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Effectivity Announcement Of State Administrative Court Decisions With Permanent Legal Force Through Printed Mass Media

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Abstract
In this article, the author focuses on the discussion related to the implementation of BHT court decisions by providing coercive measures in the form of administrative sanctions, spending money for coercion, and announcements through printed mass media. This is a form of coercion against state administrative officials who do not implement court decisions voluntarily. This research method is juridical-normative using a statutory approach, case approach, and conceptual approach by collecting data qualitatively in the form of secondary data sources in qualitative descriptive data analysis. The findings prove that it is necessary to reform Article 116 Paragraph (5) of the Administrative Court Law, which needs revision and additional articles. Then the change from print media to electronic media, whose reach is not only in the jurisdiction but can be throughout the world with many people. Furthermore, the deletion in Article 116 Paragraph (5) of the PTUN Law related to announcements in the printed mass media that there needs to be criminal sanctions imposed if state administrative officials do not carry out PTUN court decisions.

KEYWORDS
Announcement, Effectiveness, Print Mass Media, PTUN Decision

Introduction

Today, the rule of law adopted by Indonesia upholds the legal

system which provides protection of human rights and legal certainty. The existence of the Constitutional Court and the Administrative Court as judicial institutions that supervise the actions of the legislative and executive institutions is a reflection of where Indonesia is said to be a state of law. Historically, since 1986 the State Administrative Court was enacted with the issuance of Law No. 5/1986 based on Government Regulation No. 7/1991. Then Law No. 5/1986 was amended with the enactment of Law No. 9/2004, which was further amended again with the issuance of Law No. 51/2009. The second amendment made the existence of PTUN itself as a judicial path in the principle of legal protection in addition to ongoing supervision in the realm of government itself.

In line with that, Paulus Efendi argues that the basic idea of the establishment of the State Administrative Court is a form of dispute resolution between state administrative officials and people / civil legal entities as a result of government actions that violate rights to legal protection. On the other hand, the control function carried out by the PTUN over the judicial institution against government actions to maintain the existence of citizens' rights, as stated in Article 53 of Law No. 9/2004, is explained in essence that,

> *"(1) Any person or civil legal entity whose interests have been harmed by an Administrative Decree may file a lawsuit in writing claiming that the Administrative Decree in dispute is void or invalid, without or in conjunction with claims for rehabilitation and/or compensation.*
>
> *(2) The grounds that can be used as the basis for a lawsuit include:*
>
> *a. The KTUN being challenged is in dispute with the enactment of legislation;*
>
> *b. The challenged KTUN is in dispute with AAUPB."*
>
> Nevertheless, the enactment of PTUN is stated to be a basic idea

for the future in realizing a modern legal state. However, the problem here is that the existence of PTUN for almost 30 years in implementing court decisions, there has not been a mechanism for how decisions are made based on the decision material. This is a concerning fact that the position of the PTUN has not yet had an impact on justice for citizens. A decision if the PTUN does not have the power of execution how can the law and citizens supervise the course of government carried out by officials or bodies / state administrative officials.

Therefore, in practice, the existence of the State Administrative Court in resolving administrative disputes is due to the lack of an executorial institution, be it the legal foundation that causes the State Administrative Court's decision to have no power of compulsion. As the executor of the judiciary, this institution has the authority to issue decisions in the form of connotutive, condemnatory, and declarative. Judges' decisions that are legally binding (BHT) when there are no other legal remedies, then cassation and appeal are applied. When it comes to the litigants, the court decision is also BHT when they receive the verdict and intend to execute it.

In line with that, Rozali Abdullah emphasized his opinion that in carrying out the execution of the PTUN decision, a forced effort based on the security forces is not allowed. Ideally, as the head of government, the president is not allowed to participate in executing the PTUN decision. With a BHT PTUN decision with a condemnatory nature, it is intended that it provides an obligation to carry out certain actions against state administrative officials and an explanation of the execution of a BHT court decision, as stated in Article 97 Paragraph (8) and Paragraph (9) of Law No. 5/1986. It is stated in the provisions of Article 116 Paragraph (5) of Law No. 51/2009 that the imposition mechanism for officials who do not carry out court decisions is followed up by being announced in the printed mass media with the non-fulfillment of the 90 working day threshold by the Registrar.

It should be noted that the self-respect system is due to Law No. 5/1986, which is a system that is carried out on the determination of the PTUN decision by the punished state administrative official in connection with the legal culture of the official. Then the law was revised into Law No. 51/2009, where the system used is the fixed execution system, which is the forced execution of court decisions with the payment of a sum of money subject to forced money. If this is not done, an announcement to be published in the printed mass media will be made by the clerk with a period of 90 days, as stated in Article 116 Paragraph (5) of Law No. 51/2009, which basically states that

> *"Court decisions that are not executed by the State Administrative Officer as stipulated in Paragraph (4) shall be notified to the public by using the local printed mass media where the provisions listed in Paragraph (3) have not been fulfilled by the Registrar*."

It is explained that the announcement through printed mass media in the local area can only be carried out by the State Administrative Court if the State Administrative Official ignores the order of the court chairman / judge. Where the executed state administrative court decision must be a decision that has permanent legal force and is imposed before the forced effort of administrative sanctions and / or the provision of forced money. Warning for TUN officials that the government does not carry out its obligations on BHT TUN court decisions. In line with that, S. F. Marbun stated his rationale that the announcement through the printed mass media is interpreted as to provide psychological pressure for state administrative officials who do not want to carry out their obligations on court decisions handed down by the head of the state administrative court that has BHT.

The implementation of BHT court decisions by providing coercive measures in the form of administrative sanctions, spending money for coercion, and announcements through the printed mass media, is a form of coercion for the non-implementation of PTUN decisions voluntarily

by state administrative officials. The application of this effort is expected to remain effective in the implementation of the BHT PTUN decision so that it runs properly, as we know that for decisions that are not followed up by state administrative officials voluntarily, forced efforts will be made. Based on the background raised in this study, the author raises the title, "The Effectiveness of Announcement of State Administrative Court Decisions with Permanent Legal Force through Print Mass Media", where the author focuses this research on how the legal force of the implementation of state administrative court decisions with permanent legal force and how the effectiveness of the announcement of state administrative court decisions with permanent legal force through print mass media.

Methods

In order to achieve answers to existing problems, the author agrees to use juridical-normative research methods, using a statutory approach, a case approach, and a conceptual approach. The author's efforts to collect data sources that are scientific and easy to understand, the author analyzes with secondary data sources using a qualitative approach and qualitative description data analysis methods. It is intended that the phenomenon that occurs produces a factual, systematic, accurate explanation of the phenomenon under study.

Result and Discussion

1. The Legal Power of Implementation of State Administrative Court Decisions with Permanent Legal Force

Nowadays, a court decision has legal force when the decision has permanent legal force (BHT). Where the last decision is not made by the

party who objected to the Supreme Court cassation decision which is in charge of evaluating the legal assessment of the court's decision below. In connection with that, Martiman Prodjohamidjojo expressed his thoughts that the absolute power that has been owned by a court decision, then the decision has permanent legal force (BHT). With regard to that, according to Subekti, the final journey of justice is to get a judge's decision that has been (BHT), which means that the decision of the Administrative Court cannot be contested and changed anymore.

As the opinion of these legal experts is in line with the provisions in Article 115 of Law No. 5/1986, which basically explains that,

"Only court decisions that are BHT can be executed."

According to Philipus Hadjon based on the provisions of the article above, it is clear that a decision that can be implemented is a decision that shows its absolute and permanent nature, so that it can no longer be canceled or reviewed. Where the nature of this decision is binding and in accordance with what is stated in the provisions of the Administrative Procedure Code, namely erga omnes, which means that court decisions have general binding force.

Focusing on the implementation of court decisions that are BHT, the provision of coercive measures in the form of administrative sanctions, expenses for forced money, and announcements through printed mass media, is a form of coercion against state administrative officials who do not carry out and heed PTUN decisions voluntarily. The application of this effort is expected to remain effective in the implementation of PTUN decisions that are BHT so that they run properly. As we know, for decisions that are not followed up by state administrative officials voluntarily, forced efforts will be made in the form of forced money payments, administrative sanctions, and announcements through the print media.

Forced efforts have legal force on the issuance of court decisions as stated by Sudikno Mertokusumo, there are three powers, namely:(Dinata, 2022:12)

a. Binding Power

It means that based on the decision of the head of the court / judge, the legal force given to a court decision is binding and has an interest to be implemented, obeyed, and must be respected by the parties. Here, the meaning of interest consists of:

b. Evidentiary Power

It is explained that the legal power of proof in court decisions is the power given to the judge's decision that the decision needs evidence related to its legal certainty. Therefore, the decision of the head of the court in the PTUN realm has complete legal evidentiary power, be it religious, general, Supreme Court, and military courts. This decision has a written form in the form of an authority deed which aims to provide evidence to facilitate the parties to pursue appeals and cassations.

c. Executorial Power

It is intended that the legal force obtained for a court decision can be implemented. Here the decision is not intended for the determination of rights and penalties alone, but also for the settlement of disputes, especially in implementing voluntary or forced efforts. In addition, the executorial power itself is a power that is carried out against what is forcibly determined in the decision. Therefore, all decisions must be given instructions and irah-irah as stated in Article 2 Paragraph (1) of Law No. 48/2009.

In line with that, consideration of decisions that have been BHT is contained in the provisions of Pancasila, the five bases used as a

reference in determining the implementation of court decisions in the form of announcements through the local mass media, including:

1) **God Almighty**

   It is reflected that court decisions in the form of forced efforts based on the enactment of laws that are used as a reference in practice can always make this principle the foundation of the soul, justice in the name of God. The practice of this principle should not be a mere formality but must be truly practiced in accordance with the truth, nothing should be covered up.

2) **Fair and Civilized Humanity**

   It is intended that forced efforts are a form of non-implementation of PTUN decisions, which results in a decrease in the sense of justice, benefits obtained, and legal security for the aggrieved parties. For plaintiffs or people seeking justice for court decisions, their existence is the same before the law. In line with the opinion of Sudikno Mertokusumo, that court decisions must be in harmony between their usefulness, legal severity, and justice.

3) **Indonesian Unity**

   It is intended that the implementation of coercive measures can uphold the legal system which provides protection of human rights and legal certainty. The parties in this court decision are expected to remain professionally able to place themselves by upholding unity above personal or group interests. In order to heed what is in the value of this principle, the parties to the dispute remain in a healthy dispute, live up to all differences, and are guided by the semoboyan of our nation.

4) **Democracy Led by Wisdom in Representative Consultation**

It is intended that coercive measures make a point of reconciliation for the aggrieved community. Officials who do not execute court decisions must understand that when officials choose to accept and execute these decisions, justice is harmonious and balanced. In addition, it is hoped that not carrying out the court's decision will make the community find peace in a representative deliberation, without the word win or lose.

5) Social Justice for All Indonesian People

The announcement in the print media is expected to continue to provide legal certainty for the aggrieved party to continue to obtain their rights and obligations and equality before the law. One of these forced efforts continues to run in accordance with the procedures and processes as it should, without further harming the plaintiff / injured party, by countering the TUN official who feels that this announcement has damaged his reputation and good name. Therefore, this needs to be dealt with firmly so that the rights and obligations of the plaintiff can be obtained properly and the forced effort continues as it should.

In connection with the topic of the author's discussion, one form of implementation of court decisions with forced efforts, as we know, can be imposed on the PTUN lawsuit to the State Administrative Official who at that time was on duty and authorized in the area (faute de personalia). In line with that, the agency in TUN (faute de currius) is a forum for TUN officials to decide all matters including accepting a lawsuit or not. Because, the State Administrative Official actually has the option to accept the PTUN lawsuit by carrying out voluntarily, instead of refusing to carry out the PTUN decision. Where when not carrying out the PTUN decision, it will get a coercive effort in the form of administrative sanctions, spending costs for forced money, and announcements through printed mass media.

In the author's opinion, we can draw a red thread that the imposition of coercive measures needs to be applied to state administrative officials, if these officials choose the path to take and execute the decision voluntarily, even this does not need to incur costs, increase the authority and public trust in the State Administrative Court. We should know that coercive measures related to PTUN decisions that are not echoed by state administrative officials, here the main figure in this responsibility is the state administrative official. Where the decision of the judge who will be responsible for carrying out the sanctions falls on the authority of the TUN official / agency through statutory regulations.

2. Effectiveness of Announcement of State Administrative Court Decisions with Permanent Legal Force through Print Mass Media

Nowadays, Administrative Court decisions with permanent legal force (BHT) are decisions that are binding on everyone / erga omnes like the legal force of laws and regulations. In addition, the BHT Administrative Court Decision has a binding force that is required to be obeyed and carried out by the parties which are subject to condemnatory obligations. In line with that, the BHT PTUN decision has the legal force of complete evidence in the form of an authentic deed, which allows it to be used as evidence to strengthen the case. Submission of cases that have been decided becomes inappropriate for re-examination, which is known as the application of the principle of nebis in idem.

Forced efforts are a form of non-implementation of PTUN decisions, which results in a decreased sense of justice, benefits obtained, and legal security for the aggrieved parties. As a result, the authority over the implementation of PTUN decisions seems to be used

as a game arena for PTUN officials to freely choose not to implement court decisions voluntarily and heed coercive efforts, which cost a lot of money. Therefore, when dissected with an approach to the theory of effectiveness which supports court decisions according to Lawrece Friedmann's opinion, it is applied to one of the legal systems, namely Legal Substance.

Aspects of Legal Substance (Legal Substance), it is intended that the legal substance is the material / legal content related to the content poured in the enactment of laws and policies used. Against the execution of the PTUN decision which is based on Article 116 of Law No. 51/2009 is still floating because the head of the court in the implementation is not based on real execution but only as supervision. In fact, the implementation of court decisions in which there are coercive tools is even transferred to government officials. Where this means of force is based on Article 116 of Law No. 51/2009 in the form of dwangsom (forced money), administrative sanctions, announcements through printed mass media. Not only problems related to the norm, but court decisions that cannot be executed, so efforts are needed to minimize court decisions that cannot be implemented. Then it is necessary to accommodate administrative technicalities with the execution of decisions in the PTUN such as those related to compensation and compensation which have been regulated in PP No. 43/1991 in Article 117 and Article 120. (Somantri, 2021: 130-132)

Based on the provisions of Article 117 of the State Administrative Court Law, when state administrative officials do not fully execute court decisions that have become final, the triggering factor is usually due to changes in circumstances after the decision has been made or has obtained permanent legal force. Within 30 days after receiving the announcement, the plaintiff may apply to the chairperson of the court where the decision has become final, for the official to fulfill his/her

responsibility to pay compensation or the required amount of money. If the official feels burdened by this obligation, he/she may file an objection to the Supreme Court.

Therefore, it should be noted that in the implementation of the mechanism of the BHT state administrative court decision that has been burdened with its obligations with compensation for the non-execution of the decision, it is necessary to consider that:

1) In line with what is stipulated in Article 117 of Law No. 51/2009, the applicant from either the defendant or the plaintiff can submit the decision to the Supreme Court;
2) The emergence of legal uncertainty, where there is no set deadline for submitting an application to the Supreme Court, in accordance with the enactment of the PTUN Law;
3) The maximum compensation provided, as stipulated in Article 14 of Government Regulation No. 43/1991, is only Rp. 2,000,000.00.

In HAPTUN, court decisions that have been BHT have the nature of erga omnes, which applies to anyone not limited to the litigants. It is intended that the PTUN that has been BHT is basically a product of a legal decision whose existence is known to the public. So this PTUN is binding and final, both for the litigants and outside it. From a glimpse of the problems that occur, court decisions in the form of announcements through local mass media, their urgency is seen in several provisions with the same article, namely Article 116 Paragraph (5) which is contained in Law No. 5/1986, Law No. 9/2004 which is the first amendment to Law No. 5/1986, and Law No. 51/2009 which is the second amendment to Law No. 5/1986 which was promulgated in 2009, October 29. The following are the differences between the three laws regarding announcements through the mass media.

Table 1.1 Comparison of Announcements in the Print Media in the Three PTUN Laws

Law No. 5/1986	Law No. 9/2004	Law No. 51/2009
Not Regulated	Announced through Local Printed Mass Media by the Registrar (Article 116)	Announced through the local mass media by the registrar (Article 116)

Source : Research Result Processed By The Author

Based on the comparison table above, Article 116 in the second amendment contained in Law No. 51/2009, is subject to an article arrangement that mixes the provisions in Law No. 5/1986 with Law No. 9/2004. Looking at the provisions of Article 116 in the first law, there are no provisions regarding announcements in the mass media, which are then issued in subsequent regulations with the obligation to implement BHT Administrative Court decisions. In line with that, the implementation of coercive measures in the form of notification in the local mass media which was originally a substitute for hierarchical execution as stated in Article 116 in the first amendment in 2004 was still maintained in the second amendment in 2009. As Article 116 Paragraph (5) of Law No. 51/2009, elaborated in essence that:

> *"Court decisions that are not complied with by the State Administrative Officer as stipulated in Paragraph (4) shall be notified to the public by using the local printed mass media where the provisions stipulated in Paragraph (3) have not been complied with by the Registrar*."

The thought of implementing a court decision in the form of an announcement is intended as a marker/warning, a form of psychological pressure, and has an effect on public trust in Administrative Officials. Where it can affect compliance with the law, changes in moral attitudes, respect, and shame of a state administrative official. Implementation, the announcement through the mass media is carried out by the Registrar after a signal from the judge to execute the

BHT decision which is ignored by the official. In line with that, in the announcement of the decision, the mass media that is applied is the media in the position of the defendant, namely the state administrative official himself, or the jurisdiction that hears and examines state administrative disputes.

The announcement of local court decisions through printed mass media by the clerk is generally a published publication that is necessary for the public to know. In the PTUN, such announcements have relevance to the application of the principle of erga omnes, whereby the public at large binds itself to know the court decisions that are being issued. This is also done in decisions that discuss the right to material review by the Supreme Court. Where it includes an excerpt of the decision contained in the State Gazette, which has the aim of making people aware of the regulation that is requested for material testing has been declared invalid or has no legal force anymore.

In addition, in the provisions of Law No. 9/2004, the intended announcement through the print media is in fact not used to refer to the court decision, but to the official as stated in Article 116 Paragraph (5), which basically explains that:

> *"With regard to officials who do not heed and carry out their court decisions, as stated in the provisions of Paragraph (4), the local clerk will announce it through the printed mass media, which is since the provisions of Paragraph (3) have not been fulfilled."*

It is interpreted in the above article that the mass media announcement is not only to fulfill the interests of the publicity aspect or fulfillment of the erga omnes principle, but also to impose sanctions on state administrative officials who refuse to implement the PTUN decision.

The effectiveness of announcements through printed mass media appears to be intended to impose psychological pressure on state

administrative officials who do not heed and implement decisions that have BHT. This form of sanction is considered to have less of a deterrent effect where even in these provisions such as the position and name, there is no clarity, the details of what kind of official data is announced. In line with that, the deterrent effect caused for state administrative officials is less than optimal, where for the issuance of the KTUN with this announcement, the official does not act as a person but as an official. Furthermore, this announcement is sometimes not heeded by officials to provide a deterrent effect and reflect on their actions, but instead allows new problems to arise. Where this announcement is vulnerable to being accused as a form of defamation and until a counter-report is possible.

Problems with the implementation of decisions in the realm of PTUN have existed since the establishment of the judicial body. Although as we know that currently there is no definite mechanism for how decisions are implemented based on the decision material. Looking at various studies that have been conducted, it is revealed that the effectiveness of the successful implementation of decisions in the scope of the PTUN is very low, both before and after the enactment of forced execution in 2004. This position makes it a fact that the topic of attention at this time is that the existence of the PTUN has not delivered justice to the parties. If the PTUN decisions issued are far from the existence of executorial power, then how should the law be able to run and the people who supervise the running of the government that should be run by state administrative officials.

TUN court decisions with announcements in the printed mass media are considered to be costly without a clear implementation mechanism. According to the author, there are several things that need to be taken into consideration, which are:

1) Lack of enforcement of social sanctions for TUN officials due to the minimal scope of dissemination, making the wider community still

lack comprehensive information related to the TUN official. Because the scope is only in the local jurisdiction, information is not widely obtained in various places, this does not make a deterrent effect for state administrative officials, who do not want to implement the court's decision, because the announcement is only limited to the region.

2) Furthermore, as the author has mentioned in the explanation above, Article 116 Paragraph (5) of Law No. 51/2009 does not explain in detail the mechanism for the implementation of forced witnesses with the announcement, as well as those contained in Law No. 5/1986 and Law No. 9/2004. As we know, coercion by announcement is expected to put psychological pressure on state administrative officials who do not implement state administrative court decisions. However, unexpectedly, this announcement was considered as a form of defamation of state administrative officials, resulting in a counter-reporting to the plaintiff, who should have been disadvantaged here. We need to see where the purpose of this announcement is achieved, whether it is true that TUN officials will get psychological pressure or even become a place for power struggles in this PTUN.

Because in the author's opinion, announcements through printed mass media are less effective and need to be eliminated or renewed. There are two solutions that the author encourages to advance the PTUN in the future to make changes to the provisions of Article 116 Paragraph (5) of the PTUN Law, namely:

A. UPDATE

The solution that can be given by the author is to renew Article 116 Paragraph (5) of the Administrative Court Law, where there needs to be a revision in the Administrative Court Law. Looking at the PTUN Law, the author innovates by adding additional articles to explain in detail and clearly how the mechanism for implementing

sanctions for announcements in the printed mass media. Additional articles can facilitate the parties when disputing, and review the importance of rights and obligations that must be maintained and protected.

As we know that the print mass media to be applied is in fact ineffective, in this day and age with the many electronic media that make it easier, cheaper costs, and reach that is not only in the jurisdiction but can be throughout the world with many people who are more aware. So the coverage is not only for national media, this electronic media is expected to be conveyed internationally for people around the world. The author innovates by making changes from using print media to electronic media, for example in the South Jakarta District Court with the Audio Announcement Application used to remind and provide information to justice seekers. Then there is also the Bangli District Court with the Siminile Application where this application aims to monitor the performance of the Registrar in announcing court decisions.

B. REMOVAL

An effective solution based on the author's view can be done by deleting Article 116 Paragraph (5) of the State Administrative Court Law related to announcements in the printed mass media, which if this article is applied will only incur a lot of costs. The implementation of TUN officials who do not heed the implementation of the TUN court's decision with the application of this forced effort should provide psychological pressure, instead many TUN officials feel unacceptable and report back for defamation. So that the imposition of social sanctions in this article is ineffective and will only be a waste of time. The solution to the elimination of this article is the best step, if we look back, actually when the TUN Official accepts to execute the court's decision

voluntarily, the plaintiff is not harmed and there is no need to impose forced efforts which will only cost a lot of money.

In the author's opinion, reflecting on a country that is not much different in terms of administrative law, namely Thailand, where the legal mechanisms applied are more structured so that the administrative court decisions issued can be heeded by officials. BHT Administrative Court decisions that have not been implemented by Administrative Court officials, in Thailand apply a mechanism of contempt of court or better known as Contemp of Court. This can be used as an observation that the sanction mechanism imposed on TUN officials must be charged personally (faute de personalia) not the institution (faute de currius). In Thailand, the cost of coercion is charged personally, and when the coercion is not carried out, the confiscation of personal assets and / or the imposition of criminal sanctions by applying the article on Contemp of Court.

So that it can be used as a reference material for PTUN in Indonesia, which both apply coercion, when state administrative officials do not fulfill their obligations to carry out court decisions, the criminal sanctions regulated in the AP Law can be applied. Looking at the current AP Law, there is no regulation regarding the sanctions that will be imposed if you ignore this obligation. Therefore, the author innovates that there needs to be criminal sanctions imposed if state administrative officials do not carry out PTUN court decisions, where this can be a deterrent effect and officials can carry out state administrative court decisions voluntarily.

Conclusion

Focusing on the implementation of court decisions that are BHT, the provision of coercive measures in the form of administrative sanctions,

expenses for forced money, and announcements through printed mass media, is a form of coercion against state administrative officials who do not implement court decisions voluntarily. Examined with an approach to the theory of effectiveness which supports court decisions according to Lawrece Friedmann's opinion, one of the legal systems is applied, namely Legal Substance, where the provisions of Article 116 of the PTUN Law are floating and there are several decisions that have not been executed; Implementation of court decisions with forced efforts, as we know, can be imposed on the PTUN lawsuit to the State Administrative Official who was on duty and authorized in that area (faute de personalia). In line with that, the agency in the Administrative Court (faute de currius) is a forum for Administrative Court officials to decide all matters including accepting a lawsuit or not.

Renewal is carried out in Article 116 Paragraph (5) of the PTUN Law, where there is a need for revision in the PTUN Law. Looking at the PTUN Law, the author innovates by adding additional articles to explain in detail and clearly how the mechanism for implementing sanctions for announcements in the print mass media. Then the change from print media to electronic media is easier, cheaper, and the reach is not only in the jurisdiction but can be throughout the world. Then the deletion in Article 116 Paragraph (5) of the PTUN Law related to announcements in the printed mass media that there needs to be criminal sanctions imposed if state administrative officials do not carry out the decision of the PTUN court, where this can also be a deterrent effect and officials can carry out the decision of the state administrative court voluntarily.

References

UNDANG-UNDANG

Law No. 5 of 1986 Concerning the State Administrative Court

Law No. 9 of 2004 Concerning the First Amendment to Law No. 5/1986 on the State Administrative Court

Law No. 51 of 2009 Concerning the Second Amendment to Law No. 5/1986 of the Administrative Court

BUKU

Dani, Umar. 2022. Basic Concepts and Principles of State Administrative Justice. Depok: Rajawali Pers

Efendi, A'An. 2016. Environmental Dispute Resolution Law in State Administrative Court. Jakarta: Sinar Grafika.

Elsye, R., & Muslim. 2020. State Administrative Law. Jatinangor: Fakultas Manajemen Pemerintahan IPDN.

Kotijah, S. 2020. Procedural Law and Practice of the State Administrative Court. Yogyakarta: CV. MFA.

Trial Court Administration. 2016. Human Resources Management. Michigan: State Court Administrative Office

JURNAL

Brzezinski, B. (2022). The Commentary Of The Judgment Of The Provincial Administrative Court In Lodz Of November 20, 2020 (I SA/Ld 409/20). *Kwartalnik Prawa*, 6 (1).

Dinata, A. W. (2022). Legal Implications Of Non-Compliance With The Decision Of The State Administrative Court In Terms Of The Implementation Of Regional Autonomy And The Unitary State. Jurnal Hukum Peratun, 4(1), 1–30. https://doi.org/10.25216/peratun.412021.1-30

Pattipawae, D. R. (2019). Implementation of the Execution of PTUN Decisions in the Era of Autonomy. *Jurnal Sasi,* 25 (1): 92-106.

Somantri, D. (2021). Challenges In Execution Of Court Decision To Strengthen The Administrative Court Charisma. Jurnal Hukum Peratun, 4(2), 123–140. https://doi.org/10.25216/peratun.422021.123-140

Suhariyanto, B. (2019). The Urgency of Criminalizing Contempt of Court for the Effectiveness of Implementation of PTUN Decisions. *Jurnal Konstitusi*, 16 (1).

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