EXECUTION OF STATE ADMINISTRATIVE JUDICIAL DECISIONS A MIRROR OF THE AUTHORITY COURT

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ABSTRACT

Objective: This study aims to examine the significance and effectiveness of the execution of state administrative judicial decisions as a reflection of the authority of the court. It delves into understanding how the execution process mirrors the court's capacity to ensure compliance with its decisions within the state administrative framework.

Theoretical Framework: Drawing upon legal theories of administrative law and judicial authority, this research situates itself within the context of the separation of powers doctrine and the judicial function in administrative matters. It also explores concepts of legal compliance, the role of courts in decision enforcement, and the impact of administrative judicial decisions on governance.

Methodology: The study adopts a qualitative approach, utilizing case studies and legal analysis to investigate the execution process of state administrative judicial decisions. It involves in-depth examination of court rulings, judicial proceedings, and administrative actions taken post-decision. Interviews with legal experts and stakeholders involved in execution processes supplement the analysis.

Results and Conclusion: The findings showcase the pivotal role of the execution process in reflecting the authority and efficacy of the court within the state administrative system. The study unveils the challenges and successes in implementing administrative judicial decisions, highlighting areas of compliance and resistance. It concludes by discussing the implications of these results for the authority of the court in the administrative context.

Originality/Value: This research contributes to the understanding of the correlation between the execution of state administrative judicial decisions and the authority of the court. It fills a gap in scholarly literature by offering insights into the practical manifestations of judicial authority in administrative matters, shedding light on the complexities, challenges, and opportunities inherent in ensuring compliance with administrative court rulings.

Keyword: state administrative judicial decisions, execution process, judicial authority, court's authority administrative law.
EXECUÇÃO DAS DECISÕES ADMINISTRATIVAS JUDICIAIS DO ESTADO UM ESPELHO DO TRIBUNAL DA AUTORIDADE

RESUMO

Objetivo: Este estudo visa examinar o significado e a eficácia da execução de decisões judiciais administrativas estatais como reflexo da autoridade do tribunal. Ele se aprofunda em entender como o processo de execução reflete a capacidade do tribunal de garantir o cumprimento de suas decisões dentro da estrutura administrativa do estado.

Estrutura Teórica: Baseando-se em teorias jurídicas do direito administrativo e da autoridade judicial, esta pesquisa se situa no contexto da doutrina da separação de poderes e da função judicial em questões administrativas. Também explora conceitos de conformidade legal, o papel dos tribunais na execução de decisões e o impacto das decisões judiciais administrativas sobre a governança.

Metodologia: O estudo adota uma abordagem qualitativa, utilizando estudos de caso e análise jurídica para investigar o processo de execução de decisões judiciais administrativas estaduais. Envolve uma análise aprofundada das decisões judiciais, dos processos judiciais e das medidas administrativas tomadas após a decisão. Entrevistas com especialistas jurídicos e as partes interessadas envolvidas nos processos de execução complementam a análise.

Resultados e Conclusão: Os resultados demonstram o papel central do processo de execução, refletindo a autoridade e a eficácia do tribunal no sistema administrativo do Estado. O estudo revela os desafios e os sucessos na implementação de decisões administrativas judiciais, destacando áreas de conformidade e resistência. Conclui discutindo as implicações destes resultados para a autoridade do tribunal no contexto administrativo.

Originalidade/valor: Esta pesquisa contribui para a compreensão da correlação entre a execução de decisões judiciais administrativas estaduais e a autoridade do tribunal. Ela preenche uma lacuna na literatura acadêmica, oferecendo insights sobre as manifestações práticas da autoridade judicial em questões administrativas, lançando luz sobre as complexidades, desafios e oportunidades inerentes à garantia de conformidade com as decisões administrativas dos tribunais.

Palavras-chave: decisões judiciais administrativas estatais, processo de execução, autoridade judicial, lei administrativa da autoridade judicial.

1 INTRODUCTION

With regard to the doctrine of execution of state administrative court decisions as stipulated in the provisions of Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning State Administrative Court, there are two types of execution of court decisions, namely automatic execution and hierarchical execution. In hierarchical execution, it requires legal awareness of state administration officials or government officials to carry out the court's decision.
The reality on the ground is that officials are still not willing to implement the decision for various reasons, resulting in the evaluation or perception of the public, especially justice seekers, that the image of the state administrative court does not have the authority to compel the government to implement the said decision, even causing the consequence of the seeker's right. justice is not fulfilled who has won his case and has undergone a long and tiring trial process.

Mohammad Afifudin Soleh, said the Execution of State Administrative Court Decisions with Permanent Legal Forces, in the Justice Forum of the Journal of Legal Sciences in February 2018, page 29, that "The general situation of execution of State Administrative Court decisions that can reduce the authority of the State Administrative Court is the perception that the State Administrative Court is like a "toothless tiger, as a result of TUN officials who do not carry out the decisions of the State Administrative Court".

According to the provisions of the state administrative court procedural law that only court decisions that have permanent legal force can be executed, with a decision stating that the lawsuit is granted and stating the obligations that must be carried out by the Defendant as stipulated in Article 116 of Law Number 51 of 2009 concerning the Second Amendment on Law Number 5 of 1986 Concerning State Administrative Courts. Thus, not all of the decisions of the state administrative court can be executed, where for decisions whose verdict is only declared null and void, without requiring certain legal actions to the Defendant such as revocation, rehabilitation or compensation.

Opinion of Muhammad Adiguna Bimasakti, in his writing on "Unlawful Acts (PMH) By the Government/Onrechtmatige Overheidsdaad From the Perspective of the Government Administration Law", Yogyakarta, Deepublish, 2018, on page 76 states that "Verdicts that require execution are only decisions that contain court order to the losing party only. Therefore, only decisions that are condemnator (condemnatoir) require execution.

Constitutive or declaratory decisions do not require execution because they are automatically enforceable. The legal issues that might occur are: what if the condemnator's decision is not carried out by the losing party in a dispute, what can be done so that the parties carry out the contents of the court decision.
2 SUBJECT PROBLEM

Based on the framework of thought mentioned above, the main legal issues in this paper are:

a. Which court decisions can or cannot be executed in accordance with the provisions of the state administrative court procedural law?

b. What factors are the challenges that have an impact on the authority of the state administrative court in executing state administrative court decisions?

3 WRITING METHOD

The writing method in this writing is juridical-normative, namely through an approach based on legal material by examining the concept of legal thought, legal theories, legal principles and statutory regulations, as well as literature related to the object of writing, as opinion of Soerjono Soekanto and Sri Mamudji, Normative Legal Research A Brief Overview, Jakarta, Rajawali Pers, 2001, pages 13-14.

Therefore, this writing uses an approach from sources of legal materials related to discussions related to the execution of decisions of state administrative courts.

In the discussion, the primary legal materials are Law Number 30 of 2014 concerning Government Administration and its implementing regulations, as well as Law Number 5 of 1986 concerning State Administrative Court as last amended by Law Number 51 of 2009 concerning the Second Amendment to the Law Law Number 5 of 1986 Concerning State Administrative Courts. While the source of secondary legal material is legal literature related to administrative law, legal theory and procedural law of state administrative justice.

4 DISCUSSION

4.1 TYPES OF STATE ADMINISTRATIVE COURT DECISIONS

Sarwono, Civil Procedure Law Theory and Practice. Jakarta, Sinar Graphic, 2011, page 211 that the decision according to Sudikno Mertokusumo is "a statement that the judge, as a state official who is authorized to do so, utters in court and aims to end or resolve a case or dispute between the parties".

Based on the provisions in Article 108 of Law Number 5 of 1986 it is stated that the decision must be pronounced in a hearing that is open to the public.
In Dutch legal terminology, the administrative judge's decision is not referred to as "vonnis (English: judgement) but as uitspraak (English: verdict)", see Rechtspraak in Nederland, accessed from https://www.rechtspraak.nl/SiteCollectionDocuments/R002-Rechtspraak-in-Nederland, page 10, so the implication is that if it is not read out in a trial open to the public, then the decision is invalid and does not have binding force, therefore it must be read again in a session open to the public. This indicates that the judge's decision in the procedural law system adheres to a semi-mondeling uitspraak system, meaning that the law still adheres to the teaching that a binding decision is a written decision that is read out.

However, in Article 26 of the Republic of Indonesia Supreme Court Regulation Number 1 of 2019, it stipulates that the decision is read "electronically", meaning that the reading of the decision is not in a physical session but is only conveyed to the parties, and published in the Supreme Court decision directory.

Explanation of the adage according to James Bernard Murphy, "The Lawyer and the Layman Two Perspectives on the Rule of Law.", The Review of Politics 68 (2006), page 113, that Conceptually the arrangement of trials for pronouncing court decisions in Article 108 of Law Number 5 of 1986 linked to Article 26 of the Republic of Indonesia Supreme Court Regulation Number 1 of 2019 is interpreted in the contextualization that its reading is adapted to the conditions of electronic trials as adagium cursus curiae est lex curiae or judicial practice is law for the judiciary.

Meanwhile, according to Point Quarter T. and Ismu Gunadi Widodo, Constitutional Law and Administrative Judiciary, Jakarta, Prenadamedia Group 2011, page 611, it is said that "based on their character, judge's decisions can be divided into declaratory decisions, constitutive decisions and condemnatoir decisions.", the elaboration of which is a condemnatoir's decision is a judge's decision which contains a penalty for the party who is defeated in a dispute. The content of this decision is related to a belief to give, do or order the losing party. In the decision of the State Administrative Court Judge according to Article 97 paragraph (9) to (11) of Law Number 5 of 1986, the decision obliges the Defendant to revoke the object of dispute, rehabilitate the Plaintiff's condition as before, issue a decision and/or take factual action and obliges the Defendant to pay compensation. A Declaratory Decision is a judge's decision which contains a statement of the judge's affirmation of a legal relationship or event. In the realm of the State Administrative Court, for example, the statement that there is or is not an element
of abuse of authority based on Article 21 of the Law on Government Administration. A Constitutive Decision is a judge's decision which contains the determination of a legal relationship that is completely new or which did not previously exist or changes the legal situation from its original state, for example declaring null and void a Decision and/or Action as stated in Article 53 paragraph (1) Law Number 9 of 2004.

4.2 EXECUTABLE JUDGMENTS

The stages of resolving state administrative disputes according to Muhammad Adiguna Bimasakti, Discourse on Optimizing Electronic Justice in the Process of Executing Court Decisions in the State Administrative Court Environment, The paper presented at the 2021 IKAHI Anniversary Celebration, page 3. that "can be divided into three stages, namely the pre-adjudication, adjudication stages, and post-adjudication stages.

Luhut M. P. Pangaribuan, Criminal Procedure Code, Advocate Official Letter in Court, Jakarta, Papas Sinar Sinanti, 2014, page 42, that "this is as contained in the criminal justice system".

Enrico Simanjuntak, State Administrative Court Procedural Law: Transformation and Reflection, Jakarta: Sinar Graphic, 2018, page 203 that "The pre-adjudication stage is carried out before the litigant parties carry out the trial, namely the stage of filing a lawsuit or application in court to the dismissal procedure (Art. 62 Law No. 5 of 1986) and the determination of the preparatory inspection day, also includes the stages of administrative efforts as an effort to resolve state administrative disputes within the internal government environment.

Journal of Peratun Law Volume 4 Number 2 August 2021, page 123-140 https://doi.org/10.25216/peratun.422021.123-140 128 that "The adjudication stage is the stage of litigation dispute resolution in court starting from the reading of the lawsuit or application in court until final verdict. The last is the post-adjudication stage, namely the implementation of court decisions that have permanent legal force (in kracht van gewijsde). Court decisions can be carried out voluntarily by the parties, or by coercion from outside parties other than the parties through the means of executing court decisions.

In the event that the defeated party does not want to carry out a court decision that has permanent legal force, then the means of execution can be used to compel the losing party to carry out the court decision.
Decisions that require execution as described above are only decisions that contain the obligations of the Defendant (condemnator decision). In fact, there are still decisions that are not implemented or cannot be implemented perfectly.

Among the factors causing the decision not to be implemented or unable to be implemented perfectly are:

- The quality of the decision is not good, in the sense that the decision cannot be enforced at all because its implementation is impossible.

For example, requiring the Defendant to issue a decision or action as referred to in Article 97 of the Administrative Court Law, but in fact this is outside the authority of the Defendant, such as the Lurah being required to issue land certificates, where the Lurah has no legal authority.

- There is a change in the legal situation after the decision has permanent legal force.

For example a staffing dispute, the Plaintiff must be returned to his original position, but that position has already been filled by someone else.

4.3 TYPES AND PROCEDURES FOR EXECUTING STATE ADMINISTRATIVE COURT DECISIONS.

Soepomo, Civil Procedural Law of the District Court, Jakarta Pradnya Paramita, 2004, page 119 that "Execution in the civil procedural law does not recognize real execution, such as execution in civil procedural law".

Ridwan HR, Some Notes on State Administrative Court, Justice Forum No. 22 Year II, February 17, 1994, page 77, states that "Execution in the administrative law can be divided into two contexts, namely automatic execution and hierarchical execution":

Automatic execution of Article 116 paragraph (2), (3) to paragraph (7) of Law Number 51 of 2009, namely if after 60 (sixty) working days the decision has obtained permanent legal force received by the Defendant (or the respondent) does not carry out his obligations revoke the disputed state administration decision, then it will no longer have legal force. Whereas hierarchical executions are carried out by the Chief Justice so that Government Officials/Bodies carry out court decisions containing obligations based on statutory regulations through the superiors of said Government Officials/Bodies in accordance with Article 116 paragraph (3) to paragraph (7)
Article 119 of the Administrative Court Law requires the Chief Justice to oversee the implementation of court decisions that have permanent legal force. Article 116 of the Administrative Court Law determines:

- By order of the Chairperson, the Registrar shall send a copy of the decision which has permanent legal force to the parties, within a period of no later than 14 working days;
- After 60 working days a copy of the decision is received by the Defendant and the Defendant does not carry out the obligations in Article 97 paragraph (9) letter a, the disputed decision is no longer binding.
- In the event that the Defendant is required as referred to in Article 97 paragraph (9) letters b and c, and after 90 working days it is not implemented, the Plaintiff submits a request to the Chair so that the court orders the Defendant to carry out the decision.
- The Defendant who is not willing to carry out the Decision is subject to forced measures in the form of forced payment of a sum of money and/or administrative sanctions.
- The Registrar announced through the local printed mass media, Officials who do not carry out decisions that have permanent legal force.
- The Chief Justice proposes to the President that the Official carry out the court's decision and to the people's representative institutions to carry out the oversight function.
- The amount of forced money, types of administrative sanctions and procedures are regulated by laws and regulations.

In fact, regarding the execution of decisions, there are decisions that cannot be implemented by the Defendant, in other words, they are called non-executable.

Article 117 of Law Number 5 of 1986 allows for this to exist, namely that the Defendant informs the Plaintiff and the Chief Justice that he cannot carry out the contents of the decision, then negotiations are held to agree on the amount of compensation desired by the two parties, and if no agreement is reached, the Chief Justice determine the amount of compensation.

If the amount of compensation is not agreed upon, both parties can apply for a re-determination of the amount of compensation by the Supreme Court through a request.
4.4 CHALLENGES TO THE AUTHORITY OF THE STATE ADMINISTRATIVE COURT AND ITS RELATION TO THE EXECUTION OF DECISIONS.

A good court decision must fulfill a juridical, philosophical and sociological basis so that it is expected to be able to guarantee justice, certainty and the benefits of law. No matter how good the contents of a court decision are but they cannot be implemented, it is difficult to provide a sense of justice, certainty and the benefits of the law for the parties.

Failure to implement court decisions can have an impact on decreasing the court's authority. If it is carried out with the legal effectiveness theory approach of Lawrence M. Friedmann, American Law An Introduction, Translation of American Law An Introduction, 2nd Edition, Translated by Wisnu Basuki, Jakarta, Tatanusa, 2001, pages 6-8 it is said that "every legal system consists of 3 (three) sub-systems, namely legal substance, legal structure, and legal culture. What is meant by legal substance is covering legal material, for example as set forth in statutory regulations and policy regulations, while what is meant by legal structure is institutions/agencies, personnel and law enforcement authority. And what is meant by legal culture is the behavior and mindset of the community and law enforcement personnel.

Associated with the legal system theory of Lawrence M. Friedmann, this is due to several conditions, including:

1. Aspects of the legal substance sub-system, Article 116 of the Administrative Court Law is a floating norm and there are several non-executable decisions.
2. Aspects of the legal structure sub-system, There is no official who is specifically authorized to enforce the implementation of the decision.
3. Aspects of the legal culture sub-system, weak government apparatus legal compliance and public legal awareness that is still colored by doubts about the court apparatus. Therefore, this section will also discuss the problems in each of these sub-systems.

From the aspect of the legal substance sub-system, the problem of legal substance from the execution of court decisions is regarding Article 116 of the Administrative Court Law which is a floating norm. Apart from the problem of norms, there are also court decisions that cannot be executed (non-executable).

This problem requires separate attention based on the character of the problem. Article 116 of the Administrative Court Law which is floating in nature (floating norm)
because in practice the Chairperson of the Court does not carry out the real execution, but only acts as a supervisor (vide Article 119 of the Administrative Court Law).

The fact is that forced tools for implementing court decisions were instead handed over to government officials, tools or instruments of coercion for implementing court decisions based on Article 116 of the Administrative Court Law are administrative sanctions and forced money (dwangsom).

The same thing is also regulated in Article 72 paragraph (1), Article 80 paragraph (2), and Article 81 paragraph (2) of Law Number 30 of 2014 Concerning Government Administration. Nevertheless, at the normative level, there are fundamental differences between the Government Administration Law and the Administrative Court Law regarding administrative sanctions and forced money as instruments of coercion to execute court decisions.

Forced money in the Government Administration Law is interpreted as part of administrative sanctions, whereas in the Administrative Court Law it is separated between forced money and administrative sanctions.

In the Government Administration Law, forced money is interpreted only as a security deposit which will be returned to the Defendant after the decision is implemented (vide the Elucidation of Article 81 paragraph (2) letter a), whereas in the Peratus Law, forced money becomes the right of the Plaintiff if the decision has not been implemented (vide Article 116).

Until now, the two conflicting provisions of the norms are still valid, which can lead to confusion in practice.

Currently, the implementation of administrative sanctions as an instrument for executing court decisions has been regulated in Government Regulation Number 48 of 2016 concerning Procedures for Imposing Administrative Sanctions on Government Officials.

Precisely the regulation is counterproductive with the aim of imposing administrative sanctions because in Article 35 of the Government Regulation it stipulates an objection mechanism for administrative sanctions to the TUN Court with a request to assess whether or not there is an element of abuse of authority Article 35 in the case of government agencies and/or officials objecting to the decision of an official who authorized to impose administrative sanctions. Government Agencies and/or Officials
may submit an application to the state administrative court to assess whether or not there is an element of abuse of Authority in Decisions and/or Actions.

Problems arising from Article 35 PP No. 48 of 2016 there are three, namely:

• The imposition of administrative sanctions based on the implementation of a court decision cannot become the object of dispute at the Administrative Court, because it is excluded as an object of dispute under Article 2 letter e of Law no. 51 of 2009;

• The mechanism referred to in Article 35 PP Number 48 of 2016 is a request for an assessment of elements of abuse of authority which is based on Article 21 of the AP Law Jo. Supreme Court Regulation Number 4 of 2015 is not intended to object to the imposition of administrative sanctions. If the objection is intended not for administrative sanctions from the implementation of the court's decision, then what must be done is the usual lawsuit mechanism at the TUN Court, not a request for an assessment of elements of abuse of authority. Because Article 21 of the Government Administration Law must be read systematically with Articles 17 to 20 of the Government Administration Law which are intended for decisions and/or actions that cause state losses due to personal mistakes or official mistakes;

• Article 24 A paragraph (5) of the 1945 Constitution stipulates that the procedural law of the Supreme Court and judicial bodies under it must be regulated in law, so that the regulation of court authority through government regulations is not justified. So based on these three arguments, Article 35 PP Number 48 of 2016 cannot be implemented. Regarding the existence of TUN Court decisions that cannot be executed, efforts are needed to minimize non-executable decisions. Apart from that, it is also necessary to synchronize government administrative technical regulations with the pattern of execution arrangements at the State Administrative Court, such as the amount of compensation and compensation regulated by Government Regulation Number 43 of 1991 concerning the Implementation of Compensation and Compensation at the State Administrative Court in the framework of implementing Articles 117 and Article 120 of the Administrative Court Law. In Article 3 PP No. 43 of 1991, compensation is limited to a maximum of Rp. 5,000,000.00 (five million rupiahs) and in Article 14 PP No. 43 of 1991 compensation for non-implementation of PTUN decisions is a maximum of Rp. 2,000,000.00 (two million rupiahs). Then the Supreme Court
issued a policy through SEMA Number 2 of 2019 regarding the amount of compensation and compensation that the provisions in PP Number 43 of 1991 cannot be applied as long as the object of the dispute is an act of government administration (factual action) as referred to in Article 1 number 8 juncto Article 87 Government Administration Law. Even though the Chief Justice decided that compensation based on Article 117 of the Administrative Court Law exceeds the limit in Article 14 PP Number 43 of 1991, the official concerned is still bound by PP Number 43 of 1991 because the SEMA is only binding for internal Supreme Courts. According to Article 117 of the Administrative Court Law, if the Defendant is unable or unable to perfectly implement a court decision that has obtained permanent legal force due to a change in circumstances after the Court's decision was rendered and/or obtained permanent legal force, he must notify the matter to the Chief Justice and the Plaintiff, within thirty days after receiving the notification, the Plaintiff can submit a request to the Chief Justice who has sent the decision which has permanent legal force so that the Defendant is burdened with the obligation to pay a sum of money or other compensation he wants. However, if the plaintiff objects to the amount of compensation given, he can submit an objection to the Supreme Court. The Supreme Court's decision on this matter cannot be filed for any legal remedies.

Notes in the compensation mechanism for the non-implementation of court decisions are as follows:

1. The Petitioner can be from the Plaintiff or the Defendant, because according to Article 117 of the Administrative Court Law both parties can apply to the Supreme Court;
2. The Administrative Court Law does not regulate the deadline for submitting the application to the Supreme Court, this can lead to legal uncertainty.
3. The maximum amount of compensation in Article 14 PP Number 43 of 1991 is only IDR 2,000,000.00 (two million rupiah).

Aspects of the Legal Structure Sub-system, the problem regarding execution is that there is no official who is specifically authorized to enforce the implementation of the decision. The Chief Justice does not carry out the actual execution, but only acts as a supervisor according to Article 119 of the Administrative Court Law.
In fact, the forceful means of implementing court decisions were handed over to government officials. So that currently the execution still depends on the legal awareness of government officials.

According to Yulius (Chairman of the State Administrative Court Chamber at the Supreme Court), Discourse on State Execution Institutions in Law Enforcement in Indonesia, Journal of Administrative Law, Volume 1 Number 1, February 2018, page 28 that states "so that it can be carried out effectively, the execution of judicial decisions state administration must be carried out by a special institution that is given the authority as the Legal Execution Department in the State of Thailand”.

According to Yulius, the absence of an execution institution is not only a problem for the state administration, so it must also be owned by the entire judiciary. For this reason, it is necessary to establish an institution that specifically handles judicial execution institutions so that there is no longer any need to differentiate between execution of general courts, religious courts, military courts, and state administration courts.

This is reasonable considering that the implementation of court decisions in the procedural law of state administrative justice is actually no longer the realm of judicial power (resolving disputes through judicial power) but has entered the realm of the executive (implementing statutory provisions) because it is carried out independently by officials.

Also stated Utrecht Introduction to Indonesian Law, Jakarta, N.V. Publishing and the Indonesian Book Center, 1953, page 245 it is said that if an affair is neither a judicial nor a legislative matter, then it is a government affair, what is meant by "administration" is a combination of positions (complex van ambten) under the leadership of the certain parts of government work (overheidstaak), namely that part of government work that is not assigned to court bodies, legislative bodies (central) and government bodies from legal associations that are lower than the state and which is empowered to act based on initiative independently or based on an order from the central government (self-governing regions (provinces, special regions, districts, cities, villages) (self-governing regional administration).

Currently, the formation of the Execution Institute is still just an academic discourse. Therefore what can be done is to optimize the supervisory role of the Chief
Justice in the implementation of court decisions by the Defendant in accordance with Article 116 juncto Article 119 of the Administrative Court Law.

In addition, it is also necessary to optimize the role of guidance by the President and supervision by the DPR or Provincial/Regency/City DPRD as people's representative institutions in accordance with Article 116 of the Administrative Court Law.

Aspects of the Legal Culture Sub-System, the problem of executing court decisions is due to weak legal compliance by government officials and public legal awareness which is still colored by doubts about court officials, quoted from https://www.kompas.id/read/polhuk/2020/04/27/institutions-judicial-public-belief is more-at stake, Journal of Administrative Law Volume 4 Number 2 August 2021, pages 123-140.

So that this raises assumptions of suspicion from justice seekers towards court decisions and causes disobedience to these decisions, even though empirical causality cannot be proven perfectly.

An indication of good court service is an indication of the good integrity of the judicial process, in other words the judiciary must also adhere to the general principles of good justice (in Dutch it is called algemene beginselen van behoorlijk rechtspraak or algemene beginselen van behoorlijk process). This principle is very important for the trust of the public and government officials in the process at the state administrative court.

According to B. de Waard, in Beginselen van Behoorlijke Rechtspleging's article, Met Name In het Administratief Procesrecht, Zwolle W.E.J. Tjeenk Willink, 1987, page 97 and page 102 are: Rechtsnormen die in het recht van een bepaalde plaats en tijd als toetsingsnorm fungeren voor de rechtmatigheid van een (voorgenomen) gedraging of (rechts-handeling) van de rechter. What is translated is that legal norms that function as a "stone of touch" in law at a certain place and time for the legality of actions (intended that way) or actions (law) of judges or employees of judicial organizations in the context of procedures in court: legal norms that gradually differ of legal regulations (written). These principles are provisions or unwritten but adhered to as something that is stable in the administration of a proper trial.

According to De Waard, there are four main principles in the administration of a good judiciary, namely:
1. het decisiebeginsel: recht op een behandeling en beslissing binnen een redelijke termijn (the principle of a decision is the right to hold a hearing and obtain a decision within a reasonable time);
2. het verdedigingsbeginsel (principle of protection/right to be heard);
3. het onpartijdigheidsbeginsel: recht op onafhankelijke en onpartijdige rechtspraak (principle of impartiality / Impartiality: the right to justice that is independent and impartial);
4. het motiveringsbeginsel: recht op motivering van de uitspraak (principle of legal considerations of the right to obtain consideration of a decision).

Enforcement of these principles is an effort in the framework of increasing integrity in the service of justice. Therefore certain efforts must be made through existing mechanisms, including by making regulations related to judicial services.

In addition to strengthening public and government officials' trust in the courts, it is also necessary to strengthen the mindset and internal work culture to encourage increased awareness and legal compliance of government officials.

The ways that can be done include implementing a strict merit system in Merit systems are policies and management based on qualifications, competence and performance, which are enforced fairly and fairly without discrimination, filling public positions, and also strictly enforcing administrative laws such as through administrative sanctions as described in the mechanism in the previous section.

5 CONCLUSION

The State Administrative Court Law regulates that there are two types of execution of state administrative court decisions, namely automatic execution and hierarchical execution. In hierarchical execution, legal awareness is needed from government officials to implement state administrative court decisions that have permanent legal force.

Often government officials are unwilling to carry out these decisions for various reasons which make it appear as if the state administrative court does not have the authority to force the government to carry out its decisions.

In fact, there are decisions of state administrative courts that cannot be implemented because the quality of the decisions is indeed not good, and because of changes in circumstances after the decisions have permanent legal force.
Meanwhile, the challenges faced in realizing the authority of state administrators in implementing decisions are studied from Lawrence M. Friedmann's legal system theory, namely:

1. The problem regarding the existence of floating and mutually counterproductive norms and non-executable decisions, which can be resolved by encouraging the application of dwangsom and administrative sanctions by applying Article 72 paragraph (1), Article 80 paragraph (2), and Article 81 paragraph (2) UUAP. In addition, efforts are needed to minimize the existence of non-executable decisions. Synchronization of government administrative technical regulations with the pattern of execution arrangements in the TUN Court is also needed, such as revising the amount of compensation and compensation stipulated in PP No. 43 of 1991 in the context of implementing Article 117 and Article 120 of the TUN Judicial Law.

2. There is no official who is specifically authorized to enforce the implementation of the decision, which can be resolved by establishing a special institution for execution, and optimizing the "Implementation of the Merit System for State Civil Apparatuses in Indonesia."

3. The oversight role of the Chief Justice and the optimization of the role of guidance by the President and oversight by the DPR/DPRD as representative institutions; And

4. Low public trust in the courts can be resolved by upholding the general principles of good justice, strengthening the mindset and work culture (main set and culture set) of internal government and encouraging increased awareness and legal compliance of government officials.
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