Implication of the State Administrative Court Authority to Review the Factual Action of Government Officials Due to the Existence of the Law No. 30 of 2014

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Abstract. The objective of this Article is to explore the extension of the absolute authority of the State Administrative Court to review the Factual Action of Government Officials due to the existence of Law No. 30 of 2014 concerning State Administration. The problems that emerged from the extension are first, to what extent the extension of the absolute authority of State Administrative Court to review the Factual Action of Government Officials, and second, to what extent the implications of the extension to the social and legal conditions in Indonesia. Through a normative juridical research and a descriptive-qualitative analysis method, the findings of this research indicate that the Law No. 30 of 2014 regarding State Administration has brought a significant extension of the absolute authority of the State Administrative Court especially related to the objects of disputes that much border than that found in the Law No. 5 of 1986 regarding State Administrative Court, and also it has brought an significant implication to the people and the laws it selves, not only a positive one (a broad access to justice for people to the Court), but also a negative one (being far away for people from the Principles of Court: Simple, Quick and Low Cost). Therefore, it needs quick action regarding the harmonization of laws to minimize the negative implication toward the positive ones.

Keywords: State Administrative Court, Factual Action, Access to Justice for People, Principles of Court: Simple, Quick and Low Cost.

1 Introduction

The emergence of the State Administrative Court Institution in Indonesia is withreason. Still, it is a logical consequence of adopting the principle of the State of Indonesia as the State of Law, which aims to realize the welfare state. This is clearly stated in the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia. With the principle of a Welfare State, the state's role will inevitably increase, becoming increasingly active in various aspects of people's lives to seek and organize welfare for its citizens.

The active involvement of the State Administration Officials in various aspects of community life, which is very broad, even from the womb to the grave [1], has caused friction or conflict of interest. For example, in the field of the population with the slogan "two children is enough", the invitation to use contraceptives to prevent pregnancy and ensure health, or limit the age of marriage by delaying the age of marriage, women are 16 years old and men are 19 years old through Law no. 1 of 1974 concerning marriage, all of these are to suppress the large population growth in Indonesia [2].

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On the one hand, the government's actions or involvement are good in purpose, namely in the context of limiting births and marriage ages to suppress population growth rates which in the end are for the welfare of the community itself. But on the other hand, by some community members, this is considered a violation of the human rights of citizens because the issue of whether or not to have children and how many, or when to marry, is a human right of each citizen.

Another example of the government's involvement in people's lives is ensuring the safety and smoothness of traffic on public roads by widening roads, which has caused problems for people whose houses have to be demolished. Or the government's action to grant route permits on routes that were originally only served by black plate car transportation. Such government actions have led to conflicts and legal disputes between citizens and the government. So, this is where the need for a legal institution that functions to overcome problems or disputes between citizens and the government.

Realizing this situation, the Government and the DPR consider it necessary to immediately establish a legal institution that functions to resolve disputes between citizens and the government, namely by the issuance of Law No. 5 of 1986 concerning the State Administrative Court, followed by the establishment of the State Administrative Court Institution which was established since 1991. The purpose of establishing the State Administrative Court is to protect the rights of the people who feel disadvantaged due to a decision and/or government action in the administration of government [3]. The presence of the State Administrative Court Institution is intended to maintain a balance between the interests of individuals and the interests of the community or the public interest. Its existence is designed as a guard so that every government action in carrying out its duties is always based on legal provisions (*rechtmatigheid van het bestuur*) and the implementation of guarantees and protection of the rights of citizens [3].

For this purpose, the State Administrative Court is authorized under Article 47 of Law No. 5 of 1986 concerning the State Administrative Court as amended by Law No. 9 of 2004, most recently by Law No. 51 of 2009 to have the task of examining, deciding, and resolve State Administrative Disputes. What is meant by State Administrative Dispute here is as stated in Article 1 number 10 of Law No. 51 of 2009 namely:

> *"Disputes arising in the field of state administration between individuals or civil legal entities and state administrative bodies or officials, both at the center and in the regions, as a result of the issuance of State Administrative Decrees, including employment disputes based on applicable laws and regulations".*

Meanwhile, the object of a State Administrative Dispute according to this provision is a State Administrative Decree as regulated in Article 1 point 9 of Law No. 51 of 2009 which reads as follows:

> *"A State Administrative Decision is a written determination issued by a State Administration Agency or Official containing legal actions for State Administration based on the prevailing laws and regulations, which are concrete, individual and final which have legal consequences for a person or civil legal entity".*

From the provisions of this Administrative Law, it can be seen that the absolute competence of the State Administrative Court is very narrow, that is, it only examines disputes relating to State Administrative Decisions issued by the State Administration Agency or

Official, which are considered detrimental to the community. The decision must be concrete, individual and final. While the rest of the actions according to Marbun & Mahfud MD [4] as cited by Marbun [5] will become the competence of General Courts or Military Courts or even for issues of making regulations (*regeling*) made by the government and of a general nature, the authority to try them lies with the Supreme Court through the right of judicial review.

In line with the increasing tasks that must be carried out by the government which is influenced by the understanding of the welfare state (Walfare State). The absolute competence of the State Administrative Court contained in the Administrative Law is deemed inadequate. Therefore, on October 17, 2014 Law No. 30 of 2014 concerning Government Administration was issued, hereinafter referred to as the Government Administration Law [6].

The Government Administration Law is a material law for the State Administrative Court. For Government Agencies or Officials, the Government Administration Law is a material law in issuing decisions and/or taking actions. Of course, this becomes a set of regulations that regulate things that must be done, may be done, and should not be done or are prohibited from being done by the Government. Or it can also be interpreted that, material law is a regulation that contains rights and obligations in government administration [7].

The presence of Law No. 30 of 2014 concerning Government Administration has provided a fundamental change to its formal law, namely the absolute competence of the State Administrative Court. Although the Government Administration Law is included in the material legal qualifications, it has resulted in changes and expansions concerning material legal aspects and formal law in the administration of State Administrative Courts, especially regarding the new meaning of State Administrative Decisions as objects of State Administrative disputes. Where the State Administrative Decisions are no longer limited to State Administrative Decisions that are concrete, individual, and final but also include the actions of State Administration Officials that are factual. Based on the things that have been described above, the problems in this paper can be formulated as follows:

1. How broad is the absolute competence of the State Administrative Court to examine the concrete actions of State Administrative Officials after Law No. 30 of 2014?
2. How far is the implication of expanding the absolute competence of the State Administrative Court to society and Administrative Law itself?

2 Research Method

This research is empirical juridical research. The data in this study consisted of primary data and secondary data. Primary data was obtained through interviews with Administrative Court (*Pengadilan Tata Usaha Negara*/PTUN judges, while secondary data consisted of data obtained from books, scientific works, legal journals, articles, and legal documents either through print media or through websites. The research specification uses the descriptive analysis research method. While the data analysis method used qualitative methods.

Therefore, in this study, researchers will try to describe and analyze the object of research by providing a detailed, systematic, and comprehensive description of the expansion of the absolute competence of the State Administrative Court after Law No. 30 of 2014 relating to the object of state administrative disputes.

3 Discussion

3.1 To what extent is the expansion of the Absolute Competence of the State Administrative Court to examine the factual actions of state administrative officials after Law No. 30 of 2014

As stated above, the absolute competence of the State Administrative Court according to Article 47 of Law No. 5 of 1986 concerning State Administrative Courts as its Formal Law, as amended by Law No. 9 of 2004 and lastly amended by Law No. 51 of 1986 2009 concerning the second amendment to the State Administrative Court Law (UU Peratun) is to examine, decide and resolve State Administrative Disputes. The Administrative Dispute itself is defined according to Article 1 point 10 of Law No. 51 of 2009 concerning the Second Amendment to Law No. 5 of 1986 concerning the State Administrative Court which is stated as follows:

> *"State Administrative Disputes are disputes that arise in the field of state administration between persons or civil legal entities and state administrative bodies or officials, both at the center and in the regions, as a result of the issuance of state administrative decisions, including employment disputes based on statutory regulations. applicable."*

From this provision, it can be concluded that a dispute that takes place in the State Administrative Court is a dispute that occurs between a person or a civil legal entity and a State administrative body or official as a result of the issuance of a State Administrative Decree, including an employment dispute. So, the object of the dispute that is disputed in the State Administrative Court is the State Administrative Decision, which is as clearly seen in Article 1 Number 9 of Law No. 51 of 2009 concerning the Second Amendment to Law No. 5 of 1986 concerning the State Administrative Court which states that:

> *"State administrative decision is a written determination issued by a state administrative agency or official containing legal actions for state administration based on applicable laws and regulations, which are concrete, individual and final, which have legal consequences for a person or civil legal entity."*

Based on the article, a State Administrative Decision to be sued to the State Administrative Court must meet the requirements, namely in the form of a written decision, especially referring to the content, and not to the form of the decision issued by the state administrative body or official. State administrative bodies or officials are officials at the center and in the regions, who carry out executive activities [8]. State administrative legal actions are actions of state administrative bodies or officials in administrative law that can give rise to rights or obligations for other people. Furthermore, the State Administrative Decision is concrete, meaning that the object decided is not abstract but tangible, certain or can be determined, and individual, meaning that the State Administrative Decision is not addressed to the public but is specific, and is final, meaning it is definitive, and therefore can have consequences. law [9].

From the description described above, the authority of the State Administrative Court according to Law No. 5 of 1986 as amended by Law No. 9 of 2004 and Law No. 51 of 2009, is actually very broad if the object is a State Administrative Decree. But in reality, this authority has become very narrow because it has been castrated by the Administrative Law itself, both through the determination of the characteristics of a decision to be sued to the State

Administrative Court as described above, as well as by the limitations and exceptions regulated by the Administrative Court Law alone. For example, the limitation through Article 2 where it is stated:

> *"Not included in the definition of State Administrative Decree according to this Law:*
> *a. State Administrative Decree which is a civil law act;*
> *b. State Administrative Decree which is a general arrangement;*
> *c. State Administrative Decisions that still require approval;*
> *d. State administrative decisions issued based on the provisions of the Criminal Code and the Criminal Procedure Code or other laws and regulations of a criminal nature;*
> *e. State administrative decisions issued on the basis of the results of judicial examinations based on the provisions of the applicable laws and regulations;*
> *f. State Administrative Decree regarding the administration of the Indonesian National Armed Forces;*
> *g. Decisions of the General Election Commission both at the center and in the regions regarding the results of the general election."*

In addition, there are also restrictions made by the Administrative Law itself through Article 49 of Law No. 5 of 1986 concerning State Administrative Courts as follows:

> *"The court is not authorized to examine, decide and settle certain state administrative disputes in the event that the disputed decision is issued:*
> *a. In times of war, dangerous conditions, natural disasters, or extraordinary circumstances that are dangerous based on the applicable laws and regulations:*
> *b. In urgent circumstances for the public interest based on the applicable laws and regulations."*

With such restrictions, it can be understood that public access to the State Administrative Court is very limited. However, with the enactment of Law No. 30 of 2014 concerning Government Administration, it has provided a fundamental change to the absolute competence of the State Administrative Court and provided wider access to the public to obtain justice. This is because the Government Administration Law changes the meaning of the State Administrative Decree, which is much different from the State Administrative Decree contained in the Administrative Law. The Government Administration Law provides a broader meaning of State Administrative Decisions. It can be seen from the definition of State Administrative Decisions as set out in Article 1 point 7 of the Government Administration Law, which defines State Administrative Decisions as follows:

> *"Government Administration Decrees, which are also called State Administrative Decrees or State Administration Decrees, hereinafter referred to as Decisions, are written decisions issued by Government Agencies and/or Officials in the administration of government."*

The definition of "Decision" in the Government Administration Law has removed restrictions on the conditions for a decision to be sued to the State Administrative Court, namely concrete, individual, final conditions that have legal consequences for individuals or civil legal entities, as regulated in Article 1 point 9 of Law No. 51 of 2009 concerning

Administrative Court. In this regard, Bruggink [10] argues that the more elements an article has, the narrower its scope will be. On the other hand, the fewer elements of an article, the wider its scope will be. From the two articles, it can be seen that the Government Administration Law has expanded the meaning of the State Administrative Decree, compared to the meaning of the State Administrative Decree regulated in the Administrative Law.

The meaning of "Decision" becomes more widely seen when reading the provisions in Article 87 of the Government Administration Law, which reads:

> *"With the enactment of the Government Administration Law, the State Administration Decree as regulated in the Administrative Law must be interpreted as:*
> *a. A written determination which also includes factual actions;*
> *b. Decisions of State Administration Bodies and/or Officials in the executive, legislative, judicial, and other state administrators;*
> *c. Based on statutory provisions and AUPB;*
> *d. Is final in a broader sense;*
> *e. Decisions that have the potential to cause legal consequences; and/or;*
> *f. Decisions that apply to Citizens. What is meant by "final in a broad sense" includes Decisions taken over by the superior of the authorized official."*

The expansion of the meaning of the State Administrative Decree has brought the juridical consequences to the absolute competence of the State Administrative Court to be wider. This broad authority is actually not only limited to examining factual actions according to Article 87 of the Government Administration Law, but also factual actions of other State Administration Officials, for example, other State Administrative Decrees that are Fictitious and Positive (Article 53, Articles 77-78 of the Government Administration Law), and a decision on the presence or absence of an element of abuse of authority (Article 21 of the Government Administration Law).

Specifically related to the factual actions of administrative officials according to Article 87 of the Government Administration Law, it is important to understand what the factual actions are. Definition factual action (*feitelijke handelingen*) is a real or physical action taken by the government. This action is a government action that is not directly related to its authority, so it does not cause legal consequences [11].

With the enactment of the Government Administration Law, there have been changes to the object of dispute. The factual actions of state administrative officials which are equated with unlawful acts by the authorities (*Onrechtmatige Overheidsdaad*/OOD), which were previously not included in the object of dispute over the authority of the State Administrative Court, but based on Article 87 of the Government Administration Law, government factual actions (*feitelijke handelingen*) which causing harm to community members has become the jurisdiction of the State Administrative Court [12].

The presence of the Government Administration Law through Article 87 has brought about a change in jurisdiction to adjudicate unlawful acts by the authorities (*onrechtmatige overheidsdaad*/OOD), which originally was within the scope of authority of the General Courts, now this authority has actually shifted to the State Administrative Court. This is more clearly seen in Article 85 Chapter XIII of the Transitional Provisions of the Government Administration Law which regulates the transfer of authority to settle disputes against unlawful acts by the authorities (*onrechtmatige overheidsdaad*/OOD) from the General Court to the State Administrative Court which states as follows:

1. The filing of a Government Administration dispute lawsuit that has been registered in a general court but has not been examined, with the enactment of this Law is transferred and settled by the Court.
2. The filing of a Government Administration dispute lawsuit that has been registered with the general court and has been examined, with the enactment of this Law, will still be resolved and decided by the court in the general court environment.
3. The decision of the court as referred to in paragraph (2) shall be implemented by the general court that makes the decision.

Thus, administrative disputes caused by factual actions of the government (*feitelijke handelingen*) that harm the community, previously classified as civil cases based on *Onrechtmatige overheidsdaad*/OOD and being the competence of the general court, have now turned into the competence of the State Administrative Court. Therefore, it can be concluded that, the provisions of this Government Administration Law indicate an expansion of the absolute authority of the State Administrative Court which includes factual actions that were previously the absolute competence of the General Courts in the format of a lawsuit against the law by the authorities (*onrechtmatige overheidsdaad*/OOD) according to the provisions Article 1365 Civil Code (*Kitab Undang-Undang Hukum Perdata*/KUH.Perd.) Even the expansion of authority is not only related to the government's concrete actions in the form of "acting" but also includes "not doing or staying silent or fictitious actions".

Thus, if the concrete action has caused harm to the community, then it can be called an unlawful act by the government (*Onrechtmatige Overheidsdaad*/OOD). In other words, with the factual actions of state administrative officials being equated with unlawful acts of state administrative officials (*Onrechtmatige Overheidsdaad* / OOD), the scope of the definition of factual actions becomes very broad. This does not only include acts against the government's law according to the concept of civil law Article 1365 of the KUH.Perd, but also includes acts against the law of State Administrative Officials according to the Concept of State Administrative Law which includes "acts of acting" issuing State Administrative Decrees or "acts not act or remain silent (fictitious actions) from the State Administrative Officer and cause harm to a citizen".

The actions of State Administrative Officials, whether they do or do not do (fictitious) actions, by not debating positive or negative fictional actions, as long as the action "doing or not doing" has caused a loss. The action is already an act against the law and deserves to be the object of a lawsuit that can be used to the State Administrative Court. For example, positive fictitious decisions (Article 53 and Articles 77 – 78 of the Government Administration Law) or the existence of a State Administrative Decree related to the Misuse of Authority (Article 21 of the Government Administration Law).

Attendance of Circular Letter of the Supreme Court (*Surat Edaran Mahkamah Agung*/SEMA) No. 4 of 2016 concerning the Implementation of the Formulation of the Results of the Plenary Meeting of the Supreme Court Chamber of 2016 as Guidelines for the Implementation of Duties for Courts and Supreme Court Regulation (Peraturan *Mahkamah Agung*/PERMA) No. 2 of 2019 concerning Guidelines for Dispute Resolution of Government Actions and the Authority to Adjudicate Unlawful Acts by Government Agencies and/or Officials (*Onrechtmatige Overheidsdaad*), further clarifying the expansion of the competence of the State Administrative Court, that the State Administrative Court is authorized to adjudicate factual acts or unlawful acts by the authorities (*Onrechtmatige Overheidsdaad*/OOD).

3.2 How far is the Implication of Expanding the Absolute Competence of the state Administrative Court to Examine the Factual Actions of State Administrative Officials After Law No. 30 of 2014

The State Administrative Court after the promulgation of Law No. 30 of 2014 concerning government administration, underwent a fundamental change, especially in the context of the competence of the State Administrative Court. When explored further, the basic concept of a change or paradigm shift is motivated by several things. This can be seen in the Academic Papers and the Draft Law on Government Administration which shows that several forms of expanding the competence of the State Administrative Court regulated in the Government Administration Law are based on several main considerations, namely [9]:

1) To strengthen the scope of disputes that can be tried by the State Administrative Court;
2) To provide the widest possible access for citizens to obtain legal protection and to obtain justice;
3) To strengthen the external juridical control of the public over the government apparatus so that it is not easy to become the object of abuse of the power of the government apparatus (every action of the government apparatus can be controlled); and
4) To strengthen the precautionary principle while at the same time increasing the responsiveness of the government apparatus in the implementation of government administration functions.

With regard to the juridical implications of expanding the absolute competence of the State Administrative Court to examine the factual actions of State Administrative Officials after Law No. 30 of 2014 relating to the object of State Administrative Disputes, many practitioners, especially State Administrative Court Judges, consider that with the enactment of Law No. 30 of 2014 concerning Government Administration, the absolute authority of the State Administrative Court becomes greater. Consequently, there will also be more significant opportunities for justice-seeking communities to seek justice for adverse matters stemming from decisions and/or actions taken by state administrative bodies or officials through the State Administrative Court. Thus, the hope of citizens to get access to fair legal protection from the State Administrative Court is also getting more significant. This is because the Administrative Law and the Government Administration Law are complementary, and can be used as an option as a basis for a lawsuit for citizens who feel aggrieved by the existence or issuance of decisions and/or actions by state administrative bodies or officials within the scope of the legislative, executive, and the judiciary [13].

But on the other hand, enacting the Government Administration Law has created new problems. Practitioners, especially State Administrative Court Judges, also consider that the promulgation of the Government Administration Law does not aim to synchronize or harmonize regulations both vertically and horizontally because the enactment of the Government Administration Law has created a legal vacuum related to procedural law. As an illustration of the procedural law related to claims for concrete actions of State Administration officials in cases of assessment of abuse of authority, as well as requests for stipulating positive fictitious decisions, and others still cannot be accommodated by the procedural law regulated in the Administrative Law and its amendments. As a result, the Supreme Court must make Supreme Court Regulations and Supreme Court Circulars to be able to fill the legal vacuum [14].

In addition, one of the problems that are still felt from the expansion of the absolute competence of the State Administrative Court to Examine the Factual Actions of State

Administrative Officials after the enactment of the Government Administration Law is the conflicting Fictitious Negative norms regulated in Article 3 of the Administrative Law and Positive Fictitious Laws regulated in Article 53 and Articles 77-78 (addition from the author) of the Government Administration Law. In addition, the application of the positive fictitious principle in the Government Administration Law was not accompanied by changes to the Administrative Law which still adheres to the negative fictitious principle because there was confusion among the public about the existence of negative fictitious applications regulated in this Administrative Law [15].

However, the Supreme Court has later confirmed that with the enactment of the Government Administration Law and the Regulation of the Supreme Court of the Republic of Indonesia Number 8 of 2017 concerning Guidelines for Proceedings to Obtain Decisions on Accepting Applications to Obtain Decisions and/or Actions by Government Bodies or Officials, Fictitious Negative Applications are regulated in Law The regulation is no longer valid. However, objects in the form of concrete actions can still be submitted to the State Administrative Court through a lawsuit against the law by the authorities (*onrechtmatige overheidsdaad*/OOD). A lawsuit against unlawful acts by the authorities (*onrechtmatige overheidsdaad*/OOD) was filed for the concrete actions of state administrative officials, both for actions in the form of doing or not doing [15].

Practitioners of the Administrative Court Judge also reinforced a similar view. Chairman of the Kupang State Administrative Court argues that even though the fictitious decision is no longer valid, the fictitious act can still be sued by the State Administrative Court through the format of a lawsuit against the law [16].

Furthermore, as a consequence of the expansion of the authority to examine the factual actions of State Administrative Officials or those equated with unlawful acts according to the concept of Civil law Article 1365 of the Civil Code. In the field of State Administration, the issue of a claim for compensation to the State Administrative Court due to unlawful acts by the Government has been regulated based on Government Regulation (*Peraturan Pemerintah*/PP) No. 43 of 1991 concerning Compensation and Procedures for Its Implementation. Article 1 of the PP states that compensation is the payment of a sum of money to a person or civil legal entity at the expense of the state administrative body based on the decision of the state administrative court due to material losses suffered by the plaintiff.

The provisions of Article 1 are clearly in line with the concept of Article 1365 of the KUH.Ped. Namely, compensation is the obligation of the party who took the detrimental action to compensate for the loss suffered by the victim. But unfortunately, in another part of the PP it is said that the compensation that can be given to the plaintiff has a maximum limit of IDR 5,000,000.00,-. This is a real problem faced by judges at the State Administrative Court. For example, in the Jayapura State Administrative Court Decision No: 11/G/2017/PTUN.JPR, where the losses suffered by the plaintiff, reached hundreds of millions of rupiah, but by the Jayapura TUN Court the claim for compensation was indeed granted, but what was decided to be given to the Plaintiff is only Rp.5.000.000,-, while the remaining loss is based on the Juklak of the Deputy Chief Justice of the Supreme Court of the Republic of Indonesia for Environmental Affairs of the State Administrative Court Number 223/Td.TUN/X/1993 (Figure V.2), the claim for compensation for the rest can be submitted to the General Court [17].

This is the problem where people are increasingly being kept from the principles of fast, cheap, and low-cost justice. With such a decision, the plaintiff to get his rights must sue again through the General Court to get the remaining compensation. This is because most of the Administrative Court judges do not dare to go out of their way, namely the regulation on

compensation. Because PP No. 43 of 1991 is still valid even though the authority of the TUN court has been expanded to include concrete actions. Judges are still afraid to go beyond the existing rules. The law is still a mouthpiece. Judges are afraid to make decisions beyond what is regulated for fear of being considered violating the rules or not complying with the rules so they are afraid to be transferred or even afraid to be 'down-grade' to become a 'Non Palu Judge' [16].

4 Conclusion

The presence of Law No. 30 of 2014 concerning Government Administration has expanded the authority of the State Administrative Court to include the authority to examine the Factual Actions of State Administrative Officials. The authority's expansion is clear as Article 87 of Law No. 30 of 2014 regarding the authority of the State Administrative Court to examine the concrete actions of state administrative officials. The factual action of the State Administrative Officer as an act that is not based on law and causes a loss to the community so that it can become an object of dispute that can be sued to the court.

Factual Actions, which are equated with Unlawful Acts by the Government (*Onrechtmatige Overheidsdaad*/OOD), not only include Acts against the Government's Law in the concept of Civil Law according to Article 1365 of the Indonesian Civil Code but actually more broadly include Acts against the Government's Law in the concept of State Administrative Law. This includes not only the existence of fictitious decisions or not acting or "silent" from the government, but also decisions of state administrative officials that act as only in determining whether there is abuse of authority issued by state administrative officials.

Before Law No. 30 of 2014, the authority to examine factual actions equated with acts against the government's law (*Onrechtmatige Overheidsdaad*/OOD) was precisely within the scope of authority of the General Court. However, now it has turned into the authority of the State Administrative Court. This is more clearly seen in article 85 of the Transitional Provisions of Law No. 30 of 2014 that cases related to unlawful acts of the government that have been submitted to the General Court and have not been processed must be transferred to the State Administrative Court.

This provision is further strengthened by the existence of SEMA No. 4 of 2016 concerning the Implementation of the Formulation of the Results of the 2016 Supreme Court Plenary Meeting as a Guide to the Implementation of Duties for the Court and PERMA No. 2 of 2019 concerning Guidelines for Dispute Resolution of Government Actions and the Authority to Adjudicate Unlawful Acts by the Agency and/or or Government Officials (*Onrechtmatige Overheidsdaad*). The two provisions emphasize the transfer of authority that the State Administrative Court has the authority to examine the factual actions or those equated with unlawful acts by the government (*Onrechtmatige Overheidsdaad*/OOD).

The juridical implications of expanding the absolute competence of the State Administrative Court after Law No. 30 of 2014 relating to the object of a State Administrative Dispute have turned out to be very broad and various practitioners have responded to it. Some argue, especially the Administrative Court Judges, that the expansion of this authority provides more legal protection to public members. Greater absolute authority will increase public access to justice for harmful things that come from decisions and/or actions taken by state administrative bodies or officials through the State Administrative Court. Thus, citizens' hope to get fair legal protection from the State Administrative Court is also increasing.

In addition, their existence is increasingly complementary in the Administrative Law and the Government Administration Law. It can be used as a basis for lawsuits for people who feel aggrieved by the existence/issue of decisions and/or actions by state administrative bodies or officials within the legislative, executive, and judicial scope.

But on the other hand, new problems have arisen after the enactment of the Government Administration Law, namely in the first form, the emergence of a legal vacuum related to procedural law. As an illustration of procedural law related to the assessment of abuse of authority, requests for determination of positive fictitious decisions and others have not been accommodated by the procedural law regulated in the Administrative Law and its amendments. Second, there is no synchronization between implementing regulations and their parent regulations, for example, related to compensation, where the master rules have provided room for a compensation claim but the implementing regulations related to compensation have not been adjusted so that the protection of citizens' rights actually feels that they are getting further from the expectation of getting their rights protected.

4.1 Suggestion

In order to create legal certainty and provide clarity in the formulation of procedural procedures, the third amendment to the Administrative Law should immediately be held. After the promulgation of the Government Administration Law, there have been various paradigm shifts in understanding the object of State Administrative Disputes. Thus, if the Government Administration Law is currently considered a material law for the State Administrative Court system, it is appropriate that the formal law also follows and accommodates the existing material law.

Second, it is necessary to improve the quality of judges and build the moral courage of judges to dare to come out of the existing legal grip and to dare to make legal breakthroughs in order to guarantee the protection of the rights of citizens in obtaining legal protection in connection with the enactment of Law No. 30 of 2014 concerning Government Administration.

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