

Legal Reconstruction of State Administrative Court Decisions Execution Based on the Value of Pancasila Justice

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Abstract

This article discusses the factors that cause the State Administration Agency or Official (TUN Agency or Official) unable to realize a PTUN decision execution that is in accordance with the Pancasila Justice Value currently; and how to reconstruct the execution regulations of the PTUN decisions based on the values of Pancasila justice. In a study using the constructivism paradigm and the method of the socio-legal research approach. The data sources in this study consist of primary data sources and secondary data sources consisting of primary legal materials, secondary legal materials, and tertiary legal materials related to the analysis of qualitative descriptive data. The results of the discussion show that the weaknesses that cause the State Administration Agency or Official (TUN Agency or Official) unable to realize a PTUN decision execution that is in accordance with the Pancasila Justice Value currently include 4 things, namely: (1) low compliance and legal awareness of the State Administration Agency or Official; (2) low legal compliance and awareness of the community; (3) the existence of the interests of state administration officials; and (4) there is an error in vision in the use of the authority of his position. Then, the Reconstruction of this regulation is as follows: paragraph (3) regarding the grace period for submitting an application for execution; Paragraph (4) regarding forced efforts, administrative sanctions are emphasized in the form of disciplinary action on dismissal from office; the addition of paragraph (5), regarding the synergy of the implementation of the decision; the addition of paragraph (6) regarding the contempt of court for officials and related parties who do not comply with the decision; paragraph (7) changes regarding hierarchical execution, to execution carried out by an executing agency; paragraph (7) is old, deleted because it is no longer using forced money, and administrative sanctions have been regulated in paragraph (4).

Keywords: Legal Reconstruction, Administrative Court, Execution, Justice Value.

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INTRODUCTION

The State Administrative Court (PTUN) is a court where based on Article 24 paragraph (2) of the 1945 Constitution Juncto Article 18 of Law Number 48 of 2009 concerning Judicial Power, is one of the actors of judicial power located under the Supreme Court. It has the authority to examine, decide and resolve state administrative disputes, namely a dispute that arises in the field of state administrative law between persons or Civil Law Entities (members of the community) and State Administration (Government) bodies or officials both at the center and in the regions as a result of the issuance of an administrative decision state business (*Beschiking*), including employment disputes based on applicable laws and regulations.

The purpose of establishing PTUN is to realize a prosperous, safe, peaceful, and orderly state and nation life that can guarantee the position of citizens in the law and guarantee the maintenance of a harmonious, balanced, and harmonious relationship between the apparatus in the field of state administration and the citizens of the community (Widodo, 2019). In other words, it aims to create fair legal certainty for people seeking justice. However, this goal has not been realized because of regulations, especially the execution of court decisions, it turns out that there are weaknesses that make the public worried and pessimistic about the existence of the TUN Judiciary.

Decisions that can be implemented are decisions that have permanent legal force. The decision must be made by the losing party. If the losing party is

the defendant, then in the implementation of the decision that has obtained permanent legal force, there are 2 (two) possibilities that occur, namely the defendant implements the decision and does not implement the decision, which contains obligations that must be carried out according to the provisions of Article 97 paragraph (9) letters a, b, and c of Law Number 51 of 2009.

If in the event that the defendant does not carry out the obligations as referred to in Article 97 paragraph (9) letter a, namely revoking the relevant state administrative decisions (KTUN), then the disputed KTUN will no longer have permanent legal force. This kind of condition by Paulus Effendie Lotulung (1995) is called automatic execution where the application of Article 116 paragraph (2) of the Law of the Republic of Indonesia Number 51 of 2009, which is 4 (four) months after the court decision which has obtained permanent legal force is sent, the defendant does not carry out his obligations, then the disputed KTUN no longer has legal force.

Furthermore, if the defendant is unable to carry out his obligations as referred to in Article 97 Paragraph (9) letters b and c, namely to revoke and issue a new KTUN, after 3 (three) months, the plaintiff may submit an application to the Chairman of the Court, ordering the defendant to implement the decision. In the event that the defendant ignores the order, the official concerned shall be subject to coercive measures in the form of payment of a certain amount of forced money and/or administrative sanctions, as well as being announced in the local print mass media. If this is not heeded, the Chief Justice of the Court submits the matter to the President as the holder of the highest government power to instruct the official to carry out the court's decision and to the people's representative institution to carry out the supervisory function. This condition, is called hierarchical execution (Irianto, 2022).

By looking at the execution regulations for the decision of the Administrative Court that have been enforced, the application of the provisions regarding the amount of forced money (Dwangsom) the type of administrative sanctions given, there are no laws and regulations that specifically regulate it, so that the execution process cannot be carried out. Moreover, by looking closely at this execution system, it can be clearly seen that it is an execution that is voluntary or self-respect based on the awareness of state administrative officials. In relation to this, according to Supandi (2005), officials' disobedience in implementing court decisions contained several factors, namely:

1. Low compliance and legal awareness of officials
2. The existence of official interests
3. There is an error of vision in the use of the authority of his office, where the official acts or does not act not in the public interest, but acts as if

the public institution is considered his private property.

Then, based on data obtained in the Semarang State Administrative Court, the non-compliance of State Administrative Bodies or Officials who did not implement court decisions that had permanent legal force from 2015 to 2020 were 31 cases. This condition is very sad and worrying, so it can be said that this regulation is not effective, because it has not been able to realize fair legal certainty for the community, it can even reduce the authority of the court, because the public does not have a sense of trust in justice anymore. For this reason, according to the researcher, it is necessary to rearrange a new thought breakthrough by prioritizing the values of Pancasila, namely: religious values, humanism, unity, democracy, and the value of justice as the state fundamental norm of the Indonesian state and is able to provide the values of justice as a legal reform in Indonesia.

Based on the above background, the authors are interested in conducting research titled "*Legal Reconstruction Of State Administrative Court Decisions Execution Based On The Value Of Pancasila Justice*" where the authors raise 2 (two) main issues as follows:

1. What are the factors that cause the State Administration Agency or Official (TUN Agency or Official) unable to realize a PTUN decision execution that is in accordance with the Pancasila Justice Value currently?
2. How is the legal reconstruction of the State Administration Agency or Official (TUN Agency or Official) that are able to realize a PTUN decision execution that is in accordance with the Pancasila Justice Value?

METHOD OF RESEARCH

This study uses a constructivist legal research paradigm approach. The constructivism paradigm in the social sciences is a critique of the positivist paradigm. According to the constructivist paradigm of social reality that is observed by one person cannot be generalized to everyone, as positivists usually do.

This research uses descriptive-analytical research. Analytical descriptive research is a type of descriptive research that seeks to describe and find answers on a fundamental basis regarding cause and effect by analyzing the factors that cause the occurrence or emergence of a certain phenomenon or event.

The approach method in research uses a method (*socio-legal approach*). The sociological juridical approach (*socio-legal approach*) is intended to study and examine the interrelationships associated in real with other social variables (Toebagus, 2020).

Sources of data used include Primary Data and Secondary Data. Primary data is data obtained from field observations and interviews with informants. While Secondary Data is data consisting of (Faisal, 2010):

1. Primary legal materials are binding legal materials in the form of applicable laws and regulations and have something to do with the issues discussed, among others in the form of Laws and regulations relating to the freedom to express opinions in public.
2. Secondary legal materials are legal materials that explain primary legal materials.
3. Tertiary legal materials are legal materials that provide further information on primary legal materials and secondary legal materials.

Research related to the socio-legal approach, namely research that analyzes problems is carried out by combining legal materials (which are secondary data) with primary data obtained in the field. Supported by secondary legal materials, in the form of writings by experts and legal policies.

RESEARCH RESULT AND DISCUSSION

1. Factors That Cause The State Administration Agency Or Official (TUN Agency Or Official) Unable To Realize A PTUN Decision Execution That Is In Accordance With The Pancasila Justice Value Currently

Based on Article 1 point 8 of Law Number 51 of 2009 concerning the Second Amendment to Law

Number 5 of 1986 concerning the State Administrative Court, states that "*State administrative bodies or officials who carry out government affairs are based on applicable laws and regulations*". In order to be concrete and useful for the state, the position requires a representative who runs the representative, namely an official, namely a human or legal entity. Namely, those who carry out the rights and obligations supported by the position. Most of the officials are employees, but not every official is an employee, and not every employee is an official.

The object of this research is the Semarang State Administrative Court. The authority of the State Administrative Court is to examine, decide and resolve state administrative disputes as a result of the issuance of state administrative decisions by state administrative bodies or officials at the provincial level in Central Java, the Semarang State Administrative Court (2021) has been able to resolve cases from 2015 to 2020 as many as 4,155 cases, and there are 31 cases that have permanent legal force, the implementation of their decisions is not obeyed by the State Administrative Body or Official who in this case is the defendant (the losing party) as stated in the verdict.

To find out the factors that cause the decision of the state administrative court that has a legal force to remain non-compliance by the defendant (state administrative body or official), a sample of 10 of the 31 existing cases was taken. The factors can be presented in the following table:

Table 1. Factors that cause non-compliance with the Decision of the State Administrative Court which has permanent legal force in Semarang 2015-2020

NO	PTUN DECISION	Factor That Cause Non-Compliance
1	Decision Number: 39/G/2015/PTUN.SMG	Intervention Waiver of Defendant's rights
2	Decision Number: 040/G/2015/PTUN.SMG	Intervention Waiver of Defendant's rights
3	Decision Number: 048/G/2015/PTUN.SMG	Intervention Waiver of Defendant's rights
4	Decision Number: 016/G/2016/PTUN.SMG	Intervention Waiver of Defendant's rights
5	Decision Number: 026/G/2016/PTUN.SMG	Intervention Waiver of Defendant's rights
6	Decision Number 035/G/2016/PTUN.SMG	Intervention Waiver of Defendant's rights
7	Decision Number : 052/G/2016/PTUN.SMG	Intervention Waiver of Defendant's rights
8	Decision Number : 67/G/2017/PTUN.SMG	A Change in The Dispute's Object
9	Decision Number 170/G/2018/PTUN.SMG	Intervention Waiver of Defendant's rights
10	Decision Number 91/G/2019/PTUN.SMG	Intervention Waiver of Defendant's rights

As seen from the table above, it can be seen that the factors behind the State Administration Agency or Official not complying with the construction of regulations regarding the execution of the Semarang state administrative court decision which has permanent legal force for the 2015-2020 period are 2 (two) factors namely the factor of the release of rights/assets from the intervention defendant and the change in the object of the dispute. In Supandi's opinion, this condition is related to the findings in the field where it can be described as follows:

1. The Low compliance and legal awareness of officials, by observing the Administrative Court Decision Number: 052/G/2016/PTUN.SMG, and Administrative Court Decision Number: 052/G/2016/PTUN.SMG, and followed up with interviews with the Head of the Land Office for the area of Central Java Province, it appears that the factors that hindered the execution were the process of releasing state assets from the intervention party (the

defendant of government intervention). Furthermore, by observing the Administrative Court Decision Number: 39/G/2015/PTUN.SMG, Administrative Court Decision Number: 040/G/2015/PTUN.SMG, Administrative Court Decision Number: 048/G/2015/PTUN.SMG, Administrative Court Decision Number: 016/G/2016/PTUN.SMG, Administrative Court Decision Number: 035/G/2016/PTUN.SMG, Administrative Court Decision Number: 170/G/2018/PTUN.SMG and Administrative Court Decision Number: 91/G/2019/PTUN.SMG, and Followed up by an interview with the Head of the Land Office for the Central Java Province, it appears that the factors that hindered the execution were the process of relinquishing rights from the intervention defendant (community intervention defendant). In addition, there is also the Administrative Court Decision Number: 67/G/2017/PTUN.SMG and followed up with an interview with the Head of the Land Office within the scope of the Central Java Province, it appears that the factors that hinder the execution are that there has been a change in the object of the dispute, which is not in accordance with the original condition was because some of the lands had been separated into the property of a third party due to the sale and purchase. This shows that there has been a low level of legal compliance and awareness, not only within the official environment but also in the community. How one can obey the law, the ability to understand the law logically followed by the ability to judge it. This is where the relationship between legal awareness and legal compliance lies, regardless of whether the law is fair or not. Thus a person's legal compliance with the law must be preceded by a conscious acceptance of the law. Legal awareness is an assessment of the law that applies in reality, which everyone aspires to. Because a person's assessment of the law is very influential in shaping compliance with the law.

2. The existence of official interest, indicated by the facts that have been found, that the court's decision cannot be carried out by the Head of the Central Java Province regional office, it appears that the factors that hindered the execution were hampered by the process of releasing state assets from the intervention party. (The defendant of government intervention), until the time of writing this research, there is no sign of implementation. This shows the interest of the intervention party (government) as the right holder to the object of the dispute.

3. There is an error of vision in the use of the authority of his office, where the official acts or does not act not in the public interest, but acts as if the public institution is considered his private property. If it is related to the conditions mentioned above, with the delay in the process of releasing state assets from the intervention party (the government intervention defendant) until the time of writing this dissertation there are no signs of implementation. This shows that there is an error in vision in the use of the official authority of the intervention party (government) as the right holder of the object of the dispute. As the holder of the office, the government also in this case acts as if the public institution is considered as its private property.

In connection with the foregoing, if it is related to the state of Indonesia as a state of law, the logical consequence of a state of the law is that the implementation of government in the State of Indonesia must be based on law. The purpose and objective of the conception of the rule of law are to provide protection and justice as well as the welfare of its people. The State Administrative Court which is often referred to as the State Administrative Court is valid evidence of the existence of a rule of law in Indonesia. State Administration Agency or Official or often referred to as Official who cannot escape legal responsibility when implementing policies that are contrary to the law and the Principles of Good Governance (Widodo, 2018) , which is a guideline whether the State administrative office is in accordance with or not with norms in carrying out their duties. The decision of the State Administrative Court is a form of correction that the decisions of State Administration officials formed in the policies of Decision Letters, stipulations, and others have errors. This proves that no one in Indonesia is above the law. State officials who are in the executive branch have the same position before the law. The State Administration Court is a court that upholds the general principles of good governance for State Administration officials.

2. Legal Reconstruction of The State Administration Agency Or Official (TUN Agency Or Official) That Are Able To Realize A PTUN Decision Execution That Is In Accordance With The Pancasila Justice Value

According to Jimly Asshidique (2006), a good legal reconstruction must be based on philosophical, sociological, and juridical aspects, namely:

1. Philosophical Foundation, which is a consideration or reason that illustrates that the law formed takes into account the views of life, awareness, and legal ideals which include the spiritual atmosphere and the philosophy of the Indonesian nation which originates from

Pancasila and the Preamble to the 1945 Constitution of the Republic of Indonesia. (Article 2 of the Law -Law Number 12 of 2011 concerning the Establishment of Legislation).

2. Sociological basis, which is a consideration or reason that illustrates that the law was formed to meet the needs of the community in various aspects. The sociological basis concerns the empirical facts of the development of problems and needs of society and the state, which can be seen from the implementation of Article 116 of Law Number 51 of 2009 that it turns out that many State Administrative Bodies or Officials do not comply with court decisions that have permanent legal force for 2015-2020, influenced by 4 (four) things, namely: First, the low compliance and legal awareness of the State Administration Agency or Official, whether the State Administration Agency or Official who is burdened with the obligation to carry out the Decision, or the State Administration Agency or Official who is the intervention defendant; Second, the low compliance and legal awareness of the community, both the people who are the plaintiffs and the defendants; Third, the interests of state administrative officials; Fourth, there is an error of vision in the use of the authority of their position, where the official acts or does not act not in the public interest, but acts as if the public institution is considered his private property.
3. Juridical basis, which is a consideration or reason that illustrates that regulations are formed to overcome legal problems or fill legal voids by considering existing rules, which will be changed, or which will be revoked in order to ensure legal certainty and a sense of community justice. The juridical basis concerns legal issues related to the substance or material that is regulated so it is necessary to form new laws and regulations. Some of these legal issues, among others, are outdated regulations, inharmonious or overlapping regulations, types of regulations that are lower than the law so that their enforcement power is weak, the regulations already exist but are inadequate, or the regulations do not exist at all. Likewise, related to the construction of regulations regarding the execution of the Decisions of the state administrative court which have permanent legal force in Indonesia today, which is regulated in Article 116 of Law Number 51 of 2009, it is not clear that juridically it is not perfect because there are no implementing regulations.

Apart from being based on philosophical, sociological, and juridical foundations, the reconstruction that is carried out also took into account

the results of comparisons from several countries, namely Germany, France, the Netherlands, and Thailand. Of these four countries, in reconstructing the execution regulation of the Decision of the State Administrative Court which has permanent legal force based on the values of Pancasila Justice, it is directed to be oriented to the Thai State Administrative Court Procedural Law system, which incidentally is still standing for the last 10 years but is able to provide justice for the people of Indonesia. community, namely by imposing a Contempt of Court (CoC). Contempt of court can be interpreted as an attempt to violate, insult, or despise the court. Based on this, the reconstruction of Article 116 of Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning the State Administrative Court is as can be seen below.

First, Paragraph (1) and Paragraph (2) remain unchanged, because so far there have been no obstacles in their implementation. This was confirmed by Sutrisno (2021), an advocate for Peradi Semarang. Sutrisno said that while practicing as an advocate, in relation to paragraph (1) there was never a problem, the court clerk had timely submitted a copy of the decision, and paragraph (2) was an automatic execution. If it is not carried out by the defendant, then after the expiration period it has no binding force.

Then, Paragraph (3) is amended, because 90 (ninety) working days is a long time, whereas according to Sutrisno, in order to provide legal certainty for justice seekers, the time period should be shortened to only 60 (sixty) days. The number 60 (sixty) days, is also in accordance with and consistent with paragraph (2), which states that *"...after 60 (sixty) working days the court decision which has obtained permanent legal force as referred to in paragraph (1) is received the defendant does not carry out his obligations as referred to in Article 97 paragraph (9) letter a, the disputed state administrative decision has no legal force anymore"*. In addition, Sutrisno explained that 60 (sixty) days was more than enough to implement the decision, for example, if there were problems, there were also signs of obstacles that arose in the process of implementing the decision, so that the plaintiff could immediately obtain clarity regarding the implementation of the decision being made walk.

Paragraph (4) changes are made, based on the encouragement to provide a deterrent effect for officials who are not willing to carry out decisions, as they become the obligations and responsibilities of the position. This was also stated by Samosir (2019). With the number of Semarang State Administrative Bodies or Officials who do not carry out executions (31 Officials), and always increasing from year to year, it means that there is less emphasis on the sound of paragraph (4), so the sound of the paragraph is formulated to be more emphasized to provide a deterrent effect. for officials.

In paragraph (4), the forced effort in the form of forced money is removed. According to the researcher's point of view, it is not appropriate, because in this case, the official carries out the task of representing the position so it is not suitable if he is subjected to forced money. For example, the disputed State Administrative Decree is an old official and only becomes a dispute during the new official's term, meaning that in fact there is no fault in the new official, and it's also unfair if one has to be forced to pay. And what is more appropriate according to the researcher's point of view is administrative sanctions, because when officials based on court decisions are given the obligation to revoke the disputed State Administrative Decree and issue new decisions, at that time the official is obliged to carry out his duties. And when in carrying out the duties of his position, he fails to carry out the decision, then administrative sanctions in the form of disciplinary action from the superior concerned are more effective and efficient.

Furthermore, the researcher proposes to add paragraph (5) of the amendment, which reads "*In the event that the defendant does not implement a court decision that has obtained permanent legal force due to obstacles from related parties, it can convey to the chairman of the court to instruct the related parties to fulfill certain obligations in question*". This paragraph is the fifth paragraph of Article 116 of Law Number 5 of 1986 concerning the State Administrative Court (amendment). The background of the sound of this paragraph is that there is a phenomenon that there has been a change in the object of the dispute due to the transfer of ownership rights, besides that, the State Administration Agency or Official does not carry out the decision because it is hampered by the process of releasing assets/rights that are the object of dispute from the intervention defendant, as required. Article 55 Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units, and Land Registration. The recording of the abolition of land rights based on a court decision is carried out after obtaining a letter regarding the abolition of the right in question from the Head of the Land Office by affixing a note to the land book from the measuring document and destroying the certificate of the right in question-based on the deed stating that the right in question has been relinquished by the holder of the right. This implies that the concept of legal compliance of State Administration officials who are charged with the obligation to implement it cannot be carried out alone, there must be synergy, coordination, and support, based on awareness and legal compliance from various parties, both officials from other relevant agencies as the intervention defendant, as well as the community involved in the dispute, namely the plaintiff itself, as well as the intervention defendant, are indispensable for law enforcement in Indonesia, towards the realization of the legal goals of a rule of law. So in difficult conditions like this, the official must report it to the chairman of the court, for the next stage of settlement.

Furthermore, the researcher also tries to add another paragraph, namely paragraph (6) amendment, which reads "*In the event that the defendant or related parties do not heed the judge's order or do not fulfill it within 60 (sixty) working days, the plaintiff can report to the authorized by reason of contempt of court.*" This paragraph is the sixth paragraph of Article 116 of Law Number 5 of 1986 concerning the State Administrative Court (amendment). The background of the sound of this paragraph is the phenomenon that there has been a change in the object of the dispute due to the transfer of ownership rights by the plaintiff himself, besides that the State Administration Agency or Official did not carry out the decision because it was hampered by the process of releasing assets/rights that became the object of the dispute. of the intervening defendant. And this is the basis for law enforcement in the form of contempt of court because in this case there are parties that hinder the process of implementing court decisions so that it can be said to be a violation of the law.

Paragraph (5) remains, and no changes are made. So far, the sound of the paragraph "*Officials who do not carry out the court's decision as referred to in paragraph (4) is announced in the local print media by the clerk since the provisions as referred to in paragraph (3) are not fulfilled*" have not experienced fatal problems. Indeed, to load on the media the burden of payment is borne by the plaintiff, but currently, due to technological sophistication, it may not require that it be published in print media only, there are alternative choices such as on the court website or online media. In Law Number 5 of 1986 concerning the State Administrative Court, the amendments are placed in paragraph (7).

Paragraph (6) is amended. The beginning before the changes are made reads "*In addition to being announced in the local print mass media as referred to in paragraph (5), the chairman of the court must submit this to the president as the holder of the highest government power to instruct the official to implement the court's decision, and to the people's representative institution to carry out the supervisory function*", was changed to "*The execution of court decisions is carried out by the Executing Body*". This paragraph is placed in paragraph (8) of Law Number 5 of 1986 concerning Amendment to the State Administrative Court. The change in this paragraph is motivated by the phenomenon of the long response from the President and the representative institutions as supervisors because they have to go through a bureaucratic process. Therefore, to be more effective and to ensure legal certainty, an Execution Institution must be formed to guard the implementation of court decisions.

In order to be carried out effectively, the execution of state administrative court decisions must be carried out by a special institution authorized as the Legal Execution Department in Thailand. This

Execution Institution is a special executorial body or a sanctioning agency whose function is to implement decisions. This Execution Institution is an institution under the Ministry of Justice (Minister of Justice) and is in the Administrative Justice Cluster. The Execution Agency has a mission, one of which is to develop and improve administrative processes to make them more effective and efficient.

In Indonesia, the General Court has a forced institution, namely real executions by the Registrar under the leadership of the Chief Justice for civil cases (Article 195 to Article 208 HIR and Article 1033 Rv), and there is a prosecutor as the executor of criminal decisions (Article 270 KUHAP). In the Military Court, it is the Military Prosecutor who is obliged to execute the decision of the Military Judge. The Religious Courts, according to the provisions of articles 95, 98, and 103 of Law Number 7 of 1989 have also been able to enforce their determinations and decisions, including carrying out all kinds of confiscations.

Meanwhile, with this kind of regulation, there are no forced institutions can be applied if all stages of execution, namely reprimand through hierarchical superiors to the level of the President, TUN officials still do not implement them. For this reason, it is not surprising that many decisions are not implemented. Because of this, the researcher tries to bring up the existence of an Execution Agency in paragraph (6), with its legality in the form of a law, which is contained in the Third Amendment to the Law on State Administrative Courts, inserted in Article 39C concerning Execution Boards. Whereas in every state administrative court there is an execution body appointed by the Supreme Court at the suggestion of the Head of the Court concerned. The requirement to become an execution body is at least a law degree, and work in the relevant court for a minimum of 3 (three) years. The birth of this Execution Institution, according to the researcher, can provide a solution to the anxiety of the justice-seeking community, because this execution institution will provide legal certainty and guarantees that the process of carrying out the execution of the decision of the state administrative court that has legal force will still be carried out by the defendant.

Paragraph (7) is deleted. The paragraph that states that "*Stipulations regarding the amount of forced money, types of administrative sanctions, and procedures for the implementation of forced money payments and/or administrative sanctions are regulated by laws and regulations*" are removed because according to the researcher's point of view, it is not appropriate, because in this case, the official carries out the task of representing the position so it is not suitable if he is subject to forced money. For example, the disputed State Administrative Decree is an old official and only becomes a dispute during the new official's term, meaning that in fact there is no fault in the new

official. It's also unfair if you have to be forced to pay. And what is more appropriate according to the researcher's point of view is administrative sanctions, because when officials based on court decisions are given the obligation to revoke the disputed State Administrative Decree and issue new decisions, at that time the official is obliged to carry out his duties. And when in carrying out the duties of his position, he fails to carry out the decision, then administrative sanctions in the form of disciplinary action from the superior concerned are more effective and efficient. So that the abolition of paragraph (7) due to the imposition of forced money is not appropriate and for administrative sanctions, it has been regulated in paragraph (4) of the amendment already.

CONCLUSION

Based on the results of the research, the following conclusions can be drawn:

1. The factors that cause the State Administration Agency or Official (TUN Agency or Official) unable to realize a PTUN decision execution that is in accordance with the Pancasila Justice Value currently, include 4 things, namely: (1) low compliance and legal awareness of the State Administration Agency or Official ; (2) low legal compliance and awareness of the community; (3) the interest of State Administration officials; and (4) there is an error of vision in the use of the authority of his office, where the official acts or does not act not in the public interest, but acts as if the public institution is considered his private property.
2. The Legal Reconstruction of the State Administration Agency or Official (TUN Agency or Official) that are able to realize a PTUN decision execution that is in accordance with the Pancasila Justice Value, among others, in paragraph (3) regarding the grace period for submitting an application for execution; Paragraph (4) regarding forced efforts, administrative sanctions are emphasized in the form of disciplinary action on dismissal from office; the addition of paragraph (5), regarding the synergy of the implementation of the decision; the addition of paragraph (6) regarding the contempt of court for officials and related parties who do not comply with the decision; paragraph (7) changes regarding hierarchical execution, to execution carried out by an executing agency; paragraph (7) is old, deleted because it is no longer using forced money, and administrative sanctions have been regulated in paragraph (4). This reconstruction emphasis aims to change the culture of disobedience to the law so that the State Administrative Courts can remain strong and authoritative to realize Pancasila justice which prioritizes human rights and equality before the law.

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