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## Implementation of Defiance of a Court Order for the Optimization of Execution Implementation in the Indonesian State Administration Jurisdiction

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### Abstract

*Indonesia is recognized as a nation governed by the rule of law, primarily anchored in the 1945 Constitution. This foundational document places significant emphasis on fostering a peaceful society while ensuring equal rights for all citizens concerning state officials and governmental entities. Consequently, to facilitate socio-economic development within the country, the Indonesian State Administration Jurisdiction (SAJ) assumes a pivotal role. The principal objective of this study is to investigate the implementation of court order defiance as a means to enhance the efficiency of execution procedures within the Indonesian SAJ. To accomplish this aim, an extensive judicial research endeavour was undertaken, drawing data from diverse sources. The methodological approach employed for addressing the study's objectives involved content analysis. This examination elucidates that the State Administrative Court (SAC) in Indonesia holds the responsibility for adjudicating conflicts between citizens and state officials or bodies. Nevertheless, the scope of the Indonesian SAJ is expansive, emphasizing the integration of innovation and advanced technology for the effective execution of its mandates. The Indonesian SAJ confronts several challenges, including issues related to transparency, suboptimal decision-making processes, and bureaucratic inefficiencies. Additionally, the adverse impact of "Law No. 51/2009" on execution procedures is evident. These challenges have the potential to influence the socio-economic development of the populace. To surmount these obstacles, the implementation of court order defiance and the infusion of principles of good governance within the judicial system are considered indispensable. Such measures can facilitate efficient decision-making processes and elevate transparency levels. The study culminates with a set of vital recommendations aimed at optimizing execution procedures within the Indonesian SAJ.*

Keywords: State Administration Jurisdiction, Indonesia, Defiance, State Administrative Court, Transparency, Execution Implementation

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## **Introduction**

Indonesia upholds the foundational principle of the rule of law, and its system of governance is structured around three distinct branches: the executive, legislative, and judiciary. The core aim underlying the establishment of state administrative courts is to function as a legal oversight mechanism overseeing the actions of government administrative bodies and officials. These courts play a dual role, actively monitoring and reactively enforcing compliance with legal norms (Suhartono & Salam, 2021)

State administrative jurisdiction pertains to the capacity and authority of a state government to govern and make determinations within the confines of its geographic boundaries. This authority encompasses a spectrum of functions, encompassing legislative, executive, and judicial realms. The exercise of this jurisdiction entails the formulation of regulations, intervention in matters of public administration, and representation of the state on the international stage. The legitimacy of state governance rests upon fundamental principles of justice, wisdom, tolerance, benevolence, equity, and parity. Effective state governance must prioritize the observance of legal frameworks, the promotion of peace, and the preservation of economic stability (Llano, 2013). Effective state governance and the law are closely intertwined, and this connection manifests itself in four distinct dimensions: governance as a form of law, governance incorporated within the legal framework, governance executed through the law, and governance that may contravene the law. These perspectives illuminate the intricate interplay and mutual influence between governance and the legal system (Colombi Ciacchi & von der Pfordten, 2023).

To expound upon these four lenses: Firstly, Governance as Law: This perspective perceives governance as a collection of informal rules that shape the operations of government. Secondly, Governance in the Law: In this context, governance practices are formally regulated within the legal system, encompassing administrative procedures, governmental authorities, and citizens' rights. Laws and regulations dictate how the government operates within the confines of legal boundaries. Thirdly, Governance through Law: This viewpoint underscores that governments primarily employ laws and regulations as their principal instruments for executing their functions. Laws serve as the primary tools for policymaking, decision-making, and the management of society, ensuring adherence to established legal processes. Fourthly, Governance against the Law: This concept acknowledges that governments or individuals within them may occasionally act in contravention of established laws and regulations, or even challenge the legal framework itself. In such instances, legal remedies, such as court interventions, may become necessary to address and rectify these transgressions. Furthermore, as noted by Kauzya (2020), effective governance encompasses a well-structured and efficient government system, a particularly vital consideration in times of significant crises, such as the COVID-19 pandemic. Good governance ensures prudent allocation of resources, efficient dissemination of information, and suitable measures to protect public health during such critical emergencies.

Government administration bears the responsibility for formulating, executing, and enforcing public policies. When policies are crafted in opacity, often behind closed doors, government administration or civil servants are typically engaged in this process. According to Ayuningtyas et al. (2021), when policies are developed in such a manner, it

can result in a dearth of input from the public and other stakeholders. Consequently, this can lead to policies primarily designed to cater to the interests of those in authority, rather than serving the broader public interest. Such an approach may engender conflicts and inconsistencies within policies, particularly when they deviate from fundamental public necessities, such as public health.

Moreover, government administration is entrusted with the task of implementing and executing these policies. In situations where policies lack effective coordination or are at odds with one another, the role of government administrators becomes more arduous. They may encounter difficulties in executing these policies due to their conflicting nature, potentially resulting in disorderly institutions and a lack of clarity regarding the optimal means of serving the public interest. Within the intricate realm of legal frameworks, the enforcement of court directives assumes a pivotal role in upholding the principles of justice and the rule of law. Particularly within the ambit of the Indonesian State Administrative system, the execution of court orders holds distinct significance, as it directly impacts the execution of governmental decisions and actions. This fundamental process serves as a cornerstone in maintaining transparency, accountability, and the overall efficiency of the administrative apparatus.

In a nation where administrative jurisdiction is closely intertwined with the legal framework, comprehending the mechanisms and challenges associated with ensuring faithful compliance with court orders becomes imperative for fostering a just and seamlessly functioning society. This examination endeavours to shed light on the procedures and obstacles related to securing unwavering adherence to court orders, thereby contributing to the preservation of an equitable and just administrative landscape in Indonesia.

### **Research Methods**

The research methodology employed in this study delineates the structured strategies and approaches utilized to select, collect, process, and scrutinize pertinent data concerning the implementation of court order defiance for the purpose of improving the efficiency of execution within the Indonesian State Administration Jurisdiction. Its aim is to uphold the overall credibility and reliability of the research while exploring the interplay between law and governance.

### **Data Collection**

This study primarily focuses on scrutinizing the integration of court order defiance within the administrative framework of the Indonesian State. The principal data for this inquiry is derived from official documents, governmental records, and policy directives directly related to the incorporation of court order defiance to enhance the procedures for executing decisions. Furthermore, secondary data is amassed through an extensive review of pertinent academic literature, research articles, and publications. Several online databases, including JSTOR, government archives, and reputable journals, are referenced to compile data and insights that substantiate both the theoretical and practical facets of this research.

### **Data Analysis**

Following the acquisition of primary and secondary data, this research paper employs an in-depth content analysis methodology. Content analysis is a structured



technique employed for a meticulous scrutiny of textual and informational data. In this context, it entails a thorough examination of the gathered data, encompassing legal documents and administrative directives. The objective is to discern recurring patterns, significant themes, and vital details pertaining to the incorporation of court order defiance into administrative procedures within the Indonesian State. This systematic analysis serves as the underpinning upon which well-founded conclusions and insights are constructed.

### **Research Approach**

In this research, an exploratory research approach is adopted to delve into the intricacies of incorporating decoder technology for the purpose of enhancing execution processes within the Indonesian State Administration Jurisdiction. The analytical approach scrutinizes and evaluates the practical ramifications, challenges, and potential benefits of integrating court order defiance within the SAJ. Furthermore, the study employs deductive reasoning as a methodological tool to synthesize findings and draw meaningful conclusions.

### **Literature Review**

Since the 1990s, state administration jurisdiction in Indonesia has witnessed substantial growth, driven by the progress in state administration research in countries such as the United States. State administration is grounded in the principles of the rule of law, aiming to establish activities, governance, and society on the pillars of fairness, peace, and utility (Wahid, 2017). Indonesia identifies itself as a legal state. However, in practice, government actions often disregard decisions made within the State Administrative Jurisdiction. This study's objective is to assess the nature, categories, and enforcement of administrative jurisdiction rulings, as well as the execution process within the Indonesian legal system.

Enforcing court orders within the Indonesian State Administration jurisdiction presents several challenges. This issue arises when government officials occasionally decline to adhere to Administrative Court judgments, potentially compromising the equitable legal protection of individuals or entities seeking justice through the court system (Harjiyatni & Yulianto, 2019). The Administrative Court lacks the authority to enforce its rulings, as this responsibility entirely rests with the government (Sasmito, 2018). The court's role in enforcement and legal protection is constrained. Various factors or obstacles may impede the court from effectively fulfilling its duty to enforce its rulings and safeguard the legal rights of individuals (Suparjoto, 2014).

Furthermore, the regulations pertaining to State Administration lack substantial enforcement capabilities, leading to increased complexity in implementing Administrative Court judgments (Pattipawae, 2019). The inefficiency of court decisions stems from multiple factors. These encompass the absence of a specialized body exclusively tasked with implementing court orders, government officials having limited awareness of their responsibilities, and a shortage of explicit, comprehensive instructions for ensuring compliance with court rulings. The convergence of these elements creates challenges in the efficient execution of court decisions (Suhartono & Salam, 2021).

To enhance execution, it is advisable for the government to establish an executive institution or sanctions aimed at ensuring compliance with Administrative Court rulings Koh (2020). investigates instances where the government fails to adhere to regulations pertaining to deportations. It addresses three primary concerns: Firstly, there are situations in which individuals responsible for deportation decisions disregard the directives issued by higher courts. Secondly, deportation agents carry out the removal of individuals from the country even when court rulings are against it. Lastly, government lawyers engage in unethical conduct, which includes dishonesty in court proceedings or failing to meet crucial deadlines. The study suggests that the judiciary, the government, and the legislature should all take cognizance of these issues and collaborate to find solutions.

The challenges associated with Article 116 of Law Number 9 Year 2004 include the absence of a designated institution or agency responsible for executing and enforcing state administrative court rulings, resulting in a lack of dedicated oversight to ensure these decisions are implemented. Moreover, many government officials lack awareness and a comprehensive understanding of these court rulings, potentially leading to non-compliance due to a lack of comprehension regarding their significance. Additionally, there is a deficiency in well-defined and robust regulations governing the execution and enforcement procedures for state administrative court decisions, which may contribute to confusion and irregularities in the implementation of these judgments (Habibi & Nuryani, 2020).

The process of carrying out the decisions made by the State Administrative Court can become protracted if it lacks the full backing of the court's authority and if government officials involved are not well-informed about the law. Eventually, it may even necessitate the involvement of the President, who leads the government, as they are responsible for managing the government system (Ayuningtyas et al., 2021).

The "Functional Jurisdiction" model seeks to address these discrepancies by delving into the foundational premise of government authority, which hinges on the exercise of public powers to execute State functions. These functions encompass activities such as policy implementation and operational measures, whether domestically or internationally, ultimately resulting in control over specific situations (Moreno-Lax, 2020). Administrative irregularities during general elections have been addressed by administrative jurisdiction through administrative legal procedures since the collapse of the New Order Era. This study scrutinizes the process of resolving administrative issues in Indonesia's 2019 general election, as well as the roles played by administrative courts in this procedure. This article concludes that administrative dispute resolution bodies (ADR) play a significant role in addressing administrative executive challenges during Indonesia's general elections (Kusdarini et al., 2022).

Coercive measures against the State administrative jurisdiction may be employed in the implementation of decisions made within the State Administrative Jurisdiction, as outlined in Article 116, paragraph (4) of Law Number 51 of 2009 (Pamungkas et al., 2023). The proliferation of non-State administrative jurisdiction entities capable of adjudicating government administrative disputes has given rise to various challenges in recent times. Among these challenges, a significant concern revolves around the execution and enforcement of decisions arrived at during conflict resolution (Martana et al., 2019).

In essence, the implementation of court instructions and rulings holds paramount significance as it directly shapes the execution of government decisions and actions. When a court issues an order, it effectively obliges the government to adhere to an official directive. Failure to correctly execute or enforce these orders can significantly impact the government's functioning and its decision-making processes. Consequently, ensuring the adherence to and enforcement of court orders is of utmost importance in upholding the government's commitment to the rule of law and its respect for the decisions of the judiciary.

The literature review conducted a comprehensive analysis of previous research and insights pertaining to the integration of court orders in administrative contexts, with a particular focus on the Indonesian State Administration Jurisdiction. Building upon this established body of knowledge, the primary objective of this study is to provide valuable perspectives and actionable recommendations aimed at facilitating the implementation of court orders within the administrative framework of Indonesia.

### **Findings and Discussion**

This section encompasses the findings and discussion of this study, which primarily centers on the integration of decoders to enhance execution implementation within the Indonesian State Administration Jurisdiction. To achieve this objective, a comprehensive examination of the State Administration Jurisdiction (SAJ) within the Indonesian context was conducted. Furthermore, a detailed analysis of the execution implementation challenges encountered by the SAJ in Indonesia is presented, followed by a discussion regarding the implementation of court order defiance as a means to optimize execution procedures within the SAJ.

#### ***State Administration Jurisdiction (SAJ) in Indonesia***

In Indonesia, the exercise of "Judicial Power" is governed by Article 24 of the 1945 Constitution. This article designates the Constitutional Court and the Supreme Court as the authorities responsible for wielding judicial power. Furthermore, Article 24(b) of the Constitution underscores the independent nature of the Judicial Commission (Surya, 2023). The Judicial Commission holds the authority to nominate Supreme Court justices and plays a pivotal role in upholding and safeguarding the dignity, conduct, and honour of judges.

Indonesia's court system is founded upon four fundamental pillars: the religious court, military court, general court, and state administration court. Within this framework, the State Administration Court (SAC) is empowered to adjudicate disputes arising from conflicts between legal entities and state administration officials in the field of state administration (Kusdarini et al., 2022). The SAC encompasses both appellate and initial instance courts, thus granting it a broad jurisdiction.

The establishment of SACs in Indonesia dates back to 1986, driven by the imperative to prevent arbitrary treatment of citizens by government institutions. These courts were instituted under "Law No. 5/1986," commonly known as the SAC Act (Saputro, 2021). SACs are tasked with conducting proceedings involving state bodies or officials from both regional and central institutions. The primary objective of these proceedings is to assess the potential adverse impacts of government decisions on citizens' interests.



Additionally, SACs address cases involving civil servants, which may pertain to actions taken by government superiors within the internal bureaucracy.

The SAC, known as "Pengadilan Tata Usaha Negara," serves as the initial level court for state administration cases. It holds original jurisdiction and is responsible for adjudicating disputes related to administration matters (Sari & Wibowo, 2023). The second-tier court is the State Administrative High Court, which handles appellate jurisdiction for state administration cases previously heard in the first-level courts. The ultimate appellate authority is the Supreme Court.

The state administration is denoted as a state agency vested with extensive authority in the execution of government affairs. The abuse of this authority can lead to injustices, representing a societal detriment (Soehartono, Aldyan, & Indriyani, 2021). Consequently, in accordance with political theory, the legislative branch exercises oversight over the state agency (executive), while the judiciary exercises control over the juridical aspects. State administration officials bear the responsibility of executing crucial executive functions. Consequently, the administrative courts oversee the judiciary in Indonesia.

### ***Execution Implementation Challenges faced by SAJ in Indonesia***

Due to the comprehensive scope of the State Administrative Jurisdiction (SAJ), various challenges hinder effective execution implementation. One of the primary issues in this context pertains to the inadequate accessibility and availability of information related to judicial, administrative, and legislative proceedings to the public. Nevertheless, different regulations and laws underscore the importance of public access to critical information. These laws encompass "UU No.8/1999" (the "Consumer Protection Act"), "UU No. 41/1999" (the "Forestry Act") (Karjoko & Handayani, 2021), "UU No.31/1999" (the "Corruption Eradication Act"), "UU No.23/1997" (the "Environment Management Act"), and "UU No.39/1999" (the "Human Rights Act") (Widyastuti, Enggarani, & Nurhayati, 2022).

Moreover, amendments within the 1945 Constitution emphasize every citizen's right to communication and access to information for their social development. The absence of an effective information system within the SAJ significantly impedes the availability of specific information to the respective citizens (Lubis, Kusumasari, & Hakim, 2018). This, in turn, impacts execution implementation within the SAJ of Indonesia, accentuating the necessity for the integration of effective and advanced technologies to address these challenges.

Another pertinent issue within the framework of the State Administrative Jurisdiction (SAJ) in Indonesia revolves around an inefficient bureaucracy. Indonesia boasts a bureaucracy workforce of over 4 million public servants and other dedicated employees (Wahyurudhanto, 2020). The government's primary objective is to cultivate a world-class system that fosters socio-economic development within the nation. To achieve this aim, government leaders are recognized as pivotal in elevating the productivity of the administrative apparatus, thereby contributing to the nation's competitive advantage and success (Turner, Prasojo, & Sumarwono, 2022).

Regrettably, Indonesia is confronted with the reality of possessing one of the least effective bureaucracies within the Asian region. This inefficiency has a detrimental impact on the state administration system of the country, underscoring the



imperative need for the incorporation of efficient and innovative mechanisms to address such challenges.

A prevailing challenge encountered by the State Administrative Jurisdiction (SAJ) in Indonesia is the lack of transparency, which, in turn, exerts a detrimental influence on the execution implementation. The transparency of local government plays a pivotal role in enhancing public awareness regarding pertinent matters (Putra, 2020). Indonesia's standing on the "Transparency International Corruption Perception Index" is ranked at 110 (CPI, 2022). Consequently, the SAJ in Indonesia grapples with an inadequate transparent legal framework, which adversely affects the overall enforcement of related laws and regulations. This, in turn, perpetuates a continual rise in corruption and fraudulent activities within the realm of state administration. Consequently, the socio-economic development of the country is also adversely impeded.

Furthermore, the execution of decisions associated with the State Administrative Court (SAC) under "Law No. 51/2009" (article 116) encountered various obstacles due to insufficient provisions. The barriers to verdict execution involved the "Administration officer" (AO) in the position of a regional head, also known as the "political officer" (PO). Additionally, barriers to verdict execution stemmed from the AO, an officer who had sued the state for accepting an apparent authority's delegation (Suhartono & Salam, 2021), thus presenting an ineffective execution mechanism. In this context, the implementation of court order defiance can be an effective means to optimize the execution implementation within the Indonesian State Administration Jurisdiction (SAJ).

### ***Implementation of Defiance of a Court Order and Good Governance (GG) Principles in Court***

Defiance of a court order has been observed in cases of ineffective rulings. For instance, Prabowo Subianto, also known as the presidential challenger in Indonesia, initially contested the Constitutional Court's decision regarding President Joko's victory (Nubowo, Ng, & Subianto, 2019). However, he later accepted the court's decision in accordance with the 1945 Constitution. Therefore, aside from implementing court order defiance, it is crucial to incorporate important principles of good governance (GG) into the State Administrative Court (SAC).

For example, the accountability principle promotes transparency in the disclosure of state secrets, emphasizing the prevention of limitations imposed by statutory provisions. However, disclosing state secrets is often considered a criminal offense in Indonesia, subjecting the accused to potential imprisonment for nine months and a fine of 600 dollars, as outlined in the Criminal Code's articles 323 and 322 (Atika, 2023).

Additionally, the transparency principle must be integrated to enhance decision execution (Suparjoto, 2014). However, SAC rulings sometimes lack adherence to transparency principles as stipulated in "UU.Nomor 28/ 1999" (art 3) (Purba et al., 2023). Moreover, the application of the legal certainty principle within SAC is crucial for effective decision-making.

### **Recommendations**

This research underscores significant challenges within the Indonesian legal system. To address these issues and ameliorate the overall functionality of the administrative judiciary, the following recommendations are put forth:

- The authority of the State Administrative Court (SAC) should be fortified to bolster the execution of court orders. This may encompass granting SAC greater authority, thereby enabling the court to implement its judgments with enhanced efficiency. A more empowered SAC would be better positioned to enforce its rulings.
- It is imperative to enhance the comprehension of state administration officials regarding the significance of adhering to SAC rulings through the implementation of awareness campaigns and training programs.
- To mitigate uncertainty and inconsistency in the execution of SAC decisions, the government should formulate precise procedures and regulations for implementing court orders
- To ensure the compliance with SAC judgments, the government should contemplate the creation of a specialized executive agency tasked with overseeing the execution of court orders.
- It is vital to bolster the capacities of the SAC and its affiliated entities. This entails ensuring that adequate training, resources, and staff are accessible to effectively supervise the execution of court judgments.
- Addressing fundamental structural issues necessitates a comprehensive review and potential adjustments to existing laws governing state administration and the SAC. This may involve revising legislation to grant SAC greater authority or clarifying its role in decision-making processes.
- Enhanced collaboration and communication among government entities can ensure that various authorities collaborate seamlessly to enforce court judgments.
- In addition to enhancing awareness among state administration officials, initiatives should be taken to educate the general public about the role and significance of the SAC. Informed citizens with knowledge of legal processes can play a pivotal role in holding the government accountable for complying with court orders.
- Establishing a system for monitoring and reporting on the execution of court orders can facilitate the identification of issues and areas requiring improvement. This data-driven approach can furnish policymakers and stakeholders with insights into the effectiveness of enforcement efforts.

### **Conclusion**

The enhancement of execution procedures within the Indonesian State Administration Jurisdiction (SAJ) assumes paramount importance in fostering the socio-economic development of Indonesian citizens. The SAJ grapples with a multitude of issues concerning effective decision-making, compounded by inadequate transparency that adversely affects the broader state administration system in Indonesia. Within this context, bureaucratic challenges are notably prevalent. Furthermore, "Law No. 51/2009" exacerbates the inefficiency in executing decisions by the State Administrative Court (SAC). Hence, the implementation of court order defiance alongside principles of good governance is deemed imperative for ameliorating the execution processes within the Indonesian SAJ. This approach holds the potential to augment transparency and legal assurance within the state administration system, fostering an enhanced decision-making process within the SAJ, ultimately contributing to the amelioration of the country's socio-economic development.

## 1 **Research Implications**

The challenges elucidated in this study exert not only a bearing on the efficacy of the administrative legal system but also cast broader repercussions on the rule of law, governance, and the safeguarding of individual rights. The principal implications are as follows:

- When government officials, including state administrative bodies, neglect to comply with court orders, it undermines the fundamental tenet of the rule of law. The rule of law stipulates that everyone, including the government, is subject to and accountable under the law. The failure to enforce court orders weakens the legal framework and nurtures a culture of impunity.
- The challenges encountered in enforcing court orders contribute to inefficiencies within governance. This can result in administrative disarray and inconsistencies in policy implementation. Such inefficiencies can impact diverse sectors, encompassing public services, infrastructure development, and resource allocation.
- The government's dedication to the rule of law and accountability is evaluated by the degree to which it adheres to court orders. When the government is seen as neglecting court rulings, it can lead to public disillusionment, protests, and a erosion of the social contract between citizens and the state.
- Inefficiencies stemming from non-compliance with court orders can have economic ramifications. Projects that are delayed or suspended, contractual disputes, and uncertainty surrounding government actions can dissuade investments and impede economic growth.
- The lack of a well-defined and consistent mechanism for enforcing court orders adds to legal uncertainty. This sense of uncertainty can deter individuals and businesses from participating in legal proceedings, as they may fear that even if they secure a favorable court decision, it may not be carried out.
- The challenges in enforcing court orders can impact Indonesia's standing in the international arena. Consistent adherence to the rule of law is a critical facet of a country's global image. Failure to enforce court orders can potentially result in diplomatic conflicts and harm international relations.
- The challenges delineated in this context underscore the necessity for comprehensive legal and institutional reforms. Strengthening the administrative judiciary, elucidating legal provisions, and augmenting the accountability of government officials all constitute pivotal areas warranting reform.

## **Limitations and Future Research**

This study bears certain limitations worth noting. One significant constraint pertains to the sources of data utilized in this investigation. While the primary reliance on official documents and secondary sources is valuable, it may not fully capture the real-time experiences and viewpoints of administrative personnel and the implications of court orders. The incorporation of primary data collection methods, such as surveys or interviews, could have offered a more comprehensive comprehension of the practical consequences associated with the incorporation of court order defiance.



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Furthermore, the applicability of the study's findings is confined. The insights and recommendations stemming from this research pertain specifically to the Indonesian State Administration Jurisdiction. Extrapolating these conclusions to other regions or countries may fail to account for the unique administrative and cultural contexts that diverge elsewhere. Another limitation is tied to the dynamic nature of the subject, as legislations and policies are in a constant state of evolution. Consequently, there exists the possibility that this study may become dated relatively swiftly.

Future research endeavours have the potential to extend and surmount the limitations of this study. This could encompass comparative studies that scrutinize the challenges of court order enforcement in diverse countries or regions, elucidating commonalities and distinctive contextual factors influencing compliance. Longitudinal research could offer a dynamic perspective on the changes within the Indonesian SAJ over time and the impacts of reforms on the implementation of court orders. Qualitative investigations, through interviews and surveys involving stakeholders, may unveil the rationales behind non-compliance and propose potential remedies. Additionally, forthcoming research should evaluate the feasibility and effectiveness of specific legal reforms and policy alterations aimed at enhancing court order enforcement within the Indonesian SAJ.

## References

- Atika, A. (2023). Legal Protection of Trade Secret from the View of Civil and Criminal Law. *International Journal of Social Science Research and Review*, 6(2), 165-170. <https://doi.org/10.47814/ijssrr.v6i2.966>
- Ayuningtyas, D., Haq, H. U., Utami, R. R. M., & Susilia, S. (2021). Questioning the Indonesia government's public policy response to the COVID-19 pandemic: black box analysis for the period of January–July 2020. *Frontiers in Public Health*, 9, 612994. <https://doi.org/10.3389/fpubh.2021.612994>
- Colombi Ciacchi, A., & von der Pfordten, D. (2023). Exploring the relationship between law and governance: a proposal. *The Theory and Practice of Legislation*, 1-17. <https://doi.org/10.1080/20508840.2023.2215657>
- CPI. (2022). *Corruption Perceptions Index*. Transparency International. <https://www.transparency.org/en/cpi/2022/index/idn>
- Habibi, D., & Nuryani, W. (2020). Problematika Penerapan Pasal 116 UU Peratun Terhadap Pelaksanaan Putusan PTUN. *TIN: Terapan Informatika Nusantara*, 1(5), 300-304. <http://ejurnal.seminar-id.com/index.php/tin/article/view/473>
- Harjiyatni, F., & Yulianto, F. (2019). Weaknesses Of The Implementation Of The State Administrative Court Verdicts: A Case Study In Indonesia. *Proceedings of the 3rd English Language and Literature International Conference, ELLiC, 27th April 2019, Semarang, Indonesia*. <http://dx.doi.org/10.4108/eai.27-4-2019.2285595>
- Karjoko, L., & Handayani, I. (2021). The consequence of the decision of the constitutional court in forestry on the recognition of traditional forests in Indonesia. *Journal of Legal, Ethical and Regulatory Issues*, 24(5), 1-8. <https://www.proquest.com/openview/8b80801a676f2de95adc4496d7b04469>
- Kauzya, J.-M. (2020). COVID-19: Reaffirming state-people governance relationships. <https://doi.org/10.18356/c221362c-en>

- Koh, J. L. (2020). Executive defiance and the deportation state. *Yale Law Journal*, 130(4), 948-997. [https://www.yalelawjournal.org/pdf/Koh\\_544jzpv.pdf](https://www.yalelawjournal.org/pdf/Koh_544jzpv.pdf)
- Kusdarini, E., Priyanto, A., Hartini, S., & Suripno, S. (2022). Roles of justice courts: settlement of general election administrative disputes in Indonesia. *Heliyon*, 8(12). <https://doi.org/10.1016/j.heliyon.2022.e11932>
- Llano, A. (2013). Jurisdiction and How States (State Bodies) Exercise Jurisdiction Under International Law. *Academic Journal of Interdisciplinary Studies*, 2(9), 428. <http://dx.doi.org/10.5901/ajis.2013.v2n9p428>
- Lubis, M., Kusumasari, T. F., & Hakim, L. (2018). The Indonesia public information disclosure act (UU-KIP): Its challenges and responses. *International Journal of Electrical and Computer Engineering*, 8(1), 94. <https://doi.org/10.11591/ijece.v8i1.pp94-103>
- Martana, N., Martana, P. A. H., Sudiarawan, K. A., & Hermanto, B. (2019). Discourses of Legal Certainty in Execution of Administrative Court Decision. *Substantive Justice International Journal of Law*, 2(2), 89-117. <http://dx.doi.org/10.33096/substantivejustice.v2i2.35>
- Moreno-Lax, V. (2020). The Architecture of Functional Jurisdiction: Unpacking Contactless Control—On Public Powers, SS and Others v. Italy, and the “Operational Model”. *German Law Journal*, 21(3), 385-416. <https://doi.org/10.1017/glj.2020.25>
- Nubowo, A., Ng, J., & Subianto, P. (2019). The Three Streams Facing Indonesian Muslims: Pulls of Politics. *RSIS Commentaries*, 064-19. <https://www.rsis.edu.sg/wp-content/uploads/2019/04/CO19064.pdf>
- Pamungkas, Y., Amriyati, A., Yurikosari, A., & Candra, R. J. (2023). Challenges of State Administrative Court Decisions Implementation: Analysis of Challenges to Execution of State Administrative Court Decisions. *Eduvest-Journal of Universal Studies*, 3(8), 1389-1404. <https://doi.org/10.59188/eduvest.v3i8.870>
- Pattipawae, D. R. (2019). Pelaksanaan Eksekusi Putusan Pengadilan Tata Usaha Negara Di Era Otonomi. *Sasi*, 25(1), 92-106. <https://doi.org/10.47268/sasi.v25i1.151>
- Purba, B., Ambarita, G., Manik, L., & Simamora, N. (2023). Resolution of Consumer Personal Data Protection Efforts during Online Buying and Selling Transactions. *Indonesian Journal of Advanced Research*, 2(7), 879-888. <https://doi.org/10.55927/ijar.v2i7.4599>
- Putra, D. (2020). A modern judicial system in Indonesia: legal breakthrough of e-court and e-legal proceeding. *Jurnal Hukum dan Peradilan*, 9(2), 275-297. <http://dx.doi.org/10.25216/jhp.9.2.2020.275-297>
- Saputro, B. P. B. (2021). Public Information Dispute Resolution (Perspective of the State Administrative Court Act and the Public Information Disclosure Act). *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang*, 7(1), 61-88. <https://doi.org/10.15294/ulj.v7i1.38803>
- Sari, L. P., & Wibowo, A. (2023). Pelaksanaan Putusan Peradilan Tata Usaha Negara (PTUN): Pengadilan tata usaha negara, Hukum, Indonesia, Putusan pengadilan. *Jurnal Penelitian Multidisiplin*, 2(1), 59-63. <https://garuda.kemdikbud.go.id/documents/detail/3321888>
- Sasmito, H. (2018). Implementation Of Decisions And Obstacles Administrative Court-Implementation Obstacles. *Jurnal Daulat Hukum*, 1(2), 391-396. <http://dx.doi.org/10.30659/jdh.v1i2.3279>

- Soehartono, K. T., Aldyan, A., & Indriyani, R. (2021). The establishing paradigm of dominus litis principle in Indonesian administrative justice. *Sriwijaya Law Review*, 5(1), 42-55. <https://core.ac.uk/download/pdf/386354109.pdf>
- Suhartono, R. M., & Salam, S. (2021). Implementation of State Administrative Court Decisions: Conception, and Barriers. *Musamus Law Review*, 3(2), 49-57. <https://doi.org/10.35724/mularev.v3i2.3449>
- Suparjoto, S. (2014). Implementation of Good Court Governance Principles to Order the State Courts System in Indonesia. Available at SSRN 2509561. <https://dx.doi.org/10.2139/ssrn.2509561>
- Surya, I. (2023). The Role of the State Administrative Court in Realizing Good Governance. *International Journal of Scientific Research and Management*, 11(6), 411-418. <https://doi.org/10.18535/ijstrm/v11i06.la01>
- Turner, M., Prasajo, E., & Sumarwono, R. (2022). The challenge of reforming big bureaucracy in Indonesia. *Policy Studies*, 43(2), 333-351. <https://doi.org/10.1080/01442872.2019.1708301>
- Wahid, A. A. (2017). Kedudukan Hukum Administrasi Negara Dalam Tata Hukum Indonesia. *Jurnal Sosial dan Humanis Sains (JSHS)*, 2(1). <https://doi.org/10.24967/jshs.v2i1.104>
- Wahyurudhanto, A. (2020). Critical Reorientation of Bureaucratic Reform and Good Governance in Public Sector Administration in Indonesia. *Webology*, 17(2), 308-316. <https://doi.org/10.14704/WEB/V17I2/WEB17033>
- Widyastuti, R. N., Enggarani, N. S., & Nurhayati, N. (2022). Legal Uncertainty in Disharmony Phrase Abuse of Authority in Legislation in Indonesia. *International Conference on Community Empowerment and Engagement (ICCEE 2021)* (pp. 19-24). Atlantis Press. <https://doi.org/10.2991/assehr.k.220501.003>



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