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The Implementation of Court Decisions in Indonesia: Obstacles and Alternative Legal Solutions

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ABSTRACT: The implementation execution of decisions of the State Administrative Court constitutes a fundamental component in ensuring legal protection and upholding the principle of the rule of law in administrative governance. Decisions that have obtained permanent legal force (*inkracht van gewijsde*) are legally binding and must be complied with by State Administrative Agencies or Officials. Nevertheless, empirical realities demonstrate that a significant number of State Administrative Court decisions remain unimplemented or are implemented only partially, thereby undermining legal certainty and public trust in the judiciary. This study aims to examine the legal framework governing the execution of State Administrative Court decisions, to identify the principal obstacles affecting their implementation, and to formulate alternative legal solutions to optimize enforcement. This research employs a normative juridical method, utilizing statutory, conceptual, and case approaches. The findings reveal that ineffective execution of State Administrative Court decisions is primarily attributable to the absence of a specialized enforcement institution, inadequate coercive sanctions against non-compliant officials, and persistent structural as well as bureaucratic cultural constraints. Accordingly, the study recommends strengthening the legal enforcement mechanism, enhancing the authority of the court in supervising execution, and reinforcing accountability of State Administrative Officials in order to realize legal certainty and effective protection of citizens' rights.

KEYWORDS State Administrative Court Decisions; Execution of Decisions; Legal Certainty; Administrative Law Enforcement.

INTRODUCTION

The State Administrative Court was established as an integral component of the Indonesian judicial system to guarantee legal protection for citizens against unlawful government administrative actions. Through its adjudicative function, the State Administrative Court is designed to review and correct acts of State Administrative Agencies or Officials that contravene statutory regulations and the General Principles of Good Governance. In this context, the State Administrative Court serves not merely as a dispute-settlement forum, but also as a constitutional mechanism to control governmental power and uphold the rule of law (Rayhan et al., 2023).

Nevertheless, the effectiveness of legal protection afforded by the State Administrative Court is not determined solely by the quality and correctness of judicial reasoning in its decisions. A decisive factor lies in the implementation execution of State Administrative Court decisions after they have obtained permanent legal force (*inkracht van gewijsde*). A court decision that cannot be executed in

practice ultimately loses its normative authority and fails to fulfill its fundamental purpose of delivering justice and legal certainty. Consequently, execution constitutes the final and most crucial stage in realizing the objectives of administrative justice (Asnani, 2025).

Empirically, the implementation of State Administrative Court decisions in Indonesia continues to encounter serious obstacles. A considerable number of legally binding State Administrative Court decisions are not voluntarily complied with by the losing State Administrative Agencies or Officials. This condition reflects a persistent gap between procedural norms governing administrative adjudication and the reality of enforcement in practice. Such non-compliance not only undermines public confidence in the judiciary but also weakens the principle of the supremacy of law, as court decisions should represent binding legal commands rather than mere moral appeals (Rayhan et al., 2023).

Moreover, ineffective execution of State Administrative Court decisions has broader implications for the constitutional order. When state officials are able to disregard judicial decisions without meaningful consequences, the balance between governmental authority and judicial control becomes distorted. This situation risks transforming the rule of law (*rechtstaat*) into a merely formal concept, detached from its substantive function of protecting citizens' rights and ensuring governmental accountability (Asnani, 2025). Therefore, a comprehensive analysis of the implementation mechanism of State Administrative Court decisions, the obstacles encountered, and possible alternative solutions is indispensable to strengthen administrative justice and to realize effective legal protection in Indonesia.

The State Administrative Court was established as a judicial instrument to provide legal protection for citizens against unlawful government administrative actions. State Administrative Court decisions are principally intended to correct actions by State Administrative Agencies or Officials that violate laws and regulations or the General Principles of Good Governance. However, the effectiveness of this legal protection is not solely determined by the quality of the judge's decision but also depends heavily on the implementation (execution) of the State Administrative Court decision after the decision has obtained permanent legal force (*inkracht van gewijsde*). (Rayhan dkk., 2023) In practice, the implementation of State Administrative Court decisions still faces various serious problems. Many State Administrative Court decisions that have become legally binding are not voluntarily implemented by the losing State Administrative Body or Official. This situation indicates a gap between State Administrative Court State Administrative Court procedural norms and the reality of their implementation. Court decisions, which should be a manifestation of the supremacy of law, lose their meaning when they cannot be effectively executed, thus harming those seeking justice and violating the principles of the rule of law (*rechtstaat*) (Asnani, 2025)

RESEARCH METHODS

This research uses a normative legal research method (normative juridical), namely research that focuses on the study of law as a norm that applies in the statutory regulatory system and judicial practice. This research analyzes the regulations regarding the implementation (execution) of State Administrative Court decisions, obstacles encountered in practice, and alternative solutions to optimize the effectiveness of their implementation. The approaches used include a statute approach, a conceptual approach, and a case approach. The statutory approach is carried out by examining the provisions of Law Number 5 of 1986 concerning State Administrative Courts and its amendments, namely Law Number 9 of 2004 and Law Number 51 of 2009, as well as other related regulations.

The conceptual approach is used to examine the theory of the rule of law, compliance with court decisions, execution of decisions, and the General Principles of Good Governance (AUPB) based on expert doctrine. Meanwhile, the case approach is carried out by analyzing This research uses a normative legal research method (normative juridical), namely research that focuses on the study of law as a norm that applies in the statutory regulatory system and judicial practice. This research analyzes the regulations regarding the implementation (execution) of State Administrative Court (PTUN) decisions, obstacles encountered in practice, and alternative solutions to optimize the effectiveness of their implementation. The approaches used include a statute approach, a conceptual approach, and a case approach. The statutory approach is carried out by examining the provisions of Law Number 5 of 1986 concerning State Administrative Courts and its amendments, namely Law Number 9 of 2004 and Law Number 51 of 2009, as well as other related regulations.

The conceptual approach is used to examine the theory of the rule of law, compliance with court decisions, execution of decisions, and the General Principles of Good Governance (AUPB) based on expert doctrine. Meanwhile, the case approach is carried out by analyzing PTUN decisions that have permanent legal force to assess their application in practice. The legal materials used consist of primary, secondary and tertiary legal materials, which are obtained through literature studies and analyzed qualitatively and normatively to produce prescriptive legal arguments.

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RESULT AND DISCUSSION

Position and Function of State Administrative Court Decisions

Decisions of the State Administrative Court constitute the primary instrument through which the court exercises judicial control over governmental administrative

actions. Such decisions do not merely resolve disputes between citizens and State Administrative Agencies or Officials but also function as a corrective mechanism against the misuse of administrative authority that deviates from statutory regulations and the General Principles of Good Governance (AUPB). Consequently, State Administrative Court decisions possess a broader dimension than the adjudication of individual cases, as they ensure that governmental administration remains within the boundaries of law (Wahyudi, 2021).

From a doctrinal perspective, State Administrative Court decisions may take the form of granting, rejecting, or declaring a claim inadmissible. A decision granting a claim reflects the judge's assessment that the disputed State Administrative Decision (KTUN) is legally flawed, either due to conflict with statutory provisions or violation of AUPB. Orders to revoke a KTUN or to issue a new administrative decision therefore constitute concrete forms of legal protection for citizens.

However, the administrative character of these decisions simultaneously represents a distinctive feature and a structural weakness. Unlike civil or criminal judgments that may be enforced through coercive mechanisms, State Administrative Court decisions require active compliance by administrative officials. As a result, their effectiveness is highly dependent on the willingness and legal awareness of those officials, creating vulnerability at the execution stage.

This study positions final and binding State Administrative Court decisions as legal norms that must be implemented by State Administrative Agencies or Officials. Nevertheless, administrative authority is often misconstrued as discretionary power to delay or even ignore court rulings. Such misinterpretation generates tension between the normative force of court decisions and administrative practice, thereby weakening enforcement effectiveness.

Accordingly, the effectiveness of decision implementation is influenced by three interrelated factors: (1) the legal force of the decision, (2) the level of compliance of administrative officials, and (3) the availability of coercive legal mechanisms (Wahyono, 2025).

Permanent legal force (*inkracht van gewijsde*) marks the legal finality of a dispute. In the context of State Administrative Court decisions, finality signifies not only that legal remedies are exhausted, but also that the disputed KTUN is conclusively declared valid or invalid.

Theoretically, finality encompasses three dimensions: finality of adjudication, binding force, and obligation to enforce. In administrative law, however, finality must further imply the court's legitimacy to ensure actual implementation by administrative officials. Therefore, *inkracht van gewijsde* should be synonymous with a concrete legal obligation to act in accordance with the ruling, rather than merely symbolic recognition of the plaintiff's victory (Arbi, 2021). The persistent gap between normative finality and weak enforceability demonstrates a paradox that necessitates deeper analysis.

Rule of Law, Legal Certainty, and Compliance with Court Decisions

The rule of law requires that all state actions be grounded in law and subject to judicial review. The State Administrative Court embodies this principle within the administrative sphere by providing citizens with access to challenge unlawful governmental actions (Masyitoh, 2023). Compliance with court decisions is therefore a logical consequence of the rule of law; without such compliance, judicial control becomes merely formal.

Legal certainty demands that rights and obligations be predictable and effectively protected. In administrative justice, this principle is realized not only through written judgments but also through their actual execution. Non-implementation renders legal protection illusory and reflects a failure of the state to fulfill its protective function (Rohman, 2023).

AUPB serve as ethical and legal standards guiding administrative conduct. In the execution of State Administrative Court decisions, these principles require officials to act lawfully, transparently, and responsibly. Persistent non-compliance indicates that AUPB has not been fully internalized within bureaucratic culture (Kusumaningsih, 2025).

Obstacles to the Implementation of State Administrative Court Decisions

1. Normative Obstacles

The absence of an effective enforcement agency and weak sanctions against non-compliant officials significantly undermine execution. Existing provisions lack deterrent effect, enabling officials to delay or ignore decisions without serious legal consequences (Adriansyah, 2025).

2. Structural and Institutional Obstacles

Resistance within bureaucratic culture, perception of court decisions as interference, overlapping authority, and weak inter-agency coordination further obstruct implementation (Santiadi, 2023).

3. Practical Obstacles

The lack of physical coercive instruments and unsystematic supervision after final judgment make implementation highly dependent on plaintiffs' initiative and officials' good faith (Baranyanan, 2024).

Alternative Solutions to Optimize Execution

Optimization requires strengthening administrative and financial sanctions (*dwangsom*), enhancing hierarchical supervision by superior officials and the President, integrating internal and external oversight mechanisms, and reformulating procedural law to empower courts during the execution phase. Ultimately, strengthening legal culture and official compliance constitutes the key to sustainable improvement (Asnani, 2025).

CONCLUSION

Regarding the implementation (execution) of State Administrative Court decisions, it can be concluded that PTUN decisions that have permanent legal force are normatively binding and must be implemented by State Administrative Agencies or Officials. However, in practice, the implementation of PTUN decisions remains ineffective because the execution mechanism stipulated in the State Administrative Court Law is primarily administrative in nature and is not supported by adequate enforcement instruments. This situation causes the successful implementation of PTUN decisions to depend heavily on the good faith and compliance of state administrative officials.

Obstacles to the implementation of PTUN decisions are complex and multidimensional, encompassing normative, structural, and practical obstacles. Normatively, the lack of an effective enforcement agency and weak sanctions against non-compliant officials are the main factors contributing to the low enforcement power of PTUN decisions. Structurally, a bureaucratic culture that is resistant to court decisions, along with conflicts of interest and overlapping authority, also weakens the implementation of decisions. Meanwhile, practically, the absence of a physical enforcement mechanism and limited oversight of decision implementation further increase the likelihood of PTUN decisions being ignored.

To address these issues, comprehensive efforts are needed to optimize the implementation of PTUN decisions by strengthening administrative sanctions and financial sanctions (*dwangsom*), optimizing the role of superior TUN officials and the President in the hierarchical oversight system, and integrating internal and external oversight mechanisms. Furthermore, reformulating PTUN procedural law towards an effective judicial control system and strengthening the legal culture and compliance of TUN officials are strategic steps to ensure that PTUN decisions are not only normatively valid, but also effective and provide real legal protection for citizens.

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