Public Understanding of The Mechanism for Administering State Administrative Courts as a Form of Legal Protection

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Abstract

Legal relations in social life are part of the process after the emergence of a legal action originating from the legal subject itself. Legal action is the beginning of the birth of legal relations (rechtsbetrekking), namely interactions between legal subjects that have legal relevance. One of them is the relationship between the government and citizens. The government, as an executor (public servant), obtains broad authority in carrying out government affairs (Constitutional Mandate). This authority is likely to be abused, causing harm and injustice (Power Tends Corrupt, Absolute Power Corrupts Absolutely). The State Administrative Court is present as an institution that provides legal protection to the justice-seeking public related to administrative law (Administrative Law). This court has a tiered system starting from the first level, the appeal level, and the final level or cassation. The legal issues that will be discussed in this paper concern phenomena in the administration of the State Administrative Court in Indonesia, such as the court process, the basis for a lawsuit addressed to the government, and the mechanism in the State Administrative Court.

Keywords: Legal Relationship, State Administrative Court, State Administrative Court Process

A. INTRODUCTION

The Constitution of the Republic of Indonesia Article 1 paragraph (3) affirms that Indonesia is a state of law. Based on this article, we know that the administration of government is based on legal principles to limit government power, where state power through its apparatus is limited by law (*rechsstaat*), not based on power (*machtsstaat*). A country can be a state of law if it has fulfilled the elements of a state of law. Friedrich Julius Stahl put forward the characteristics of a state of law as follows:

1. There is recognition of fundamental human rights.
2. There is a division of power.
3. Government based on regulations
4. The existence of the State Administrative Court[1]

In addition to Friedrich Julius, the concept of the rule of law in Europe with the continental European legal system was also developed by Immanuel Kant, Paul Laband Fichte, and others using the German term "rechsstaat". In the Anglo-Saxon tradition, the development of the concept of the rule of law was pioneered by A. V. Dicey with the term "the rule of law". A. V Dicey put forward the elements of the rule of law as follows:

a. *Supremacy of law*
b. *Equality before the law*
c. *Constitution based on human rights.*[1]

In "*the rule of law"* according to Anglo-Saxons, there are differences with *"rechsstaat"* as a legal concept for Europe.These differences include that in the *rule of law* there is no state administrative court that is separate from other general courts.Whereas in *rechtsstaat* there is an administrative court that is separate from the general court. However, in addition to these differences, there are similarities between the *rule of law* and *rechtsstaat,* including recognizing the protection of human rights, the existence of the supremacy of law or legal sovereignty, and the *absence* of abuse of power or authority by the authorities *(absence of arbitrary power).*

Looking at both systems, it is generally known that the Indonesian state is identical to the concept of *rechtsstaat*. *First*, the recognition and protection of human rights contained in Articles 28 A to 28 J of the 1945 Constitution and Law No. 39/1999 on Human Rights; *second,* the division of state power in which the Indonesian state explicitly applies the division of power in accordance with the trias politica adopted by Montesquieu where there is a division of power based on state functions both Legislative, Executive, and Judiciary into state institutions. *Third,* the administration of the state and government is based on the prevailing laws and regulations. *Fourth,* there is a place of complaint for the people for government actions that are detrimental to citizens, namely the existence of administrative remedies, the Administrative Court, and the Ombudsman Commission.[2].

The existence of state administrative courts in various countries, especially in countries that adhere to the Welfare State is the foundation of hope for citizens or communities to defend their rights that are harmed by state administrative apparatus due to public legal actions in the form of regulations or policies made.

Seeing the possibility of problems with the state administration apparatus, it is temporarily concluded that the state administrative court is very much needed. As one of the places for citizens or communities who seek justice because they feel that their interests and rights have been harmed by state administrative bodies or apparatus in exercising their powers.

State administrative courts in Indonesia are known as state administrative courts or *PTUN*, which are regulated in Law No. 5 of

[1] Diana Halim Koentjoro, *Hukum Administrasi Negara*, Bogor, Ghalia Indonesia, 2004, hlm. 34.

[2] Ridwan HR, *Hukum Administrasi Negara*, Jakarta, PT RajaGrafindo Persada, 2016, hlm. 20

1986 concerning State Administrative Courts as amended by Law No. 9 of 2004 concerning the First Amendment to Law No. 5 of 1986 concerning State Administrative Courts and lastly amended by Law No. 51 concerning the Second Amendment to Law No. 5 of 1986 concerning State Administrative Courts.

In the legal order in Indonesia, the existence of this administrative court has been felt for a long time. Still, it was only realized on December 29, 1986, namely with the enactment of Law No. 5 of 1986 concerning State Administrative Courts. And only effective 5 (five) years later, precisely in 1991. The purpose of the establishment of the State Administrative Court *(PTUN)*, as stated in Law No. 5 of 1986, is to oversee the implementation of the duties and authority of state administrative bodies or officials. State Administrative Court *(PTUN)* plays a vital role in carrying out a control function over the actions of state administrative bodies or officials so that they do not act beyond their authority. The existence of a state administrative court *(PTUN)* is a manifestation of the government to guarantee and provide protection for the rights of the people, which originate from individual rights and which are based on the common interests of individuals living in the community. In accordance with its state philosophy, the Unitary State of the Republic of Indonesia is a state of law based on Pancasila and the 1945 Constitution. Therefore, the rights and interests of individuals are upheld in addition to the rights of the community. Individual interests are balanced with the interests of society or the public interest.[3]

In Chapter IV, Letter A. Law number 8 of MPR Decree No. IV/ MPR/ 1999 on the Outlines of State Policy for 1999-2000, it is stated that *"Organizing judicial processes in a quick, easy, cheap and open manner, free from corruption, collusion, and nepotism while upholding the principles of justice and truth."* [6] Based on the idea of state policy in the judiciary, as described in the *MPR* Decree, it indirectly gives an idea of what the judiciary in Indonesia is like. In other words, the basic idea of access to justice that will be expected is access to the performance that can accommodate the needs of justice seekers (justifiable).

The idea or expectation is as stated in the provisions of Law No. 14 of 1970 concerning the Principles of Judicial Power yo Law No. 4 of 2004 concerning Judicial Power Article 4 paragraph 2, where the judiciary (as an avenue/access to justice) is expected to be "Simple, fast and low cost”. [7]

State administrative court *(PTUN)* has similarities with procedural law in General Courts for civil cases. Still, several differences cannot simply apply the provisions of the applicable regulations in the Civil Procedure Law in the State Administrative Court process because the State Administrative Court is limited by the principles that apply in the State Administrative Court, which we know that the State Administrative Court is only authorized to adjudicate state administrative disputes that stem from the issuance of a state administrative decision by a state administrative body or official. Therefore, in essence, a state administrative dispute is a dispute about whether a state administrative decision is valid or not.

State administrative court *(PTUN)*, as an institution born during the development of the modern legal system, has been developed based on the needs of the modern legal system, which consists of formal processes. These are formal processes (together with informal processes). Among them are administrative remedies, dismissal processes, preparatory examination processes, court proceedings, and judicial decisions.

The public knows that the government as an executor (public servant) has broad

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[3] Hendrik Salmon, *Eksistensi Peradilan Tata Usaha Negara (PTUN) Dalam Mewujudkan Suatu Pemerintahan Yang Baik*, Jurnal Sasi Vol. 16 No. 4 Bulan Oktober – Desember 2010, hlm. 18.

authority in running government affairs. This authority is likely to be misused, causing harm and injustice (Power Tends Corrupt, Absolute Power Corrupts Absolutely) to the community. The lack of public understanding about the State Administrative Court *(Peradilan Tata Usaha Negara or PTUN)*, especially about the function of the state administrative court, causes the public to assume that the government has full authority which is likely to be abused, causing harm and injustice to the community. With the lack of public understanding of this matter, which is a protection for citizens to obtain justice in state administrative disputes, causing many cases in state administrative disputes that cause riots, chaos, and confusion in the community. This is because most people do not know or even understand what and how the mechanism of organizing the state administrative court is.

This paper is expected to help the public understand what the State Administrative Court is and how the mechanism of organizing the state administrative court as a form of legal protection. So that they can obtain justice and protection in state administrative disputes.

B. FORMULATION OF THE PROBLEM

To analyze the process of the state administrative court (PTUN), the following problems arise

1. What is the mechanism of the state administrative court?
2. Is the understanding of the mechanism of administration of the State Administrative Court in accordance with what is expected?

C. RESEARCH OBJECTIVE

According to the problem, the research aims to understand what a state administrative court is and how the mechanism of organizing a state administrative court in resolving state administrative disputes.

D. LITERATURE REVIEW

State administrative courts in Indonesia are regulated in Law No. 5 of 1986 concerning State Administrative Courts. Article 4 of the Administrative Justice Law states that the State Administrative Court is one of the implementations of judicial power for people seeking justice in State Administrative disputes.

Then in Article 5 paragraphs (1) and (2) of the Administrative Justice Law stipulates that the judicial power in the state administrative judicial environment is carried out by the State Administrative Court *(PTUN)* and the State Administrative High Court *(Peradilan Tinggi Tata Usaha Negara or PTTUN)* and judicial power culminates in the Supreme Court as the highest state court. As stipulated in Article 6 of the State Administrative Court Law, the State Administrative Court is domiciled in the municipality or regency capital, and its jurisdiction covers the municipality or regency. The High Administrative Court is located in the provincial capital, and its jurisdiction covers the provincial territory.

State administrative courts, both at the first level and the appellate level, are to adjudicate state administrative disputes. State administrative disputes are disputes arising in the field of State Administration between persons or civil legal entities and State Administrative Bodies or Officials, both at the Central and regional levels, as a result of the issuance of State Administrative Decisions, including employment disputes based on applicable laws and regulations.In the State Administrative Court Law, in addition to regulating the State Administrative Court institutions, it also contains procedural laws that apply in the State Administrative Court.

The characteristics of the Procedural Law of the State Administrative Court are as follows:

1) Judges play a more active role in the trial process in order to seek material truth. The activeness of judges can be found, among others, in the provisions of Article 63 paragraph (2) points a and b, Article 80, Article 85, Article 103 paragraph (1), and Article 107.
2) The proof system leads to limited free proof (vrijbewijs) (Indroharto, 1996:

189). According to Article 107, the judge can determine what must be proven, the burden of proof, along with the assessment of proof, but Article 100 determines imitatively the evidence used.

3) A lawsuit in the Administrative Court does not delay the implementation of the contested State Administrative Decree (see Article 67). It is related to the principle of *Presumtio Justae Causa* in State Administrative Law, which means that an Administrative Decision must always be considered correct and enforceable as long as no Court Decision has permanent legal force stating otherwise. However, if there is an urgent interest of the Plaintiff, at the request of the Plaintiff, the Chairman of the Court or the Panel of Judges may grant an interim order regarding the postponement of the implementation of the disputed administrative decision.
4) The principle of *erga omnes* applies to the decision of the Administrative Court Judge, meaning that the decision applies not only to the parties to the dispute but also to other related parties.
5) In the examination process at the trial, the principle of *audi alteram partem* applies, namely that the parties involved in the dispute must be given the same opportunity to be heard before the judge gives a decision.
6) Trial in absentia (without the presence of the Defendant) is possible as stipulated in Article 72 paragraph (2).
7) There is convenience for the justice-seeking public, among others:
   a. Those who cannot read and write are assisted by court clerks in formulating their lawsuit.
   b. The poor are given the opportunity to litigate free of charge. If there is an urgent interest of the plaintiff, at the request of the plaintiff, the Chairman of the Court authorized to hear it.
   c. The plaintiff may file his/her lawsuit with the Administrative Court closest to his/her place of residence and then forward it to the Court authorized to hear it.
   d. The state administrative agency or official summoned as a witness is obliged to appear in person.[4]

Then there are differences between Civil Procedure Law and Administrative Procedure Law, namely:

1) Object of the Lawsuit

   The object of the lawsuit is the state administrative decision *(keputusan tata usaha negara or KTUN)*. As for what is not included in state administrative decisions, namely:
   a) State Administrative Decisions that constitute civil law actions;
   b) State Administrative Decisions that are public regulations;
   c) State Administrative Decisions that still require approval;
   d) State Administrative Decisions issued based on the Criminal Code *(Kitab Undang-Undang Hukum Pidana or KUHP)* or Criminal Procedure Code *(Kitab Undang-Undang Hukum Acara Pidana or KUHAP)* or other laws and regulations that are criminal in nature;
   e) State Administrative Decisions issued on the basis of the results of an examination by a

[4] Badan Diklat Kejaksaan RI, *Modul Hukum Acara Tata Usaha Negara*, Jakarta, 2019, Hal. 7 - 8

judicial body based on the provisions of applicable laws and regulations;

f) State Administrative Decisions regarding the administration of the Armed Forces of the Republic of Indonesia;

g) Decisions of the Election Committee, both at the central and regional levels, regarding election results.[5]

2) Subject of Lawsuit

The subject of a lawsuit in State Administrative Procedure Law is a private person or civil legal entity as a plaintiff against a state administrative official as a defendant.

3) Reason for a lawsuit and the content of the Lawsuit

A person or civil legal entity who feels that a State Administrative Decree has harmed their interests may file a written lawsuit to the competent court, which contains a demand that the disputed state administrative decision be declared null or invalid, with or without a claim for compensation and rehabilitation. The reasons that can be used in a lawsuit based on Article 53 are:

a) The challenged State Administrative Decision is contrary to the prevailing laws and regulations;

b) The State Administrative Body or Official at the time of issuing the decision has used its authority for purposes other than those for which the authority was granted;

c) The State Administrative Body or Official at the time of issuing or not issuing the decision, after considering all the interests involved with the decision, should not have made or not made the decision.[6]

As for the demands that can be requested in a lawsuit at the State Administrative Court, it is regulated in Article 97 paragraph (9) of Law No. 5 of 1986 concerning State Administrative Courts.

4) Grace period to sue

Berdasarkan Pasal 55, tenggang waktu mengajukan gugatan adalah 90 hari sejak saat KTUN diterima bagi pihak II dan 90 hari sejak saat KTUN diumumkan bagi pihak III

5) Stage of the Litigation Process

There are stages of the litigation process that differ from the Civil Procedure Law, namely the Dismissal process and the readiness examination.

6) Counterclaim

In the Administrative Procedure Law, there is no counterclaim (reconveyance).

7) Sanction

Sanctions in the state administrative court can be enforced by the court through coercive means, namely the threat of imposition of forced money and/or administrative sanctions and announced in the printed mass media. However, there are no concrete regulations regarding sanctions and procedures for the implementation of forced money and administrative sanctions at the state administrative court.

8) Role of the Court of Appeal

For cases where administrative remedies are possible, the High Administrative Court functions as the court of first instance. And for cases that do not recognize administrative remedies, the State Administrative Court is the court of first instance.

9) Intervention

[5] Pasal 2 Undang-undang No 5 Tahun 1986 tentang Peradilan Tata Usaha Negara

[6] Pasal 53 Undang-Undang No 5 Tahun 1986 Tentang Peradilan Tata Usaha Negara

Article 83 and Article 118 explain that intervention is the participation of another party in a dispute. This can be done by a person or civil legal entity, either during the trial or in the execution of the decision. Intervention at trial can occur because the administrative case is entered by a third party. Then it will be officially summoned. However, if the case itself, the third party enters for the purpose of defending its rights and interests so as not to be harmed by the decision on the dispute.

10) Appeal
Article 122 to Article 130 explains that an appeal is one of the legal remedies that can be requested by the plaintiff or defendant, because they are not satisfied with the final decision of the state administrative court (first level).

11) Cassation
At the final judgment of the court, a cassation appeal may be filed with the Supreme Court, as set out in Article 131. The duty of the Court of Cassation is to examine the decisions of the subordinate courts as to whether or not the application of the law to the case in question has been correctly determined by the subordinate courts.[7]

A person or legal entity who feels that their interests have been harmed by a state administrative decision can file a lawsuit with the State Administrative Court which is authorized to hear the case. This effort is a procedure that can be taken by a person or legal entity when they are dissatisfied with a state administrative decision. As in Law No. 5 concerning State Administrative Justice which states:

a. In the event that a state administrative body or official is authorized by or based on statutory regulations to resolve certain state administrative disputes administratively, then the state administrative dispute must be resolved through the available administrative remedies.
b. Courts are only authorized to examine, decide, and resolve state administrative disputes, as referred to in paragraph 1 if all relevant administrative remedies have been used.
c. The types of administrative remedies are administrative appeals and objection procedures. An administrative appeal is an administrative dispute resolution effort carried out by the agency that issued the decision. In the event that a state administrative body or official is authorized by or based on statutory regulations to resolve certain state administrative disputes administratively, then the state administrative dispute must be resolved through the available administrative remedies.
d. Courts are only authorized to examine, decide, and resolve state administrative disputes, as referred to in paragraph 1 if all relevant administrative remedies have been used.
e. The types of administrative remedies are administrative appeals and objection procedures. An administrative appeal is an administrative dispute resolution effort carried out by the agency that issued the decision.

E. METHODOLOGY

The research method used is a quantitative descriptive method designed to collect information about the conditions that are temporarily ongoing. The quantitative approach in this study uses numbers, starting from data collection, interpretation of the data, and appearance of the results.

F. FINDING AND DISCUSSION

[7] Ibid, hlm. 155

Public understanding of the state administrative court (PTUN) is far from what is expected. Many Indonesians do not understand or even know what a state administrative court is. By distributing questionnaires to the public in May 2020 as a research method, I produced the following data:

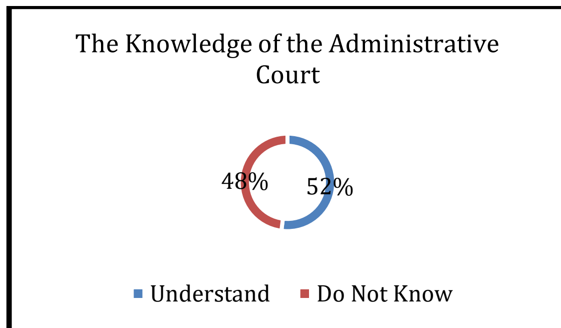


Table 1. The Knowledge of the Administrative Court

Public knowledge about the state administrative court (PTUN) as shown in Table 1 indicates that there are still some people who do not know what the state administrative court (PTUN) is. From the data, it can be seen that 48% of the community claimed to know what the state administrative court is. They know that the state administrative court is a court under the purview of the Supreme Court *(Mahkamah Agung or MA)* that functions to resolve state administrative disputes. However, in terms of public understanding of the mechanism of state administrative courts, the following data was obtained:

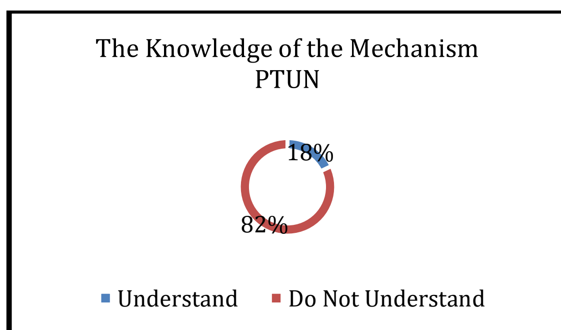


Table 2. The Knowledge of the Mechanism of the Administrative Court

Based on table 2, 82% of the community did not understand the mechanism of the state administrative court, while 18% of the community knew the mechanism of the PTUN. However, in the research, the people who stated that they understood the mechanism were not in accordance with the actual mechanism in the PTUN event. Then the public understanding of how the judicial mechanism is very far and not in accordance with what is expected as it should be. This is because the state administrative court provides protection to the community so that they can obtain justice from regulations or policies that are considered not in accordance with the law. If they do not understand or even know how they can obtain justice and legal protection in state administrative cases.

Failure in the knowledge and understanding of the community in state administrative court is due to a lack of understanding of the law, public indifference about the law, lack of socialization about the law.

In contrast to dispute resolution in the General Court, the State Administrative Court in examining, adjudicating, and deciding can go through two ways, namely directly and indirectly. In the state administrative court, the object of dispute received by someone is required to first complete administrative efforts, so before filing a lawsuit to the state administrative court, it is obliged to first complete all administrative efforts, otherwise if there is no obligation to do so, the lawsuit is filed directly to the state administrative court.

Article 75 paragraph (1) emphasizes that people who are harmed by a state administrative decision can submit administrative remedies to government officials or superiors of officials who make and/or carry out decisions. What is meant by administrative remedies consists of objections and appeals. The existence of these remedies does not delay the implementation of the state administrative decision unless otherwise specified in the law and causes greater harm.

The following is an organizing mechanism in the state administrative court (PTUN):

A. Pre-trial measures

1. Lawsuit filing

According to article 1 paragraph t determine that a lawsuit is a request containing a claim against a state administrative body or official and is submitted to the court for a decision. Those entitled to file a lawsuit are only persons and or civil legal entities while state administrative bodies or officials or public legal subjects are prohibited from filing a lawsuit. This is stated in Article 1 paragraph 4, 5, 6 regarding the object and subject of PTUN. A state administrative dispute lawsuit is submitted in writing to the competent court whose jurisdiction covers the residence of the defendant. The demands contain that the disputed state administrative decision be declared null or invalid, with or without a claim for compensation and/or rehabilitation by stating the reasons used in the lawsuit. The following are the reasons used in the lawsuit listed in Article 53 paragraph (2), namely:

a. The challenged State Administrative Decision is contrary to the prevailing laws and regulations;
b. The State Administrative Body or Official at the time of issuing the decision has used its authority for purposes other than those for which the authority was granted;
c. The State Administrative Body or Official at the time of issuing or not issuing the decision after considering all interests related to the decision should not have made or not made the decision.

A lawsuit can only be filed within 90 (Ninety) days from the date of receipt and announcement of the decision and is specified in the underlying laws and regulations. If the underlying laws and regulations do not stipulate the time limit, it shall be counted from the expiry of 4 (four) months which shall be counted from the receipt of the relevant application. And if the deadline has passed, then the right to sue becomes void because it has expired. In filing a lawsuit, the plaintiff may request that the defendant be ordered to pay court costs.

2. Recording of cases in the register

In article 59 paragraph 2 explains that cases that have been entered are then recorded in the register by the Registrar after the plaintiff has paid an advance on the case fee. As evidence that the lawsuit has been registered and the down payment has been paid, it can be known from the receipt of the money which contains the case register number.

3. Preliminary examination

Prior to trial, the Administrative Court has the authority to conduct some sort of preliminary examination. This may include a deliberation meeting and a preparatory hearing.

a. Consultative meeting

The deliberation meeting or also called the dismissal process in this case is listed in Article 62 where the head of the court (first level) is authorized to examine the incoming lawsuit, whether the lawsuit has met the requirements as stipulated in Law No. 5 of 1986 and examine whether the case falls within the authority of the state administrative courtto hear it. In a deliberation meeting the head of the court is authorized to decide that the lawsuit filed before the trial can be declared accepted or rejected in the form of a determination that is

equipped with considerations that the lawsuit filed is not accepted or unfounded, following:

1. The subject matter of the lawsuit, namely the facts used as the basis of the lawsuit, obviously does not include the authority of the state administrative court;
2. The conditions of the lawsuit as referred to in Article 56 of Law No. 5 of 1986;
3. The lawsuit is based on improper reasons;
4. What is demanded in the lawsuit has actually been fulfilled by the state administrative decision being sued;
5. The lawsuit is filed prematurely or has passed the time, as stipulated in Law No. 5 of 1986.

If the determination contains a rejection, then the rejected party, in this case the plaintiff, has the right to file an opposition to the issuer of the determination within 14 days, starting from the time the results of the meeting are pronounced. The opposition must meet the requirements of an ordinary lawsuit and then be examined and decided by the Administrative Court in a fast-paced manner. If the challenge is justified and accepted by the Administrative Court, then the decision of the court chairman made at the deliberation meeting shall be declared null and void and the subject matter of the lawsuit shall be examined, decided, and resolved according to the ordinary procedure. No legal remedies such as appeal or cassation can be used against the court's decision regarding the opposition, because the decision is considered as the first and final decision, so it already has permanent law.

b. Readiness checking
Before the examination of the dispute begins, the judge is obliged to hold a preparatory examination to complete the lawsuit that is unclear, this is explained in Article 63. Where in this case the judge acts to advise the plaintiff to improve the lawsuit and complete it with the necessary data within a period of 30 days. If the plaintiff does not complete the lawsuit as advised by the judge, then the judge declares the lawsuit unacceptable. Then the judge may request an explanation to the state administrative body or official concerned, in order to complete the data needed for the lawsuit.

4. Determination of court day
The trial day is set no later than 30 (thirty) days after the lawsuit is recorded in the case list. The judge determines the time, day and place of the trial by considering the proximity of the residence of the disputing parties.
5. Summon the parties to the dispute
This summons is carried out after the completion of the stages of action prior to the examination in court. After determining the day of the trial, the judge shall summon both parties to the dispute to appear at the time and place he has determined. The summons is considered valid if it has been sent in a registered manner, and has been received by the person concerned along with a copy of the lawsuit with a

notification that the lawsuit can be answered in writing.

B. Examination at court hearing

The presiding judge begins examining the dispute in court by reading out the contents of the lawsuit. If the answer to the lawsuit is already available, then the judge will also read it out. And if the answer is not yet available, then the judge gives the defendant the opportunity, at the next hearing to submit an answer from the defendant. After the lawsuit and the defendant's answer have been read out, the chief judge gives both parties the opportunity to explain as necessary, both to the lawsuit and to the defendant's answer. Furthermore, the plaintiff is given the opportunity to change the reasons that form the basis of the lawsuit. The reasons must not be detrimental to the interests of the defendant, must not increase the demands. And the defendant is also given the right to change the reasons that form the basis of his answer. Changes to both the lawsuit and the answer, although possible, are only matters that provide clarity regarding the subject matter of the dispute. In disputes at the state administrative court, the parties may be accompanied or represented by one or more legal representatives. This authorization can be done by making a special power of attorney which can be done orally at the trial.

C. Court decision

A court decision is made to decide a case, which is submitted to it in the framework of the so-called Jurisdietio Contentiosa listed in Article 97 and Article 108 - Article 114. The court decision is in the form of:

I. complaint rejected

Rejecting the lawsuit means upholding the decision of the state administrative body or official.

II. The complaint is granted.

Granting a lawsuit does not mean not justifying the decision of a state administrative body or official, either in whole or in part.

III. Lawsuit not accepted

By not accepting the lawsuit, the lawsuit does not fulfill the conditions that have been determined.

IV. Lawsuit dismissed

A lawsuit is dismissed if the parties or their attorneys, all of whom are not present at the hearing that has been determined and has been properly summoned.

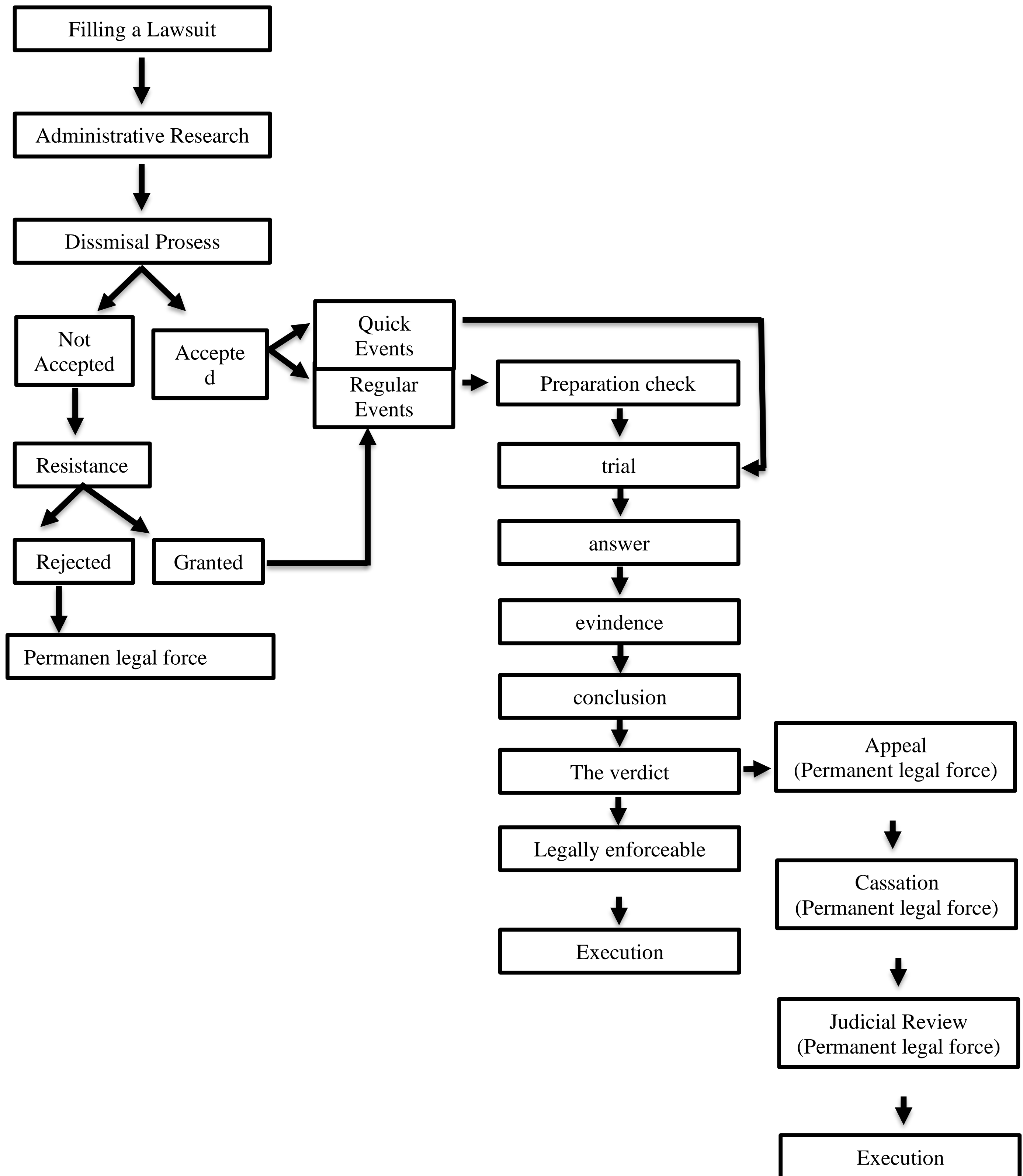
G. CONLUSION

Based on the results of research and discussion in the writing of the article that has been carried out, it can be concluded that public understanding of the mechanism of organizing the State Administrative Court as a form of legal protection is still far from what is expected, while the State Administrative Court is a means of protection for citizens to obtain justice. Thus, the lack of public understanding of the State Administrative Court causes the public to assume that the government has full power which is likely to be abused to the detriment and injustice (Power Tends Corrupt, Absolute Power Corrupts Absolutely) for the community.

H. SUGGESTION

Related to this, the author suggests that the community should be more concerned about the law by socializing the law and providing a good understanding of the laws in Indonesia.

FLOW OF CASE EXAMINATION AT THE STATE ADMINISTRATIVE COURT



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