ABSTRACT

The problem posed in this study is what are the factors causing the obstruction of the implementation of the PTUN decision? second, what is the solution to the obstruction of the implementation of the PTUN decision? The purpose of the study is to determine the factors causing the obstruction of the implementation of the PTUN decision and the formulation of solutions for the obstruction of the implementation of the PTUN decision. This study uses doctrinal study methods. emphasizes the use of secondary data from primary legal materials, especially on regulations related to material and formal aspects of State Administrative Justice, secondary legal materials in the form of reference books and research relevant to the theme of study. Especially for reference books and research will be expanded with historical and social themes to see the social factors that influence the formation of law. Third, tertiary law materials as data discovery tools. The collected and selected data were analyzed using qualitative methods using regulatory approaches and concepts. Furthermore, all analysis results will be presented in descriptive form. The results of this study found that obstacles to the implementation of PTUN decisions are procedural laws that have not been able to provide guarantees about the mechanism for implementing decisions and decisions that do not consider aspects of the state administrative law ecosystem and administrative political ecosystem. In the event that there is a request to issue a decision or take action or revise the decision by issuing a new decision, an ex nunc assessment and the implementing agency of the PTUN decision are required.

KEYWORDS execution; verdict; state administrative court

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INTRODUCTION

Two crucial issues faced by the Indonesian nation related to state management today are the problem of irregularities in state management and the resolution of state administration conflicts. Deviation in state management results in inhibition of state growth and development from various sectors. Things that play a very important role in influencing government behavior in running state administration are political and legal configurations.

Various problems of bureaucratic pathology, abuse of authority and maladministration have had an impact in the form of reduced public trust in the government on the basis of improper behavior (including delays in providing services), disrespectful and indifferent to problems that befall the community (users) caused by government actions that implicate abuse of power, including the use of power arbitrarily or power used for actions which is unreasonable, unfair, intimidative or discriminatory, and should not be based in part or in whole on the provisions of the Law or facts and unreasonable (Tedi & Wijaya, 2021).

This condition, sooner or later and on a large and small scale, will cause vertical conflicts between the community and the government. Actually, it has been realized by the government, giving rise to the initiative to form a special institution to resolve the conflict. This was stated by Ahmad Sodikin that initially the Constitution of the Republic of Indonesia (UUD 1945) did not recognize the existence of the Constitution of the Republic of Indonesia (UUD 1945) did not recognize the existence of the Tor Usaha Negara (PTUN) court, but the term judiciary was officially stipulated by Law No. Article 19 of 1948, which regulates the composition and powers of the judicial power and the office of the prosecutor, was placed. comes out in Chapter III of the "State Administrative Court" for PTUN which consists of two parts, namely Article 66 and Article 67 of the Law (Shodiqin & Wibowo, 2023). In the process of establishing PTUN, the Government of Indonesia tried to explore the main sources of the administrative system from France to explore. In addition to France, Indonesia also studied the Dutch administrative law system.

In fact, the Law that specifically regulates the State Administrative Court (PTUN) and its procedural law only existed in 1986 with the issuance of Law Number 5 of 1986 concerning the State Administrative Court, even by giving a grace period of five years to the government to prepare all court instruments so that in real terms the PTUN began to carry out its functions in 1991. Masloman said that the State Administrative Court functions to provide protection and resolve administrative disputes that occur between citizens and the government (Masloman, 2022). Therefore, the State Administrative Court as a body that prevents unlawful acts by the government or the ruler.

In examining and deciding state administrative conflicts as a result of government decisions and actions that are considered deviant, various problems are still encountered. Since PTUN exercises its authority as a state administrative conflict dispute resolution institution, many problems have been encountered in the field. But the most crucial thing that still happens today is about the execution of the PTUN ruling. This execution is very important considering that the process of seeking legal certainty has been completed. Legally formally, decisions or actions
of government officials or bodies already have legal certainty through PTUN decisions. However, this will end in climax or anti-climax if a situation arises where the PTUN decision has been implemented or not.

The implementation of a court verdict will be difficult if it is a decision that confirms the state or position (declarator) and assures the state of law (constitutive), the real object is not in accordance with the object of the decision, the object of the decision musnah or turns into state property, objects abroad. In the procedural law in PTUN, normatively regulations regulate the procedures for implementing PTUN decisions, but these regulations have not been able to fully regulate the implementation of decisions. The practical obstacles, among other things, the position of the Supreme Court in the arrangement of Judicial Power in Indonesia; different interpretations of each Administrative Court Judges in implementing the Government Administration Law; the level of knowledge of the public society and the law enforcement; absence of comprehensive infrastructure in the implementation of administrative efforts according to the mandate of the Government Administration Law and not strong regulations on Execution of State Administrative Decisions (Sudiarawan et al., 2020).

This situation is enough to interfere with the complete resolution of state administrative conflicts that ideally the court should be able to do so. There are two circumstances that are factors that cause the execution of a court decision cannot be implemented, namely the low good faith of the official or administrative body and the administrative circumstances that prevent the official or administrative body from carrying out the execution.

In the absence of good faith from officials or administrative bodies to implement court decisions, it becomes the most difficult circumstance to resolve state administrative conflicts. Law Number 51 of 2009 responds to the unwillingness of officials or state administrative bodies to implement Court decisions with gradual actions by ordering to implement decisions, imposition of forced money and / or administrative sanctions, announcements in local mass media as well as asking the president to order the administrative officials to implement decisions and notifications to the people's representative institutions in order to carry out supervisory functions.

Although multiple remedies are mandated by law, when good faith does not exist, the Court is essentially unable to resolve the administrative conflict. The institutions referred to by the Act also rely heavily on strong faith. When the intention is not strong, neither the court nor the parties to the conflict can do anything.

State administrative circumstances that hinder the implementation of court decisions arise because of administrative aspects as a prerequisite for officials or state administrative bodies to issue decisions. Administration prerequisites that are not met will be faced with having to carry out court decisions. This situation creates new problems related to the fulfillment of prerequisites and the fulfillment of community rights to Court decisions.

Some research has found that the cause of the inability to enforce the Court's decision is not a single cause and it is not simple to eliminate the cause. There are at least three major obstacle clusters that when detailed there will be quite a lot of
variants of sub-obstacles, namely the character factor of court decisions that technically collide with other legal or administrative issues, the factor of unwillingness of administrative bodies and/or officials to implement court decisions and third is the factor of regulations that are not comprehensive.

Some of the causal factors in the decision cluster, from the plaintiff's aspect, are due to a new decision-making order by not considering beforehand where the plaintiff has or has not fulfilled the requirements that the defendant will use for the basis for issuing a decision. This will cause complexity for the defendant to obediently implement the court decision, regarding the order to revoke the decision that has been canceled and the order to issue a new decision (Febrianasari et al., 2021).

From the aspect of kapabili bag of the executing officer of the decision at the State administrative court has permanent legal force (inkracht van Gewijsde), it turns out that it cannot be implemented and/or not implemented the decision. This is closely related to using the authority given to regional heads in the era of widespread decentralization and the lack of understanding of regional leadership related to legal protection and legal certainty in the State rules adopted by the State of Indonesia (Pattipawae, 2019).

In more detail, Rumadan said that several factors resulted in the weak punishment of the TUN Court decision which has permanent legal force, including; first, the absence of a legal law that compels TUN Officials to implement the decisions of the TUN Court with the force of permanent rules; second, the factor of the judge’s decision that does not dare to include the payment of a sum of forced money if the TUN official concerned does not implement the Court’s decision; and, third, the compliance factor of TUN officials in carrying out court decisions that have permanent legal force (Rumadan, 2012).

In some studies that recommend the implementation of court decisions, it is also considered impractical by the state or there are special considerations that have not been revealed. Several times changes to the Law on the State Administrative Court have never regulated provisions on the execution of judgments that can be carried out completely. The promulgation of Law Number 30 of 2014 concerning Government Administration, although radically changing many matters related to formal and, especially, material law, still does not touch the implementation of court decisions. The latest changes, made through the controversial omnibus law, also changed only slightly related to positive fictitious decisions without changing at all the regulations on the execution of judgments. What factors make the government reluctant to fully regulate the implementation of court decisions is a very interesting object of research.

The study aims to examine further the causes of ineffective implementation of court decisions that have permanent legal force accompanied by practical, simple and easy to implement solutions from aspects, regulations, decisions and government administration in two research questions. First, what are the factors causing the obstruction of the implementation of the PTUN decision? second, what is the solution to the obstruction of the implementation of the PTUN decision? This study is important because the various solutions presented in various studies have
not been able to make the conditions for implementing the decision can be implemented completely.

**RESEARCH METHOD**

This research uses doctrinal study methods. Emphasizes the use of secondary data from primary legal materials, especially on regulations related to material and formal aspects of State Administrative Justice, secondary legal materials in the form of reference books and research relevant to the theme of study. Especially for reference books and research will be expanded with historical and social themes to see the social factors that influence the formation of law. Third, tertiary law materials as data discovery tools.

The collected and selected data were analyzed using qualitative methods using regulatory approaches and concepts. Furthermore, all analysis results will be presented in descriptive form.

**RESULT AND DISCUSSION**

**Internal constraints on the implementation of PTUN rulings**

The average research that examines the implementation of PTUN decisions is based on Article 116 of Law Number 51 of 2009. This article is reviewed in such a way and then related to various events of unenforceability of court decisions along with their causes.

According to Habibi and Nuryani (2020), the problem with the application of Article 116 of the Law on PERATUN related to the implementation of PTUN decisions is based on several aspects, namely: a. the absence of a special executory institution or punitive institution that functions to implement the decision; b. Low level of understanding of TUN officials in obeying TUN court decisions; c. the absence of a firmer regulation regarding the implementation of PTUN decisions. This is why there are still TUN officials who dispute in the TUN Court unwilling to carry out court decision orders in accordance with applicable laws and regulations. Likewise, Suryanto (2022) said that several factors that are obstacles include the lack of applications for forced execution by plaintiffs, lack of implementing rules in carrying out forced executions, the absence of executory institutions and low awareness of officials. Gusman (2010) argues that the vacuum of implementing instructions and technical instructions for the execution of PTUN decisions with permanent legal force has practically resulted in the provision of force cannot be effectively applied.

The same thing was also stated by Pratama (2020) that the obstacles to forced efforts in the implementation of PTUN decisions, including the absence of a specific executory institution tasked with making decisions, and the lack of awareness of TUN officials and there are no more obvious arrangements regarding the implementation of TUN Court decisions. Likewise, Julius (2018) said that bailiffs at PTUN do not have the main duties and functions (tupoksi) like bailiffs at PN, because they are enough to carry out administrative functions in the correspondence only, without any authority to "force" so that the execution of
forced attempts can be carried out. Similarly, the supervision function of the chairman of the PTUN, which is only supervising in a passive sense, cannot impose any punishment (sanctions) if government agencies or officials still do not implement the contents of the PTUN decision and Mahendra and Syarifudin (2021) that obstacles in implementing court decisions are: 1) there is no coercive function in the state business tidy court; two) Lack of role of superior intelligence of state administrative officials; 3) Lack of force of forced money in the execution of the judgment; 4) Lack of effectiveness of mass media.

In another perspective, there are also several obstacles in other forms, among others, stated by Mulyana and Kusumaatmaja (2022) that the obstacles in the execution of the PTUN decision according to Article 116 of Law number 51 of 2009 are: 1) Amar ruling, 2) obstacles to the execution of the verdict are caused by the State Administrative Officer is a regional leader whose position is a Political Official, three) obstacles to the punishment of the verdict are caused by the TUN Official who is sued is an official who has the authority of a quasi-delegation, 4) obstacles to the discourse of knowledge of TUN officials about the theory of the State of law and AAUPB, 5) technical constraints, juridical obstacles (regarding laws and regulations), 6) obstacles related to legal principles, 7) obstacles derived in terms of limited authority of judges, 8) obstacles due to changes in the regional autonomy system, 9) obstacles to the impact of non-compliance of TUN, Putra (2021) state that execution of TUN court decisions that have permanent legal force from TUN officials is not fully effective, for example executions through forced money payments, execution of administrative sanctions decisions and announcements through the mass media. This is because there is no certainty of the execution of the TUN court decision which is not running optimally because the implementation efforts are fully handed over to TUN officials. Some problems that occur with the execution of the TUN Court have not been clearly regulated in the laws and regulations. Therefore, many citizens and officials/organs of government do not obey the ruling.

Regarding the quality of the court decisions themselves, although not all of them cannot be equated, one of the obstacles to the implementation of court decisions according to Somantri (2021) is that in fact there are decisions of the state administrative court that cannot be implemented because the quality of the decisions is not good, and due to changes in circumstances after the decision has permanent legal force. According to Shodiqin and Wibowo (2023), in some cases, the conflict of circumstances raises the view that the court will not be able to solve substantial problems because it does not review the expediency aspect, then a common thread has been drawn between the benefits of the decision and its legality. In addition to the limitation of rechmatigheid, judicial testing is also bound by the principle of ex tunc testing, which is the rule of classical principles which states that the PTUN makes an assessment on the basis of facts and circumstances obtained at the time the disputed decision is issued, and is not allowed to assess something that occurs after the decision is issued (ex nunc assessment).

**Constraints on the implementation of court decisions**

The implementation of court decisions is the end of resolving State Administration disputes. The obstacles encountered in the field make the resolution
of state administrative conflicts always end well. Sumiasih and Sarjana (n.d.) argue that in its implementation there are often State administrative court verdicts that cannot be implemented completely (non-executable) due to factors such as changes in conditions, factual acts that have occurred and the dissynchronization between procedural law and material rules.

The execution of court decisions by officials or bodies of state administration is inseparable from other provisions of state administration. The PTUN Law and the Government Administration Law become a pair of formal and material laws, which although not too synchronized, at least reduce the inequality from the pre-issuance state of the Government Administration Law.

The unwillingness of officials or state administrative bodies is considered as one of the acts of disciplinary violations. Overall, regulations regarding disciplinary punishment for officials who do not implement the TUN decision have been clearly regulated in Law number 30 of 2014 concerning Government Administration and Government Regulation number 48 of 2016 concerning the procedure for imposing administrative sanctions on Government Officials, but in its implementation there are still often those who do not implement the law, therefore, this is the duty of the personnel development official as the superior to be more responsible for the problem, because if it is not done, of course, what will be harmed boils down to the community (Wahyudi, 2021).

What can be done by the superior official who does not carry out the court verdict based on the provisions of Law number 30 of 2014 concerning Government Administration, the superior official can revoke / cancel a state administrative decision that is declared void by the court (Pranoto & Riyanto, 2022).

In addition to this, according to Jiwantara and Wibowo (2014), other external obstacles are Amar ruling, the obstacle of sentence of judgment is caused by TUN officials are regional heads whose position is political officials, obstacles to the punishment of decisions are caused by TUN officials who are sued are officials who get quasi-delegation authority, obstacles regarding the understanding of TUN officials on the theory of State rules and AAUPB, Technical barriers, juridical constraints (regarding laws and regulations), constraints related to legal principles, obstacles derived from the limited authority of judges, constraints on the impact of changes in the regional autonomy system, obstacles due to non-compliance of TUN officials.

In summary, the results of studies that have been conducted by previous researchers on the obstacles to implementing court decisions are presented in table form as follows:

| Verdict structure | Legal vacuum/weakness | Authority is not strong | administrative |
|-------------------|-----------------------|-------------------------|-----------------
| The limitation of judicial testing rechmatigheid is also bound by the principle of ex tunc non ex nunc testing | constraints related to legal principles, | Lack of effectiveness of mass media. | TUN officials' understanding of State rule theory as well as AAUPB |

Table 1. Constraints on the Implementation of Court Decisions
Options for the execution of court decisions

Some of the research recommendations that have been put forward in the past have been put forward in various forms. The first is to form some kind of executor body or institution. Ramadhan and Sastrawati (2022) offered to form an executor institution in implementing every decision of the State Administrative Court which is obliged to impose and supervise the implementation of every decision from the state administrative court in Indonesia.

Similar recommendations were conveyed by Harjiyatni and Suswoto (2017) that it is necessary to strengthen the function of PTUN as a supervisory forum as well as a judicial institution in line with the expanding competence of PTUN in accordance with the Government Administration Law. Strengthening the function of PTUN is carried out by: 1) Amending the PTUN Law to adapt to the Government Administration Law and increasing the force of punishment of decisions by forming an execution body to implement PTUN decisions; 2) increase the independence of PTUN judges in reviewing, deciding and resolving lawsuits or applications. Likewise, Simanjuntak (2014) who stated the ambivalence of government administration to be a Defendant as well as being the executor of the PERATUN decision encouraged the thought of finding a choice of which institution was more in sync to be the executor of the PERATUN decision. The executor forum of the PERATUN decision must be free from structural hierarchical relationships in other government/state public institutions, considering that every government public institution has the potential to become a Defendant in the TUN case.

Second, criminal prosecution is carried out. The recommendation submitted by Nadiyya (2022) is that administrative and civil provisions have actually been used in the procedure for executing PTUN decisions. However, in order to overcome the non-implementation of the PTUN verdict, forced efforts are needed from the criminal code as the ultimum remedium principle. The regulation regarding

<table>
<thead>
<tr>
<th>Verdict structure</th>
<th>Legal vacuum/weakness</th>
<th>Authority is not strong</th>
<th>administrative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Correlation of the benefits of decisions and their legality.</td>
<td>Juridical constraints</td>
<td>Lack of forced money power in the execution of the judgment</td>
<td>The defendant officer who obtained quasi-delegation authority,</td>
</tr>
<tr>
<td>There is a change in circumstances after the decision has the force of law.</td>
<td>The inconsistency between procedural law and material rules</td>
<td>There is no coercive function in the courts</td>
<td>regional heads whose positions become Political Officers</td>
</tr>
<tr>
<td>Limitations of the Judge's Authority</td>
<td>Changes in the Regional Autonomy System</td>
<td>absence of executory institutions</td>
<td>factors of changing conditions, factual acts that have occurred</td>
</tr>
<tr>
<td>The chairman of the PTUN, whose nature is only supervising in a passive sense</td>
<td>Juridical barriers</td>
<td></td>
<td>obstacles to the impact of non-compliance of TUN officials</td>
</tr>
<tr>
<td>The bailiff at the PTUN has no coercive authority</td>
<td>the absence of a firmer regulation regarding the implementation of PTUN rulings</td>
<td></td>
<td>Lack of role of superior agencies of state administrative officials</td>
</tr>
</tbody>
</table>
contempt of court becomes an urgency to threaten TUN officials who do not implement the decision of the PTUN. Through contempt of court arrangements, the effectiveness of the implementation of PTUN decisions can be improved. As a result, justice and legal certainty can be achieved for constitutional rights for the community.

In contrast to Nadiyya, the skeptical attitude towards administrative and civil efforts makes Suhariyanto (2019) argue that the use of administrative and civil rules is in fact less effective, forced efforts are needed on criminal rules according to the principle of ultimum remedium. Therefore, Contempt of court needs to be criminalized and used as a sanction for TUN Officials for disobedience to implement the decision of the TUN Court. In the bill on Contempt of Court, the criminalization has been accommodated. Criminalization in order to encourage the effectiveness of the execution of court decisions which in fact is an inseparable part of the service of justice to the people of the State and the gift of legal certainty to the constitutional rights of the people. Still with the same opinion, Maharani and Landra (2019) said that efforts that can be carried out to maximize the execution of TUN Court decisions on the settlement of state administrative concurrency mean criminal efforts in the form of submitting reports that use the basis of article 216 of the criminal code as a result of which in the future will have a deterrent impact on the TUN agency / official to appreciate, respect, and implement the decisions of the PTUN; civil remedies in the form of filing a lawsuit using the legal basis of article 1365 of the Indonesian Civil Code, as a result of which plaintiffs who feel aggrieved by the impact of 14 TUN bodies/officials who do not implement the decision of the PTUN can obtain their rights and can test whether it is true that the official has committed unlawful acts against the ruler.

Third, the addition of attribution of advisory rights to PTUN can be done through amendments to the Law on Administrative Justice and the Supreme Court Law. The advisory function (advieserende functie) of the TUN Court can be a vehicle to improve the quality of TUN decisions issued by the government (Tjandra, 2013) while in resolving environmental conflicts should not only be formal, procedural, but substantial and pay attention to consideration of environmental conditions in the future. The compensation arrangement must also adjust the level of loss suffered by the plaintiff and the biological environment, not limited to the current compensation arrangement in the Indonesian State Administrative Court. These matters must be considered in the preparation of a new PTUN Law in the future (Harjiyatni & Anthony, 2022).

In summary, the results of studies that have been carried out by previous researchers in providing solutions to the implementation of court decisions are presented in table form as follows:

<table>
<thead>
<tr>
<th>Administrative aspects</th>
<th>Formal aspect</th>
<th>Material aspect</th>
</tr>
</thead>
<tbody>
<tr>
<td>superior officials who do not carry out court sentences</td>
<td>increase the independence of PTUN judges in reviewing, deciding and resolving lawsuits or applications.</td>
<td>The resolution of environmental conflicts should not only be formal, procedural, but substantial</td>
</tr>
<tr>
<td>based on the provisions of Law number 30 of 2014</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative aspects</td>
<td>Formal aspect</td>
<td>Material aspect</td>
</tr>
<tr>
<td>------------------------------------------------------------</td>
<td>---------------------------------------------------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>looking for the choice of which institution is more in sync to be the executor of the PERATUN decision. Freed from hierarchical relationships</td>
<td>Coercive Attempts from the Criminal Code as Ulltimum Remedium Principle</td>
<td>Criminal Report Based on Article 216 of the Criminal Code</td>
</tr>
<tr>
<td>Administrative and Civil Provisions</td>
<td>Sinkronization of aspects of formal law and material law</td>
<td>Civil remedies (claims that use the legal basis of article 1365 of the Indonesian Civil Code)</td>
</tr>
<tr>
<td></td>
<td>Indemnity arrangements must also adjust the level of loss</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Additional attribution of advisory rights (advieserende functie) to PTUN</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Arrangements regarding contempt of court</td>
<td></td>
</tr>
<tr>
<td></td>
<td>form some kind of executor body or institution</td>
<td></td>
</tr>
</tbody>
</table>

**Other perspectives on obstacles and solutions to the implementation of court decisions**

Basically, the object of the conflict of state administration is in the form of government decisions and/ or actions. The conflict is based on the judgment of the plaintiff or applicant that the decision or action is contrary to the laws and regulations and/or general principles of good governance. In Article 53 of Law number 9 of 2004 concerning amendments to Law number 5 of 1986 concerning PTUN, the community's claim for government decisions is to declare void or invalid accompanied or without compensation and rehabilitation.

Law Number 30 of 2014 concerning Government Administration Article 87 expands the object of State Administration disputes in other forms, namely government actions (factual actions) so that the potential for administrative conflicts between the community and the government is not only caused by state administrative decisions but also caused by factual actions from the government.

The logical consequence, at the level of implementation of the impact of losses on government decisions or actions varies greatly, this is directly proportional to the variety of forms of demands submitted by decisions or actions that are considered harmful.

The variation in these claims is also directly proportional to the variation of the judge's decision. The demands granted by the judge at the execution level have several circumstances that are not the same in realizing the judge's decision. The granting of claims of nullity or invalidity of government decisions or actions, and rehabilitation is still the domain of the courts to enforce the ruling. However, if the judgment is in the form of revocation of the decision or termination of the Action, issuance of the decision or execution of the Action or a combination of the revocation of the decision sued followed by the issuance of the decision demanded and the termination of the Action sued and the execution of the Action demanded
until the claim for damages then this becomes the domain of the defendant/government.

In the event that the claim granted becomes the domain of the court to carry out, the execution of the judgment is not a difficult matter, but when the execution of the judgment becomes the domain of the defendant as stipulated in Article 8 of the Government Administration Law stipulates that the decision or Action must be determined or carried out by the competent government. This provision is the most important obstacle in the implementation of court decisions.

Obstacles to the implementation of court decisions are not only due to goodwill or the government's willingness to implement decisions but are also related to internal administrative technical constraints of the relevant agencies (state administrative law ecosystem) and procedural law technical constraints (judicial procedural law ecosystem). In the form of a table the situation can be mapped as follows:

<table>
<thead>
<tr>
<th>No</th>
<th>Content of the Verdict</th>
<th>Executor/domain</th>
<th>Constraints</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Declare void/invalid</td>
<td>Judge</td>
<td>-</td>
</tr>
<tr>
<td>2</td>
<td>Rehabilitation</td>
<td>Judge</td>
<td>-</td>
</tr>
<tr>
<td>3</td>
<td>Revoke a decision</td>
<td>Defendant/government</td>
<td>Good faith/Willpower and administrative law ecosystem</td>
</tr>
<tr>
<td>4</td>
<td>Stop an action</td>
<td>Defendant/government</td>
<td>Good faith/Willpower and administrative law ecosystem</td>
</tr>
<tr>
<td>5</td>
<td>Publish a decision</td>
<td>Defendant/government</td>
<td>Good faith/Willpower and administrative law ecosystem</td>
</tr>
<tr>
<td>6</td>
<td>Take action</td>
<td>Defendant/government</td>
<td>Good faith/Willpower and administrative law ecosystem</td>
</tr>
<tr>
<td>7</td>
<td>Compensation</td>
<td>Defendant/government</td>
<td>Good faith/Willpower and administrative law ecosystem</td>
</tr>
</tbody>
</table>

The table above illustrates that the domain of execution of court decisions in the hands of the defendant or the government is the dominant factor in whether or not court decisions are easily implemented. There are two factors that make the decision difficult to implement. The first is the goodwill or will of the government and the second is the administrative law ecosystem.

In the aspect of goodwill or the will of the government is more caused by subjective factors from the government. This cause is simpler and tends to be resolved by the implementation mechanism regulated in Article 116 of Law Number 51 of 2009 concerning the Second Amendment of Law Number 5 of 1986 concerning PTUN, although there is no guarantee that the decision can definitely be implemented.

The more complex thing in the implementation of court decisions is when the administrative law ecosystem factor is more dominant. This factor is more complex
than the will or goodwill of the government, because it is related to various administrative provisions that limit each other. In addition, this factor is often not realized by judges in issuing decisions, judges often only look at the legal aspects or whether or not government decisions or actions are void, while not all decisions or actions can be determined or implemented casually. In some respects, administrative law does not stand alone. Due to various technical considerations or other factors in issuing a decree or taking a particular Action, the government must meet certain circumstances as a prerequisite for issuing a decree or taking certain Action.

When the decision has been issued by the court and has permanent legal force, the implementation of the decision becomes the last action in resolving state administrative conflicts. When the execution of the judgment is "trapped" in the ecosystem of state administrative law and procedural law so that it cannot be executed, then the court can do nothing.

As an illustration of the court decision in the form of an order to issue land certificates to the Land Agency while in issuing these certificates based on Government Regulation Number 24 of 1997 concerning Land Registration in Article 26 regulates the obligation to publish juridical data on land rights applications at village offices and BPN for sixty days. When there are parties who object to the collection, the process of issuing land certificates will be hampered in an indeterminate time. This situation is indeed not directly related to the conflict of state administration that has been decided by the court, but it is still an inhibiting factor in the completion of the settlement of state administrative cases.

The description above shows that what needs great attention to the execution of court decisions is the issue of the state administrative law ecosystem and the procedural law ecosystem. It is necessary to establish an ecosystem of state administrative law and procedural law that does not become an obstacle to the execution of court decisions.

Some solutions that have been presented by several previous studies on average equate each court decision as a difficult decision in execution. To obtain a solution to the constraints of execution of court decisions, it must first be seen the anatomy of the judgment and the form of claims from the plaintiff or applicant.

**The demand in filing a lawsuit in court is for the Administrative Decision**

The disputed country is declared void or invalid, with or without a claim for compensation and/or rehabilitation (Syahputra, 2023), but it does not rule out the possibility of a claim to issue a new decision as a revision to the decision that is the object of the lawsuit. In the conflict between state administration and the object of fictitious decisions, Article 157 number 6 also deletes paragraphs (4), (5) of article 53 of article 53 of the Government Administration which regulates the mechanism for applying for positive fictitious determinations through PTUN. Even though the provision has been removed, if the government does not issue the decision, it is very possible that the government's action not to issue the decision can still be challenged in the PTUN. The demand for this fictitious decision is in the form of an act to publish the requested decision.
The anatomy of the verdict is at least divided into two parts, namely the anatomy of the claim and the anatomy of the verdict. These two aspects do not stand in isolation. The two are interrelated. For this reason, an execution design that is simple, practical and does not face many obstacles must begin by looking at the anatomy of the claim first as a basis for containing a judgment of approval or rejection.

A claim in the form of declaring void or invalid a decision granted by a judge will have legal consequences on the invalidity of the challenged decision, thus the legal situation returns to the condition in which the challenged decision has not been published. In the event that a claim has a request to issue a decision or act, there may be various legal circumstances that will change in the plaintiff, defendant or third party. As a result, there will be legal remedies, especially third parties, in order to protect their interests. This factor is quite influential that causes court decisions cannot be implemented.

If the circumstances formed are as described above, the court decision will be delayed in conveying the completion of the legal remedy. As a form of prevention of abag of circumstances, in the examination process, the court as much as possible can present all interested parties directly and indirectly to resolve the dispute either as a third party or another one so that the settlement can be completed thoroughly.

From the aspect of the ecosystem of state administrative law, often obstacles to the implementation of court decisions arise before the implementation of the judgment while the decision itself does not anticipate these obstacles, therefore the principle of ex tunc testing, in the event that the plaintiff’s claim also asks for the issuance of a decision or acts needs to be accompanied by ex nunc examination or assessment.

The principle of judicial judgment basically uses ex tunc judgment and should not use ex nuc principles. The use of ex nunc judgment, although at first glance contrary to the principle of judicial examination, can reduce the potential for non-implementation of court decisions. The construction built is to use ex tunc judgment to test decisions that are the object of State administrative disputes. The results of the assessment are valid decisions and invalid or void decisions. At this point, the assessment of the decision still meets the rules of judicial judgment.

In the event that there is a demand to issue a decision or take an Action or revise a decision by issuing a new decision, then ex nunc judgment needs to be considered. This is intended to avoid the difficulty of executing decisions caused by the administrative law ecosystem. The construction forms a configuration in the form of the implementation of ex tunc judgment to test decisions and the use of ex nunc judgment as consideration for the judge’s order to issue a decision or perform an Action.

In relation to the political ecosystem, we agreed with previous researchers to create an executor agency. Like the PTUN decision regarding the decision to dismiss the regional head that is not in accordance with the procedure while the replacement is the deputy regional head who has the status of a politician, the possibility of the PTUN decision not being implemented for political reasons is very likely. Therefore, forcing the implementation of this PTUN decision becomes very important when the main reason for not implementing the court decision is for
political reasons. This coercion is possible because it has little to do with the
country's administrative law ecosystem.

The main obstacle of this executor institution is the issue of authority. Article 52 of the Government Administration Law stipulates that the requirements for the validity of a Decision include being determined by an authorized official, made in accordance with procedures; and substance in accordance with the object of the Decision. The arrangement requires that the executing institution must have the authority to implement the decision of the PTUN or at least be able to coerce the authorized official (defendant) to implement the decision. Another aspect that needs to be considered is the special mechanism for implementing PTUN decisions so as not to violate laws and regulations.

CONCLUSION

The conclusion based on results of study are; (1) the obstacles to the implementation of the decision of the State Administrative Court are quite complex. At least it can be divided into two clusters, first, the internal aspects of procedural law that have not been able to provide guarantees about the mechanism for implementing the decision. Second, rulings that do not consider aspects of the state administrative law ecosystem and administrative political ecosystem, and (2) in the event that there is a demand to issue a decision or take an Action or revise a decision by issuing a new decision, then ex nunc judgment needs to be considered. This is intended to avoid the difficulty of executing decisions caused by the administrative law ecosystem. The construction forms a configuration in the form of the implementation of ex tunc judgment to test decisions and the use of ex nunc judgment as consideration for the judge's order to issue a decision or perform an Action. Regarding the political ecosystem and the lack of good faith of administrative officials (defendants) to implement the decision of the PTUN, we agreed with previous researchers to create an executor institution with a large record that in principle the decision maker is an official who has authority.

REFERENCES


Sudiarawan, K. A., Wairocana, I. G. N., & Hermanto, B. (2020). Are there Obstacles after the Administrative Court Absolute Competence Extension of
Indonesia? Varia Justicia, 16(2).