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PRINCIPLE OF CONTRARIO ACTUS IN EXECUTION OF STATE ADMINISTRATIVE COURT DECISIONS TO REALIZE LEGAL CERTAINTY IN INDONESIA

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Abstract:

Contrarius actus is an administrative law concept that states which state administrative officials who make state administrative decisions automatically have the authority to change, replace, revoke or cancel the documents they make. Non-compliance by TUN officials in applying the contrarius actus principle to PTUN decisions is a problem in this study. As an official with absolute authority to revoke or amend the decision, it should be attached to his position. The aim of this research is to determine the existence and analyze the strength of the executorial implementation of PTUN Judge Decisions in order to realize legal certainty in Indonesia. In this dissertation, the issues that will be discussed are First, what are the arrangements for the execution of State Administrative Court Decisions in Indonesia, Second, Is the application of the Contrario Actus Principle in the execution of State Administrative Court Decisions effective in order to realize legal certainty in Indonesia, Third, what is the executorial power? Decisions of judges at the State Administrative Court can create legal certainty for justice seekers in Indonesia. This research is normative juridical research, namely research that is focused on examining the application of rules or norms in positive law. The object of this research is positive law which regulates the existence of decisions of State Administrative Court judges in the context of realizing legal certainty. In this research, there are five main approaches used, namely: the legislative approach (Normative approach), the case approach, the Historical approach, the comparative approach and the conceptual approach. The results of this research are that, many of the arrangements for the execution of PTUN decisions are still not implemented because the execution arrangements in the State Administrative Court Law give rise to misunderstandings regarding the independence of judicial institutions. The application of the Contrario Actus Principle in the execution of State Administrative Court Decisions has not been effective in realizing legal certainty. In Indonesia, because there are no clear and specific regulations that state sanctions for Defendants who do not implement PTUN decisions, the legal awareness possessed by state administration officials in Indonesia is still quite low to obey in implementing PTUN Decisions, TUN Officials who do not comply PTUN's decision is a criminal act (Contempt of Court)

Keywords: Principle of Contrario Actus, Execution, PTUN Decision, Legal Certainty.

INTRODUCTION

Indonesia as a rule of law is regulated in article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The implementation of the concept of a rule of law makes the division of power a part that plays a role in the administration of government. Where, the division of power allows for limitations in the exercise of power. It is thought that the idea of limiting power must exist so that state power is not concentrated in the hands of just one person or one organ. This view is a manifestation of the implementation of the rule of law if, first, power is divided into various branches (separation of power), and second, state institutions that have different powers are allowed to control each other (check and balance system) (Saartje Sarah Alfons: 2018).

Based on this, the idea of a rule of law is built by developing the legal instrument itself as a functional and just system, developed by arranging the political, economic and social institutional superstructure and infrastructure in an orderly and orderly manner, and fostered by building a culture and legal awareness. rational and impersonal in social, national and state life (Jimly Asshiddiqie:2023)

Each judicial environment above has its own competence and scope of authority. Specifically regarding the State Administrative Court, furthermore the environmental competence of the State Administrative Court is regulated based on Law Number 5 of 1986 concerning Regulations as last amended by Law Number 51 of 2009. In this latest amendment, competency matters are regulated in Article 47 which states that the State Administrative Court has the duty and authority to examine, decide and resolve state administrative disputes (Article 47 of Law No. 51 of 2009).

Justice is an emphasis in the rule of law, according to Aristotle, because it is a condition for achieving the happiness of citizens. Meanwhile, as a basis for justice, it is necessary to teach a sense of morality to every human being. For Aristotle, real regulations are regulations that reflect justice for interactions between citizens. With this way of thinking, in Aristotle's view those who rule in the state are not actually humans but just thoughts which are expressed in legal regulations, while the ruler only maintains the law and balance.

In Indonesia the concepts of Rechtsstaat and rule of law are both translated as the rule of law, but actually there is a difference between rechtsstaat and the rule of law as identified by Roscoe Pound, rechtsstaat has an administrative character while the rule of law has a judicial character (Roscoe Pound: 1957). The consequence of this statement as a rule of law is that all actions of government officials and state officials within the Republic of Indonesia must be based on law. The law must be the commander in chief to overcome all aspects that will intervene in the law. Likewise, political life must be subject to legal provisions, not the other way around.

The concept of the rule of law aims to prevent the state or government from acting arbitrarily. Along with the development of Indonesian society, the law also develops towards the era of reform. In this era, society's order of life is developing for the better, marked by the continued increase in the welfare of the Indonesian people, the increase in educated people and increasingly improving economic development. One of the important contents of a Constitution is how the implementation of state power is carried out by state organs.

State organs or institutions are subsystems and the entire system of administering state power. The system of administering state power concerns the mechanisms and work procedures among the state organs as a unified whole in exercising state power. The system of administering state power fully describes the working mechanism of state institutions that are empowered to achieve state goals. The state is actually a construction created by mankind (Human Creation) regarding relations between humans in social life which is organized in such a way for the purpose of fulfilling interests and achieving common goals (Jimly Asshiddiqie: 2010).

In particular, judicial power has been regulated in Article 1 of Law Number 48 of 2009 concerning Judicial Power which determines: Judicial power is the power of an independent state to administer justice in order to uphold law and justice based on Pancasila, for the sake of the rule of law of the Republic of Indonesia. Judicial power is exercised by the Supreme Court and the judicial bodies under it, while the judicial bodies under the Supreme Court include: General Courts, Religious Courts, Military Courts, and State Administrative Courts. Independence of Judicial Power is an important requirement in carrying out legal discovery activities by Judges in Court. The freedom of Judicial power means that there is no intervention from any parties, an independent Judicial power to administer the Judiciary in order to uphold law and justice so that it is necessary to realize a judicial institution that is clean and authoritative in fulfilling a sense of justice in society.

The State Administrative Court which was originally called the State Administrative Court then changed its name to the Government Administrative Court then after the passage of Law Number 5 of 1986 Concerning State Administrative Court the term used is the State Administrative Court, it has long been aspired to since the days of government Dutch colony, this desire always failed in the middle of the road for various reasons. This desire only materialized at the end of 1986, namely with the passing of Law Number 5 of 1986 concerning State Administrative Courts, on December 29, 1986, the State Administrative Courts consisted of the State Administrative Court as the Court of First Instance and the High Administrative Court. State as the Court of Appeal and culminating in the Supreme Court.

On this basis, the government is obliged to continually develop, perfect and discipline state apparatus so that these apparatus become effective, efficient, clean and authoritative in carrying out their duties, namely always upholding legal truth based on the spirit and attitude of service to society. . To achieve the desired conditions as mentioned above, the government must play an active and positive role in building relationships with the community.

The desire to create a public that can be implemented and achieve maximum results, then the organizers of State Administration or Government Administration Officials are given a certain independence to act on their own initiative. So it can solve various problems that require quick handling.

In fact, decisions on state administration do not have to be resolved through judicial mechanisms at the PTUN, because the state administrator, in this case as a TUN official who has the authority to issue decisions (Beschiking), has the authority to change or revoke the decision if it is deemed problematic, because the TUN official has the power or absolute authority to revoke a decision or policy issued because the authority to revoke or amend the decision is attached to it or known as the contrarius actus principle.

In fact, the existence of the principle of contrarius actus in state administrative law in Indonesia can be seen in Law Number 23 of 2014 concerning Regional Government Article 251 and Law Number 5 of 1986 concerning State Administrative Courts Article 97 paragraph (7) and paragraph (8) and paragraph (9) (A'an Efendi and Freddy Poernomo:2019).

In fact, the principle of contrarius actus comes from Latin or is also known as consensus contrarius (contrary action, contrary law). Contrarius actus is a term for actions taken by a state administrative agency or official who issues a State Administrative Decree by itself or automatically has the authority to cancel said State Administrative Decree.

This principle is a juridical term. In the event that the previous act (actus primus) is canceled or abolished, in other words the actus contrarius has the same legal force as the actus primus. For example, the issuance of a law can only be revoked through the issuance of a law which explains that the law is revoked or amended, and cannot be revoked through regulations under it, administrative measures can only be canceled or amended by other administrative actions which explain such matters, apart from that legal transactions can only be canceled through other legal transactions, the concrete action of which is a contractual agreement that can only be changed or canceled by a similar contractual agreement (Chakim Lutfi M: 2017).

The application of the Contrarius Actus Principle shows how the ruler has absolute power to revoke decisions or policies issued because the authority to revoke or correct these decisions is inherent in the ruler. Therefore, the history of the birth of the principle of contrarius actus comes from the Roman legal tradition which implements law based on absolute power, which is very clearly contrary to the concept of a legal state, which requires the state to carry out its activities based on law, not power (machtsstaat) (Muhammad Reza Winata) , so that in the concept of a legal state, the application of the Contrarius Actus Principle is balanced with the decision of the Administrative Court or State Administrative Court which adjudicates the decision of the TUN official.

The object in the State Administrative Court is the State Administrative Decree. A State Administrative Decree is a written determination issued by a State Administrative Agency or Official containing State Administrative legal actions based on the applicable Legislative Regulations which are concrete, individual and final in nature which give rise to legal consequences for a person or civil legal entity, in matters for reviewing decisions of State Administrative Officials can be seen in Article 53 of Law Number 5 of 1986 concerning State Administrative Courts as amended by Law Number 9 of 2004 jo.

In general, the State Administrative Court is familiar with decisions that are not final decisions and final decisions. A decision that is not a final decision is a decision handed down by a judge before the examination of the State Administrative dispute is declared complete. Meanwhile, the final decision is the decision handed down by the Panel of Judges after the examination of the State Administrative dispute is completed which ends the dispute at a certain court level (Appeal and/or Cassation).

If a State Administrative Court decision does not have executorial power, how can the law and society supervise the running of the government carried out by State Administrative officials? The problem of implementing judicial decisions (excecutions) within the State Administrative Court since the establishment of this judicial body is still problematic, in other words, a mechanism has not been found for how decisions must be implemented in accordance with the material of the decision.

Compliance with officials regarding the decisions of the state administrative court (PTUN) turned out to have a bad track record. Especially in law enforcement in Indonesia as a rule of law country. In accordance with the mandate of Article 1 paragraph (3) of the 1945 Constitution. Many cases were recorded, in the period 2008-2013 to 2019 regarding PTUN decisions that were not implemented. Likewise in the Oesman Sapta Odang case dated March 22 2019, the officials also did not carry it out. About 6 years, various PTUN decisions with a total of 276 cases, only 15 decisions were implemented. The remainder, equivalent to 95 percent or 261 PTUN decisions, were not implemented (https://www.malangtimes.com/baca/49535/20200228/134800/terbengkalai-6-tahun-ratusan-bangunan-ptun-tak-dilaksanakan-ini-sanksinya) . This condition is certainly an unpleasant record for the compliance of officials and their executors in Indonesia. In fact, according to the results of other research conducted by the Supreme Court Legal and Judicial Research and Development team, there are sanctions or coercive measures for officials or defendants who do not implement PTUN decisions in accordance with Article 116 of Law 51 of 2009.

In the 2019 PTUN case, regarding Oesman Sapta Odang versus the KPU, the Supreme Court also emphasized that the decision which had legal force must be implemented by the party being sued, but it was not implemented. In the case related to Oesman Sapta Odang versus the KPU at the Jakarta Administrative Court, Jakarta Administrative Court No. 242/G/SPPU/2018/PTUN.JKT which ordered the KPU to revoke the Decree on the Determination of DCT members of the DPD for the 2019 Election (Moh. Dani Pratama: 2018), as well as issuing a new decision regarding the determination of the DCT which includes the name of OSO as a permanent candidate for DPD member for the 2019 Election (Decision of the Jakarta State Administrative Court Number 242/G/SPPU/2018/PTUN.JKT). The Jakarta PTUN even issued an executorial letter to the KPU to implement its decision (Yustinus Paat: 2019), in Letter Number W2.TUN1.287/HK/06/I/2019. However, in the end the KPU did not issue a decision to determine OSO as a permanent candidate for DPD 2019. This action taken by the KPU was not without reason, but was carried out based on Constitutional Court Decision Number 30/PUU-XVI/2018 which confirmed that individual Indonesian citizens were running for office. as a member of the DPD may not concurrently serve as a member of a political party.

Even though the PTUN decision regarding election process disputes is final and binding and no other legal action can be taken, the KPU is obliged to follow up on the PTUN decision no later than 3 (three) working days (Law Number 7 of 2017). Provisions in the PTUN procedural law also require every PTUN decision that has obtained permanent legal force to be executed by the administrative official concerned with the decision that is the object of the PTUN lawsuit (Law Number 5 of 1986). The obligation of state administration officials to comply with court decisions is also stated in the Government Administration Law (Law Number 30 of 2014), the Election Law itself, apart from explicitly mentioning the KPU's obligations, there are other obligations that the KPU must also comply with, namely to carry out other obligations. in accordance with the provisions of the legislation. (Law Number 7 of 2017, Article. 14 letter n).

Based on this, if viewed normatively, the KPU should carry out the PTUN decision regarding OSO. However, conflicting rulings between different judicial institutions have caused the state administration officials concerned, in this case the KPU, to have obstacles in executing the PTUN decisions. So, what are the conditions for the execution of the State Administrative Court's decision in terms of Decision No. 242/G/SPPU/2018/PTUN.JKT. Then, what are the consequences if State Administrative Officials do not implement the decisions of the State Administrative Court in order to respect the decisions of other judicial institutions?

Likewise, at the Jambi State Administrative Court there are several Court Decisions that have permanent legal force and have been requested for execution, however, TUN Officials who have the authority do not implement the PTUN decisions. That the argument of the TUN Official is that because the authority is the TUN Official, so as long as the TUN Official does not issue a Decision to implement the PTUN Decision, then the winning Party cannot occupy or restore its position in accordance with the lawsuit that has been submitted and has been granted. judge. This is illustrated in the Decision of the Medan State Administrative High Court Number 134/B/2021/PT.TUN.MDN dated 30 August 2021 in conjunction with the Decision of the Jambi State Administrative Court Number 35/G/2020/PTUN.JBI dated 20 April 2021 between 1). Abdul Talib and 2) Limun District, Sarolangun Regency Number: 12 of 2020 concerning the Dismissal and Appointment of Temalang Village Officials, Limun District, Sarolangun Regency, dated 01 August 2020, along with the attachments and Letter from the Head of Limun Subdistrict Number: 142/30/Pem/2020, Subject: Recommendations, dated 29 July 2020 Then, furthermore, the Jambi State Administrative Court in the a quo case stated that it obliged the Head of Temalang Village to revoke the State Administrative Decree in the form of a Decree from the Head of Temalang Village, Limun District, Sarolangun Regency Number: 12 of 2020 concerning the Dismissal and Appointment of Officials from Temalang Village, Limun District, Regency. Sarolangun, dated 01 August 2020, along with its attachments and obliged the Head of Limun Subdistrict to revoke the Letter of the Head of Limun Subdistrict Number: 142/30/Pem/2020, Subject: Recommendation, dated 29 July 2020 (Decision of the Jambi State Administrative Court Number 35/G/ 2020/PTUN.JBI dated 20 April 2021).

Regarding the Decision of the Medan High State Administrative Court Number 134/B/2021/PT.TUN.MDN dated 30 August 2021 in conjunction with the Decision of the Jambi State Administrative Court Number 35/G/2020/PTUN.JBI dated 20 April 2021 which has legal force remains (incrah), the Plaintiff has applied for execution since December 16 2021 until now the decision has not been implemented by the TUN Officials (https://sipp.ptun-jambi.go.id/index.php/detil_perkara), so the Plaintiff is a citizen the state has not felt a sense of justice and legal certainty even though in the case the PTUN decision has been incrah.

The reason why the Head of Temalang Village does not implement the PTUN decision is because the person who has the authority to make and revoke a decision is the TUN Official, so as long as the TUN Official does not issue a Decision to implement the PTUN Decision, then the winning Party cannot occupy or restore its position accordingly. with a lawsuit that has been filed and has been decided by a judge, it is a manifestation of a wrong application of the understanding of the application of the Contrarius Actus principle. Some TUN officials consider that the application of the Contrarius Actus Principle means that the TUN Authorities or Officials have absolute power to revoke decisions or policies issued because of the authority to revoke or correct them. This decision is attached to the TUN Official in the concept of a legal state where the Contrarius Actus Principle is implemented, balanced with the Decision of the Administrative Court or State Administrative Court which adjudicates the decision of the TUN Official.

Therefore, for the sake of upholding the dignity of the court, the decision of the Medan State Administrative High Court Number 134/B/2021/PT.TUN.MDN dated 30 August 2021 should be combined with the Decision of the Jambi State Administrative Court Number 35/G/2020/PTUN.JBI dated 20 April 2021 implemented by the head of Temalang Village and the Head of Limun District, so that the Decision of the Medan State Administrative High Court Number 134/B/2021/PT.TUN.MDN dated 30 August 2021 in conjunction with the Decision of the Jambi State Administrative Court Number 35/G/2020/ PTUN.JBI dated 20 April 2021 has executorial power, not that TUN officials are hiding behind the principle of contrarius actus and until now since 16 December 2021 there has been no legal certainty regarding the position of the Plaintiff.

Therefore, with many PTUN Decisions which already have legal force and are still not implemented for the reason that the TUN Officials have the authority, then as long as the TUN Officials do not issue a Decision to implement the PTUN Decision, then the winning Party cannot occupy or restore its position. In accordance with the lawsuit that was filed and has been decided by the judge, it is a manifestation of the wrong application of the understanding of the application of the principle of Contrarius Actus and creates legal uncertainty, so efforts to improve and enhance the image and existence of the State Administrative Court in society in terms of the implementation of decisions or executions in The State Administrative Court is a very interesting thing for the author to carry out normative research, namely through a juridical review of the provisions regarding the implementation of decisions (execution) in the State Administrative Court as regulated in Article 116 of Law Number 51 of 2009 concerning the Second Amendment to the Law -Law Number 5 of 1986 Concerning State Administrative Courts, with an emphasis on the factors or problems affecting the Defendant (State Administrative Agencies or Officials or the Government) in implementing the provisions regarding the implementation of decisions (execution) in State Administrative Courts. Based on this description, the author tries to raise this problem in a legal writing entitled "The Principle of Contrario Actus in the Execution of State Administrative Court Decisions to Achieve Legal Certainty in Indonesia".

RESEARCH METHODS

Legal research is a process of discovering legal rules, legal principles and legal doctrines in order to answer the legal issues faced. In carrying out legal research, of course the research methods used cannot be separated. This research is legal research. The type of research used in this dissertation is normative juridical legal research. Quoting the opinion of Bahder Johan Nasution who said that normative legal research is research that pays serious attention to existing positive legal buildings, maintains and develops them with logical buildings (Bahder Johan Nasution) by conducting studies on three layers of legal science, namely legal dogmatics, legal theory , and legal philosophy (Peter Mahmud Marzuki: 2013). The object of this research is positive law which regulates the execution of decisions of State Administrative Court Judges in the context of realizing justice and legal certainty. This type of research is also commonly referred to as dogmatic study or what is known as doctrinal research, which is also similar to normative legal research. Doctrinal type research. In this research, there are four main approaches used, namely: Statutory Approach, Case Approach, Historical Approach, Comparative Approach, Conceptual Approach.

The legal materials used include primary, secondary and tertiary legal materials sourced from: Primary legal materials consist of Legislation relating to the issues discussed such as the 1945 Constitution, Laws relating to judicial power, Law on State Administrative Courts and other regulations concerning the implementation of judicial power. Secondary legal materials are legal materials that can provide explanations regarding primary legal materials that can be obtained from textbooks, journals, opinions of scholars, as well as the results of symposiums held by related parties related to the problem being studied. Tertiary legal materials are legal materials that can provide meaningful instructions and explanations for primary and secondary legal materials such as legal dictionaries, etc.

The collection of primary and secondary legal materials is carried out through literature study activities (library review) and searching the internet as well as an inventory of statutory regulations related to the issues to be discussed, then the statutory regulations are grouped based on their hierarchy. The legal materials that have been obtained are arranged in an orderly, sequential, logical manner so that they are easy to understand and understand, then place the legal materials according to a systematic framework or group the legal materials according to variables or research objects, namely what is the point of attention in this research. Secondary legal materials are publications about law that are not official documents. Secondary legal materials as support for this research are text books written by legal experts, legal journals, articles, the internet, and other sources that have correlations to support this research. The collection of primary and secondary legal materials is carried out through library research and internet searching as well as an inventory of statutory regulations related to the issues to be discussed, then the statutory regulations are grouped based on their hierarchy. The legal material that has been obtained is then arranged in an orderly, sequential, logical manner so that it is easy to understand and understand, then placing the legal material based on a systematic framework or grouping the legal material according to the variable or research object, namely what is the point of attention in this study. The legal materials that have been collected (primary, secondary and tertiary legal materials) are then analyzed with steps including description, systematization and explanation. The description includes the content and structure of positive law" (Philipus M Hadjon: 1994).

RESEARCH RESULT

1. Arrangements for the Execution of State Administrative Court Decisions in Indonesia.

   Arrangements for the implementation of the Execution of PTUN Decisions are regulated in Law Number 5 of 1986 concerning State Administrative Court which has undergone 2 (two) revisions, namely Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning Judiciary State Administrative Court and its first amendment was Law Number 9 of 2004 concerning Amendment to Law Number 5 of 1986 concerning State Administrative Court, but in reality many were not implemented because the execution arrangements in the State Administrative Court Law gave rise to There is a misunderstanding regarding the independence of the judiciary, namely that in order to implement the contents of the Administrative Court's decision, the Chairperson of the Administrative Court must ask the superior of the executive officer who is made the defendant to comply with the contents of the decision, because it is the superior of the executive officer who is considered to have the veto right. This procedural regulation is because the drafters of the law were aware that officials in Indonesia were reluctant to comply with court orders. Apart from that, there were several cases where according to superiors the officials who were made the defendants did not wish to carry out the contents of the decisions because they were sensitive in nature which were assumed to endanger social and political stability. In many cases, however, it is difficult to prove, that officials tried to pressure judges, there is no doubt that political considerations influenced some decisions.

2. Application of the Contrario Actus Principle in the execution of State Administrative Court Decisions in Indonesia.

   The application of the Contrario Actus Principle in the execution of State Administrative Court Decisions has not been effective in realizing legal certainty in Indonesia because regarding the execution of PTUN Decisions it still adheres to the principle of self respect and legal awareness of TUN officials regarding the contents of the judge's decision to carry it out voluntarily without any coercive efforts and in line with the principle of contrarius actus in administrative law whereby the authority of a state administrative body or official issuing a State Administrative Decree automatically or automatically has the authority to cancel a State Administrative Decision. Even though normatively it is regulated in the PTUN Law that against a TUN court decision that has permanent legal force, the obligation that must be carried out by the defendant (TUN Official) can be in the form of Revocation of the relevant State Administrative Decision or Revocation of the relevant State Administrative Decision and issue an Administrative

decision new business; or Issuance of State Administrative Decisions in the event that a lawsuit is based on the provisions of Article 3 UUPTUN, however the problem that often arises in practice is the difficulty of executing TUN court decisions which have permanent legal force voluntarily carried out by TUN officials who are punished to revoke their decision. , or issue a new decision to implement it voluntarily.

3. Executorial Power of Decisions of State Administrative Court Judges in Indonesia.

   A new concept or regulation is needed in the Law to realize the Executorial Power of State Administrative Court Judge Decisions in order to create legal certainty for Justice Seekers in Indonesia, because PTUN decisions have a very vital role and function in a state based on rechstaat law. Apart from that, PTUN was established with the aim of realizing good government and modernizing the Indonesian legal system. Meanwhile, these problems occur due to several factors, including: there are no clear and specific regulations that state sanctions for Defendants who do not implement PTUN decisions, legal awareness possessed by state administration officials in Indonesia is still quite low, so from it is necessary to arrange so that the Administrative Court's Decisions are obeyed by Administrative Officers in the form of First, by establishing and authorizing the execution of forced efforts by the PTUN Executorial Institution which can provide sanctions in the form of forced efforts and Second by enforcing the actions of State Administrative Officers who do not comply with the Administrative Court's Decision is a Contempt of Criminal Act Court, namely an act that can be qualified and categorized as an insult to the judiciary such as disobeying court orders, so that it is necessary to regulate in the Law or the Revision of the Administrative Court Law to make arrangements regarding the actions of someone who does not comply with court orders such as not carrying out court decisions can be imposed criminal insult to the judiciary.

4. Suggestions
   a. To the Government, in this case the President as the Head of State in realizing good governance and progress in the Indonesian legal system within the framework of the Pancasila legal state, it must be able to ensure that TUN officials should have great responsibility for obedience to the law and an honest attitude in implementing PTUN decisions. TUN officials as people's leaders or people who are trusted by the people, would be very embarrassing if they did not have a sense of responsibility, be honest, and obey the law towards Court decisions, regarding this problem the author believes that it is necessary to have an Executorial Administrative Court as an implementing agency for State Administrative Court Decisions that can make coercive measures against State Administrative Officials who disobey and comply with the Decisions of the State Administrative Court which already have permanent legal force (Inkracht Van Gewijsde).
   b. The need for the DPR as the legislative body to make laws related to the PTUN Executorial Institution which manages forced efforts to implement PTUN Decisions so that PTUN Decisions can be carried out to create legal certainty. Likewise, the DPR or the President can discuss together to make a third revision to Law Number 5 of 1986 concerning State Administrative Court in conjunction with Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning State Administrative Court by adding arrangements regarding the Administrative Execution Agency and including arrangements so that Administrative Court Decisions are obeyed by State Administrative Officers in the form of First, by establishing and authorizing the execution of forced efforts by the Administrative Executorial Institution which can provide sanctions in the form of coercive measures and Second by enforcing the actions of State Administrative Officers who do not comply The Administrative Court's decision is a criminal act (Contempt of Court), namely an act that can be qualified and categorized as an insult to the judiciary, such as disobeying court orders, so that it is necessary to regulate in the Law or Revision of the PTUN Law to make arrangements regarding the actions of someone who does not comply. Court orders such as failure to carry out court decisions can be subject to criminal contempt against the judiciary.

CONCLUSION

There are still many arrangements for implementing the execution of PTUN decisions that have not been carried out because the execution arrangements in the State Administrative Court Law have led to misunderstandings about the independence of judicial institutions, the application of the Contrario Actus Principle in the execution of State Administrative Court Decisions has not been effective in realizing legal certainty in Indonesia, because it has not there are clear and specific regulations that state sanctions for the Defendant who does not carry out the Administrative Court's decision, the legal awareness possessed by state administration officials in Indonesia is still relatively low to obey in implementing the Administrative Court's Decision, State Administrative Officer who does not comply with the Administrative Court's Decision is a Criminal Act (Contempt of Court)

AWARD

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