasized that legal intelligence is part of the law enforcement system that is supportive in nature, not a substitute for criminal proceedings.

Based on this background, a comprehensive normative legal study is needed on the function of law enforcement intelligence based on Attorney General Instruction No. 5 of 2023 and the implementation of the JAGA DESA Program in building legal awareness among rural communities.

So, this study aims to analyze the regulation and implementation of law enforcement intelligence functions based on Attorney General Instruction No. 5 of 2023 and to examine the implementation of the JAGA DESA Program as an instrument of the Attorney General's Office in building legal awareness among rural communities.

Research Methodology

This study uses a normative legal research method with a focus on the study of written legal norms. The approaches used include:

1. A statute approach, examining Law Number 11 of 2021 concerning the Attorney General's Office of the Republic of Indonesia, Law Number 6 of 2014 concerning Villages, and Attorney General Instruction Number 5 of 2023.
2. A conceptual approach, by examining the concepts of law enforcement intelligence and legal awareness in legal doctrine.

Legal materials consist of primary, secondary, and tertiary legal materials. The analysis was conducted qualitatively using systematic and teleological legal interpretation methods.

Results The regulation and implementation of law enforcement intelligence functions based on Attorney General Instruction Number 5 of 2023 in the context of implementing the Village Guard Prosecutor Program (JAGA DESA)

Law No. 11 of 2021 concerning the Attorney General's Office of the Republic of Indonesia emphasizes that the Attorney General's Office has a law enforcement intelligence function tasked with conducting investigations, security, and mobilization to support the implementation of the duties and authorities of the Attorney General's Office. This intelligence function is an integral part of the national law enforcement system.

To carry out the Law Enforcement Intelligence function, the Attorney General of the Republic of Indonesia established Attorney General Guideline Number 21 of 2021 concerning Law Enforcement Intelligence with the intention of serving as a reference for the Attorney General's Office of the Republic of Indonesia in carrying out the Law Enforcement Intelligence function. And it aims to optimize the role of the Attorney General's Office Intelligence Agency of the Republic of Indonesia in carrying out its Law Enforcement Intelligence functions.

Conceptually, law enforcement intelligence is not only defined as information gathering, but also includes early detection, prevention, and security measures for law enforcement policies. Intelligence activities can create a systemic deterrent effect because pre-emptive intelligence limits the perpetrator's room for maneuver from the budget planning stage. In this context, Attorney General's Office intelligence serves as a strategic instrument in anticipating potential legal violations before they develop into criminal acts.

In Law Enforcement Intelligence, the Attorney General's Office is authorized to carry out investigation, security, and mobilization functions for the purposes of law enforcement, creating conditions that support and secure the implementation of development, conducting law enforcement intelligence cooperation with intelligence agencies and/or other state intelligence organizations, both domestically and abroad, prevent corruption, collusion, and nepotism, and conduct multimedia surveillance.

Suci Ramadani emphasized that an intelligence-based approach enables the attorney general's office to prevent corruption through public budget risk analysis and administrative irregularity detection. The essence of the Attorney General's Intelligence is the first part of the existing legal system, both for preventing and handling problems. Its scope of duties covers various fields such as ideology, politics, economics, finance, socio-culture, defense, security, as well as public order and peace. The task of Prosecutorial Intelligence is to carry out various efforts, work, activities, and actions to detect early and provide early warnings in order to prevent, ward off, and overcome threats that may arise and disrupt the interests and security of the state, especially in terms of law enforcement and public order. The purpose of the Attorney General's Intelligence is to detect, recognize, evaluate, analyze, interpret, and convey intelligence information in order to provide early warnings of various forms and types of threats that may or do threaten the safety and existence of the nation and state, as well as to identify opportunities to protect national security interests, particularly in the enforcement of law and public order.

One of these instructions is to strengthen the role of law enforcement intelligence as a support system in proactive, responsive, and simultaneous law enforcement efforts. To increase legal awareness among rural communities and strengthen the position of villages within the framework of the Unitary State of the Republic of Indonesia, the Attorney General of the Republic of Indonesia issued Attorney General Instruction No. 5 of 2023 on Optimizing the Role of the Attorney General's Office of the Republic of Indonesia in Building Legal Awareness among Rural Communities through the Village Guard Program (Jaga Desa).

Attorney General Instruction No. 5 of 2023 expands the orientation of intelligence functions by emphasizing a preventive and educational approach through the JAGA DESA Program. This instruction normatively directs the Attorney General's Office intelligence to actively provide legal assistance and guidance to village officials and communities. The legal targets are not only those who have clearly committed, but also those who may commit crimes

The implementation of intelligence functions in the JAGA DESA Program is carried out through legal counseling activities, supervision of village fund management, and non-litigation legal consultations. This approach reflects a paradigm shift in law enforcement from a crime control model to a preventive justice model.

Within a normative framework, the implementation of intelligence functions is in line with the principles of good governance, which emphasize transparency, accountability, and community participation. The Attorney General's Office is not positioned as a repressive tool, but rather as a strategic partner of the Village Government in realizing lawful village governance.

Implementation of the Village Guard Prosecutor Program (JAGA DESA) as an instrument of the Attorney General's Office in building legal awareness among rural communities in accordance with the national legal framework

Legal awareness is important in creating a calm, safe, and fair atmosphere in society. The many legal problems that still occur, especially in rural areas, indicate that the level of legal awareness among the community is still low. Legal awareness is a psychological and sociological condition of society that is reflected in knowledge, understanding, attitudes, and behavior towards

the law. Soerjono Soekanto states that public legal awareness is a major factor in the effectiveness of law enforcement.

In the context of rural communities, legal awareness is often influenced by education levels, local culture, and access to legal information. Therefore, efforts to increase legal awareness must be carried out through a communicative and contextual approach.

Instruction of the Attorney General of the Republic of Indonesia Number 5 of 2023 concerning the Optimization of the Role of the Attorney General's Office of the Republic of Indonesia in Building Legal Awareness in Rural Communities through the Village Guard Prosecutor (Jaga Desa) Program. The Attorney General of the Republic of Indonesia instructs all personnel to implement the Jaga Desa Program as a form of the Attorney General's Office's role in providing assistance, oversight, and maximizing village financial management, as well as minimizing problems faced by village officials to benefit the village community; and to optimize the Restorative Justice House as a forum for prosecutors to implement the Jaga Desa Program in order to minimize potential legal violations and increase legal awareness among rural communities. The Attorney General of the Republic of Indonesia has assigned special tasks to the Deputy Attorney General for Intelligence and his staff, the Deputy Attorney General for General Crimes and his staff, the Deputy Attorney General for Special Crimes and his staff, and the Deputy Attorney General for Civil and Administrative Affairs and his staff to carry out these instructions earnestly and responsibly. The special tasks assigned are as follows:

- a. The Deputy Attorney General for Intelligence and his staff shall promote the implementation of the Village Guard Program as a means of increasing legal awareness and compliance among village officials, particularly in the management of village finances; optimize supervision, assistance, guidance, legal counseling, and legal information for village officials and communities in the management of village finances; conduct continuous monitoring and evaluation of the implementation of the Village Guard Program; encourage collaboration with all relevant stakeholders to jointly ensure the success of the Village Guard Program; optimize news coverage and socialization related to the implementation and success of the Village Guard Program through the mass media and official social media of the Attorney General's Office throughout Indonesia; and formulate policies for handling reports and complaints related to alleged irregularities in village financial management that are oriented towards preventive efforts.
- b. The Deputy Attorney General for General Crimes and his staff to optimize Restorative Justice Houses by involving all stakeholders, including village officials, as a means of developing law in Indonesia related to the implementation of restorative justice; and optimize the function of the Restorative Justice House in each village as a gathering place for the village community to directly absorb the aspirations of religious leaders, traditional leaders, and community leaders in order to harmonize local wisdom values that can be used to make decisions in the restorative justice process.
- c. The Deputy Attorney General for Special Crimes and his staff shall monitor agencies/institutions involved in village financial management in order to prioritize efforts to prevent irregularities in village financial management, and shall enforce the law against alleged irregularities in village financial management, prioritizing the existence of malicious intent on the part of the perpetrator (*mens rea*) and the elements of unlawful acts that can be proven clearly and tangibly, in accordance with the provisions of laws and regulations, taking into account the background of the irregularities.
- d. The Deputy Attorney General for Civil and Administrative Affairs and his staff shall carry out civil activities by the State Attorney in the management and distribution of village finances, limited to providing input and advice as necessary in the event of legal issues raised by the Village Head or other parties distributing aid to the community; and provide legal assistance in the management of village finances in the form of: providing necessary legal consultation on both the distribution and use of aid and village finances, as well as disseminating information on civil, criminal, and/or administrative legal risks that may arise from irregularities in the management of village finances; encouraging the management and accountability of village finances and aid to be carried out in accordance with the provisions of laws and regulations; and preventing possible irregularities that could lead to civil law risks and/or criminal acts of corruption in the future for managers and implementers.

Normatively, this program reflects the role of the Attorney General's Office as an agent of development that focuses not only on enforcement but also on building a culture of law. This approach is in line with the concept of progressive law enforcement that places the law as a means of social change.

Conclusion

The conclusions of this study are as follows: First, Attorney General Instruction No. 5 of 2023 normatively regulates and strengthens the law enforcement intelligence function of the Attorney General's Office by emphasizing a preventive and educational approach through the Village Guard Prosecutor Program (JAGA DESA). Second, The implementation of the JAGA DESA Program is a strategic instrument of the Attorney General's Office in building legal awareness among rural communities in line with the principles of fair law enforcement and the national legal framework.

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