

REGULATION ON THE AUTHORITY TO ADDRESS THE DETERMINATION OF VILLAGE HEAD ELECTION RESULTS AS THE OBJECT OF STATE ADMINISTRATIVE DISPUTES HAS NOT BEEN BASED ON JUSTICE VALUE

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ABSTRACT

As for the definition according to Law Number 5 of 1986 article 4, the State Administrative Court is one of the executors of judicial power for the people seeking justice for State Administrative disputes. Apart from the State Administrative Court, other courts as executors of judicial power in Indonesia based on Law Number 48 of 2009 concerning Judicial Power, are the General Court, the Religious Court and the Military Court which culminate in the Supreme Court, as well as an independent Constitutional Court. The type of research used in this research is analytical descriptive. Descriptive research is a form of research aimed at describing existing phenomena, both natural phenomena and man-made phenomena. Judges in being accountable for decisions often also seek support from jurisprudence and science. Seeking support in jurisprudence does not mean that a judge is bound by or has to follow decisions regarding similar cases that have been handed down by the Supreme Court and the Court of Appeal, or that have been decided by him alone. Based on the results of the research and discussion that have been described in the previous chapters, the authors draw conclusions, suggestions, from the results of the research as follows: Weaknesses in the regulatory authority adjudicating the Determination of Village Head Election Results as the Object of the Current State Administrative Dispute, Weaknesses Regulations in Article 1 number 8 and number 9 regarding the understanding of State Administrative Agencies or Officials and State Administrative Decisions in the perspective of current Human Rights, namely that there are weaknesses in the legal structure, legal substance and legal culture.

Keywords: Regulation, justice, authority, object, TUN

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INTRODUCTION

The term competence comes from the Latin "Competentia", (English: Competence, Competency), etymologically defined as "skill", "ability", or "authority", generally interpreted as: (1) authority to determine or decide something, (2) the right and power to act. The terms and meanings of this competency can be associated with various subjects, whether people, government agencies, judicial institutions, and so on. When associated with people, competence can be interpreted as someone's skills, abilities, rights, or authority (hetgeen aan iemandtoekomt). If associated with government institutions (bodies or officials), competence can be interpreted as authority (gezag, authority, power), namely formalized power to act in government affairs (Ubayanto et al., 2020), which can originate from laws (attribution) or from the delegation of authority (delegation), mandate).

If it is associated with the authority of the court, competence means the authority of a court to hear and decide certain cases (Shelton, 2008). Court competence is divided into two, namely absolute competence (attribution) and relative competence (distribution) (Saputro, 2021).

Absolute competence (absolute competentie, attributie van rechtsmach) of a court can be interpreted as the absolute authority possessed by a court to receive, hear and decide on a particular case based on the criteria of the object of the case and the subject matter of the case.

Regarding the notion of absolute competence, there are several opinions. According to Sudikno Mertokusumo, absolute authority is defined as follows:

"Absolute authority or absolute competence is the authority of a court body to examine certain types of cases which absolutely cannot be examined by another court body, either in the same judicial environment or in another judicial environment. This absolute authority is to answer the question: is that particular court (for example the District Court) has the authority to examine certain types of cases filed, and not other competent courts. Usually this absolute competence depends on the content of the lawsuit, namely the value of the lawsuit. This absolute authority is also called the attribution of judicial power

From Sudikno's opinion above, the determination of absolute competence is based on the type of case (the object of the dispute). This opinion is in line with TJ's opinion. Buys, which uses the criteria for the object of dispute (*objectum litis*, *voorwer-fingeschil*) in determining absolute competence: if the *objectum litis* lies in civil rights, it becomes the authority of general justice, if it lies in the field of state administrative law, it becomes the authority of administrative justice.

Another opinion was expressed by J.R. Thorbecke and van Praag. Thorbecke uses the fundamental criteria of the petition or the principal claim: if the principal claim lies in the field of public law, then the case becomes the competence of administrative justice and if it lies in the field of civil law then it becomes the competence of general justice. Meanwhile, van Praag uses the criteria of the subject or the parties to the dispute, namely if one of the subjects is an administrative body/official, then the case is the competence of administrative justice.

The opinion that is widely held by Indonesian legal scholars is a broad opinion, namely that absolute competence relates to the criteria of the object of dispute and the subject of the dispute. This opinion was shared among others by Rochmat Sumitro, Syachran Basah, M. Hadin Mudjad, Muchsan, Sunaryati Hartono, and Prayudi Admosudirdjo. Absolute competence is also called attribution authority (*attributie van rechtsmacht*), because the absolute authority of each of these courts is basically determined by laws and regulations, although it still opens the possibility for it to be developed by jurisprudence.

Judging from the relationship between one court and another, absolute competence can be distinguished into horizontal and vertical absolute competence (Blichner & Molander, 2005). Horizontal absolute competence is the absolute authority to adjudicate from a court distinguished from other courts of equal rank but from a different judicial environment (Heiden, 2016). For example, the absolute competence of the State Administrative Court is different from the absolute competence of the District Court, Religious Court, or Military Court. Whereas vertical absolute competence is the absolute authority to adjudicate from a court which is differentiated from the higher level courts in stages (vertical, hierarchical), starting from the court of first instance, appellate and cassation (Lin & Shen, 2016). For example, the absolute competence of the State Administrative Court (PTUN) is different from that of the High State Administrative Court (PT-TUN) and the Supreme Court.

The provisions of Article 47 and Article 53 paragraph (1) can be concluded that the authority of the State Administrative Court is only tasked with examining, deciding and resolving State Administrative disputes concerning cancellation or invalidity of decisions/determinations issued by TUN Bodies or Officials.

From the point of view of the distribution of jurisdictional powers, the law has determined the boundaries of the jurisdiction of each court (Ford, 1993), so that there is often ambiguity in determining clear boundaries between the State Administrative Court and the General Court or the State Administrative Court and the Religious Court. Thus, this absolute authority is the authority of a judicial body which absolutely cannot be examined by another judicial body. If a case is submitted to a court which has absolutely no authority to examine the case, then it must declare itself not authorized to try the case submitted to it if the case being examined involves the absolute authority of another court. Regarding this absolute authority without being requested in the exception of the defendant's answer if the judge knows that the case being examined and tried is the absolute authority of another court (Seyto Handono et al., 2018), then the judge of the State Administrative Court should declare himself not authorized to examine and try the case and the plaintiff's claim is declared invalid. accepted.

METHOD

What is quite important in legal research as a scientific activity is the process of analysis which includes research methods to study certain legal phenomena, then seek solutions to the problems that arise. So we need an appropriate research method.

The type of research used in this research is analytical descriptive (Creswell & Creswell, 2017). Descriptive research is a form of research aimed at describing existing phenomena, both natural phenomena and man-made phenomena. Analytical descriptive according to Sugiono is a method that functions to describe or give an overview of the object under study through data or samples that have been collected as they are without conducting analysis and making general conclusions (Nasution, 2003).

RESULTS AND DISCUSSION

Weaknesses in the Regulatory Authority to Adjudicate the Determination of Village Head Election Results as the Object of Current State Administrative Disputes

Judges in being accountable for decisions often also seek support from jurisprudence and science. Seeking support in jurisprudence does not mean that a judge is bound by or has to follow decisions regarding similar cases that have been handed down by the Supreme Court and the Court of Appeal, or that have been decided by him alone (Atmadja, 2018).

The PTUN structure in Indonesia is more towards the concept of unity of jurisdiction as applied in Common Law system countries which do not recognize the existence of an independent PTUN, state administrative disputes are tried by general courts culminating in the Supreme Court. However, according to Yodi Martono Wahyunadi, this does not mean that the Indonesian State Administrative Court adheres to the Common Law system because in carrying out its functions, the State Administrative Court is more inclined to the concept of Civil Law, which positions Government Officials not on equal footing before the court.

The separation between the functions of the judiciary under the Supreme Court is only limited to the division of tasks. If so, it is very possible for the judiciary under the Supreme Court to be in one institution both at the appellate level and at the first level with chambers formed and chaired by a chairman of the Court assisted by chairmen of the chambers, as in the Supreme Court. This system will be more effective in terms of public access to the courts, more

efficient in terms of operational and budgetary costs and simpler in terms of the structure of positions in the courts.

Because the position of PTUN and general courts in the judicial structure in Indonesia is that they both exercise judicial power under the Supreme Court, where the separation of the two is limited to the court of first instance and court of appeal only, according to the author, the concept of the PTUN system in Indonesia is close to the unity of justice system. jurisdiction.

State Administrative Court has the duty and authority to examine, decide, and resolve State Administrative disputes. The dispute referred to is a dispute between community members and government officials as a result of the issuance of a state administrative decision, including employment disputes. The essence of PTUN's function is the institution provided to resolve disputes between the government and citizens in the field of public law (Black, 1990).

About the legal structure Friedman explained:

“To begin with, the legal system has the structure of a legal system consisting of elements of this kind: the number and size of courts; their jurisdiction ...Structure also means how the legislature is organized ...what procedures the police department follows, and so on. The structure, in a way, is a kind of cross section of the legal system...a kind of still photograph, with freezes The action.”

The structure of the legal system consists of the following elements, the number and size of courts, their jurisdiction (including the types of cases they are authorized to hear), and procedures for appeals from one court to another. Structure also means how the legislature is organized, what the president may and may not do, what procedures are followed by the police and so on. So the structure (legal structure) consists of existing legal institutions intended to carry out existing legal instruments. Structure is a pattern that shows how the law is implemented according to its formal provisions. This structure shows how the courts, legislators and legal bodies and processes work and are carried out.

In Indonesia, for example, if we talk about the structure of the Indonesian legal system, this includes the structure of law enforcement institutions such as the police, prosecutors and courts.

Weaknesses in Legal Substance

Weaknesses are limitations/deficiencies in one or more resources/capabilities²⁶⁰. Every statutory regulation that is enacted has weaknesses in its application, including Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning State Administrative Court.

Indonesia as a constitutional state has a constitutional basis for the establishment of the State Administrative Court, namely in Article 24 of the 1945 Constitution which states:

1. The Judicial Power is an independent power to administer justice in order to uphold law and justice
2. Judicial power is exercised by a Supreme Court and judicial bodies under it in the general court environment, religious court environment, military court environment, state administrative court environment, and by a Constitutional Court.

State Administrative Courts are regulated in specific laws and regulations, namely Law No. 5 of 1986 concerning PTUN which was later amended by Law No. 9 of 2004 concerning Amendments to Law Number 5 of 1986 concerning Administrative Courts It is felt that the

state has fulfilled the requirements to make a professional PTUN institution to carry out its functions through its judicial control.

However, it should be realized that *das sollen* often conflicts with *das sein*, one example is related to the execution of decisions, the State Administrative Court can be said to be unprofessional and has not succeeded in carrying out its functions.

State Administrative Disputes are regulated in Article 1 point 4 of Law Number 5 of 1986 (now Article 1 number 10 of Law Number 51 of 2009), namely as disputes that arise in the field of State Administration, between individuals or civil legal entities with bodies or officials. State Administration, both at the central and regional levels, as a result of the issuance of State Administration Decrees, including employment disputes based on the applicable Laws and Regulations.

TUN dispute elements:

1. Disputes that arise in the field of state administration
2. Between a person or civil law entity and a TUN agency or official;
3. As a result of the issuance of the KTUN, including employment disputes, based on the applicable laws and regulations.

The State Administrative Dispute was caused by the existence or issuance of a State Administrative Decree (KTUN), therefore the State Administrative Decision became the basis for the birth of a State Administrative Dispute. State Administrative Decisions, according to Article 1 number 3 (now Article 1 number 9 Law Number 51 of 2009) Law Number 5 of 1986, is intended as a written determination issued by the TUN Agency or Official which contains TUN legal actions based on the Rules Applicable laws, which are concrete, individual and final, which give rise to legal consequences for a person or civil law entity.

The elements of the KTUN as stated in Article 1 point 3 of Law Number 5 of 1986 have not been completed, it turns out that there are exceptions in the form of deductions for matters listed in Article 2 and exceptions in the form of additions to matters listed in Article 3.

According to Article 2, what is not included in the meaning of State Administrative decisions according to this Law:

- a. State Administrative Decisions which are civil law acts;
- b. State Administrative Decisions are general arrangements;
- c. State Administrative Decisions that still require approval;
- d. State Administrative Decisions issued under the provisions of the Criminal Code or the Criminal Procedure Code or other laws and regulations that are criminal in nature;
- e. TUN decisions issued on the basis of the results of examinations by the judiciary based on the provisions of the applicable laws and regulations;
- f. TUN decision regarding the state administration of the Indonesian National Armed Forces;
- g. KPU decisions, both at the central and regional levels, regarding the general election results.

In general, a claim filed against a decree issued by the government such as a Governor's Decree, a Mayor's Decree and several other decrees issued by the government as an administrative action is reasonable and regulated in Indonesian positive law. In simple terms, it is understood that the TUN Agency or Official who issues a KTUN can become a defendant in the Administrative Court.

State Administrative Agencies or Officials are given the authority to resolve administrative disputes as referred to in Article 48 paragraph 1. Article 24 paragraph (1) of the 1945 Constitution states "Judicial power is an independent power to administer justice in order to uphold law and justice". Article 1 point 1 Law no. 48 of 2009 states "Judicial power is the power of an independent state to administer justice in order to uphold law and justice based on Pancasila and the 1945 Constitution for the sake of the implementation of the Republic of Indonesia Law State"

The competent State Administration examines, decides and resolves it at the first level of court and not at the field level, as referred to in Article 51 paragraph (3) "The State Administrative High Court has the duty and authority to examine, decide and resolve at the first level Administrative disputes The country as referred to in Article 48"

If in the applicable laws and regulations there is no obligation to resolve the State Administrative dispute through Administrative Efforts, then the person or the Civil Law Entity may file a lawsuit with the State Administrative Court.

The parties to the dispute in the State Administrative Court are as follows:

a) Plaintiff, the provisions of Article 53 paragraph (1) Law No. 5 of 1986 stipulates that a plaintiff is a person or civil legal entity who feels his interests have been harmed by a State Administrative Decision may file a written claim to the competent Court containing a claim that the Administrative Decision The disputed country is declared null and void with or without a claim for compensation and or rehabilitation. From these provisions it can be seen that in State Administrative disputes, those who can act as plaintiffs are:

1. People who feel their interests have been harmed by a State Administration Decree.
2. Civil Legal Entities who feel their interests have been harmed by State Administrative Decisions

3. Based on the jurisprudence of the judge's decision at the State Administrative Court dated December 9, 1994 Number 088/G/1994 Receivables/PTUN Surabaya that environmental organizations can act as plaintiffs on behalf of the public interest if the organization meets the following criteria:

- a. The purpose of this organization is indeed to protect the environment or to preserve nature, this goal must be listed and can be seen in the statutes of the organization concerned.
- b. The organization must be in the form of a legal entity or foundation
- c. The organization must continuously show concern for environmental protection that is real in the community.
- d. The organization must be sufficiently representative

b) Defendant, Defendant, i.e. a State Administrative Agency or Official who issues a Decision based on the authority vested in him or delegated to him.

If the authority given by the State Administrative Body or Official is attribution or delegation, then the Defendant is the State Administrative Agency or Official who has the authority to issue the disputed KTUN.

If the authority given to the State Administrative Agency or Officer is a mandate, then the defendant is the State Administrative Agency or Officer who gave authority to the State Administrative Agency or Officer issuing the disputed KTUN.

Furthermore, in Article 53 paragraph (2) states the reasons that can be used in a lawsuit are:

1. The State Administrative Decision being sued is contrary to the applicable laws and regulations. This is if the decision:

- a. Contrary to the provisions in the procedural/formal laws and regulations
- b. Contrary to provisions in laws and regulations that are material/substantial in nature
- c. Issued by an unauthorized State Administrative Agency or official
- d. At the time of issuing a decision, a State Administrative Agency or Officer has used their authority for a purpose other than the purpose for which the said authority was given. This reason in State Administrative Law is known as *detournement de prouvoir* or abuse of authority. In this case the State Administrative official concerned actually has the authority to make the decision, but the decision is used for a purpose other than the purpose referred to in the laws and regulations on which the decision is made.

2. When the State Administrative Agency or Officer issues or does not issue a decision, after considering all the interests involved in the decision, it should not arrive at making or not making the decision.

The facts above show that the revision of the existing State Administrative Court Law is in fact not in proportion to the legal awareness of the community. The magnitude of the level of filing a lawsuit, especially in the village head election case, does not only depend on the lack of awareness of law enforcers and the community about understanding the law. However, it is also influenced by legal reasoning (legal considerations) carried out by judges and also existing legal rules. In line with the theory of legal effectiveness put forward by Soerjono Soekanto that the effectiveness of the law, or it can also be said that matters affecting law enforcement depend on four indicators, namely:

- 1) laws/legal norms;
- 2) Law enforcement;
- 3) Means and facilities; And
- 4) Society.

Law enforcement depends on the alignment of these four indicators. Indicators of law/legal norms are said to be good if they are able to provide justice and legal certainty, both in the form of written and unwritten laws. The law enforcement factors are the parties that form the law and apply the law. This refers to the role of law enforcers whether they are in accordance with their respective duties and functions, as well as the personality and mentality possessed by law enforcers in making or applying existing legal norms. Facilities and facilities factor is also an important thing that must exist in law enforcement. These factors include skilled and educated human resources (HR), good institutional structure, complete and adequate equipment, sufficient finance, and so on. The last factor that is no less important is society. No matter how good the existing legal norms and law enforcers are, if they are not followed by awareness and compliance with public law, then there will be no meaning. The purpose of law is to regulate human association. So when the law is unable to make society better, there may be problems with other legal instruments besides the human factor. Some of these law enforcement factors can at least be used as an analysis tool regarding the application of regulations included in state administrative bodies or officials and objects of state administrative disputes that can be filed with a lawsuit in the state administrative court.

In connection with the legal norm factor, the existence of Administrative Agency or Official regulations, State Administrative Decisions, State Administrative Disputes still need to be

emphasized by revising these articles in Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 Year 1986 regarding the State Administrative Court. The meaning contained in Article 8, Article 9 and Article 10 is not clear and can be interpreted (legal interpretation) which is used as an attempt to explain or confirm the meaning of a formulation of a legal regulation that is considered unclear or incomplete as contained in a law.

Weaknesses in Legal Culture

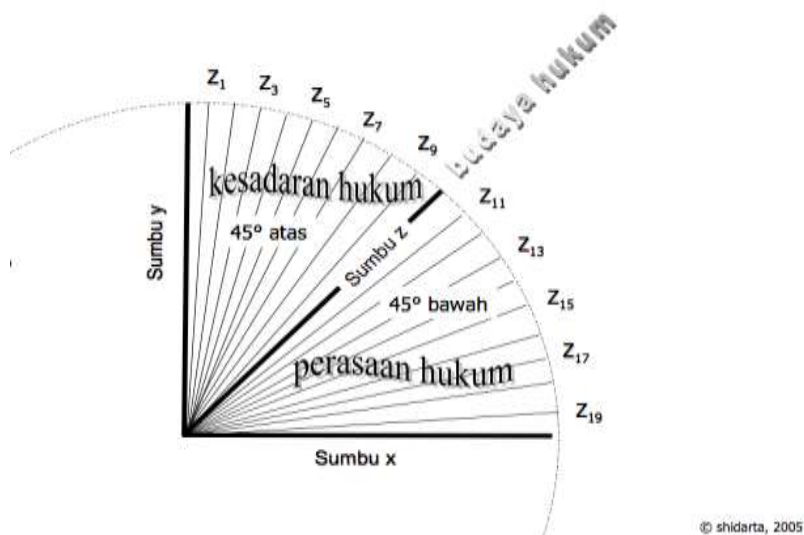
In the process when a law is formed, for example by the People's Legislative Assembly and the Government as legislators, the draft law must accommodate the needs of the people who are the target of the legal norms. That is, the law that is made must be in line with the demands of the needs of society. The demand for this need is not something that is in the air, but a need that actually exists in people's lives, which is seen as urgent to be regulated into positive law. This means that when a positive law, especially a law is enacted, then there is already a guarantee that this positive law can apply sociologically (because the community really needs it) and applies philosophically (because the community views it as such, it really needs to be regulated). Thus, it is the duty of the state to stipulate these arrangements into positive law, so that these regulations apply juridically. In this case it can be seen that positive law, both when it is formed and when it is applied in concrete cases on the ground, will come into contact with space and time factors. The spatial factor refers to the place (location) where legal subjects reside and interact with each other and the natural surroundings. The time factor refers to a certain period of time when this legal subject lived and was active. These two factors frame human activity as individual beings and social beings, so that these space and time factors can shape the behavior patterns of community members. Customs and habits are examples of behavior patterns of people who are in the same space at a certain time. These similarities shape culture.

Lexically, 'culture' is defined as thoughts, minds, customs, or something that has become a habit that is difficult to change. Meanwhile, there is the word 'culture' which is interpreted as the result of activities and the creation of the human mind (mind) such as beliefs, arts, and customs. It can also be interpreted as the whole of human knowledge as a social being which is used to understand the environment and its experiences and which guides its behavior.

Judging from the subjects that make up the legal culture, Friedman differentiates into two. There is an external legal culture that involves the wider community in general. In addition, there is an internal legal culture, namely a culture developed by law enforcement officials. These two types of legal culture influence each other. If the external legal culture is healthy, then automatically the internal legal culture will also adjust because law enforcement officers are essentially products of their own society. If people are not used to giving bribes, then law enforcement officers will not be used to asking for bribes either. On the other hand, if law enforcement officials are used to firmly rejecting any form of bribery, then the public will not have the courage to take the initiative to give bribes.

Knowing how sound a legal system is, can be observed when the law is enforced in concrete cases. What is faced by judges in courtrooms is a touchstone for understanding the soundness of a legal system, including elements of legal culture that live in society. Therefore, legal culture and law enforcement are two interconnected links.

Understanding the relationship between legal culture and law enforcement, the following body can be presented. In this figure, there is a y-axis which shows the baseline of an ideal legal system condition. On this line, hypothetically, law enforcement is assumed to run perfectly, without deviations. On the other hand, the x-axis shows the baseline of the chaotic condition of the legal system. Hypothetically, law enforcement is described as not working at all. These two axes are fictitious because in reality there has never been an exact condition on these lines.



Picture.1.

Between the x and y axes there is a z axis. This axis moves dynamically following the pulls (results) of the interests involved in law enforcement. If the legal system is sound, law enforcement (z-axis) will operate within the upper 45° zone. In this zone, legal awareness (*rechtsbewustzijn*) is in control. If the legal system is sick, law enforcement (z axis) will drop to the lower 45° zone. In this zone the feeling of law (*rechtsgevoel*) plays a role. The z-axis pendulum which is referred to as law enforcement basically reflects the legal culture (*rechtscultuur*) that is embedded in the legal system.

Legal culture is the most difficult element of the legal system to establish because it requires a relatively long period of time. This happens because culture is related to values. What is related to values, definitely requires an internalization process so that these values are not only known, but also practiced in everyday life.

Legal culture, namely attitudes and values related to law or the legal system, along with attitudes and values that influence behavior related to law and legal institutions, both positive and negative. Friedman stated that law is also seen as a system, so to be able to understand it, it is necessary to use a systems approach.

A healthy legal culture must be shown starting from concrete matters when the law is functioned in the short term, namely as a means of resolving disputes. Respect for the law must be shown at this level. And so on, when in the medium term law functions as a means of social order, namely to control people's behavior. In the long term, the law is no longer merely a maintainer of "the existing situation" (*status quo*), but instead the law is positioned as an agent of change because it realizes that "the existing condition" is not an ideal situation. Society must change for the better. There must be a new legal culture that must be created and achieved.

However, such a healthy and ideal legal culture cannot be realized without being preceded by concrete things that must be done in a short period of time.

Regarding legal culture, Friedman argues:

"The third component of the legal system, of legal culture. By this we mean people's attitudes toward law and legal system their belief ...in other words, is the climate of social thought and social force which determines how law is used, avoided, or abused".

Legal culture concerns legal culture which is the attitude of humans (including the legal culture of law enforcement officials) towards law and the legal system. No matter how good the arrangement of the legal structure is to carry out the stipulated legal rules and no matter how good the quality of the legal substance is made without the support of a legal culture by the people involved in the system and society, law enforcement will not work effectively. In TUN dispute resolution, a culture that has not been lost to this day is that the disputing parties are less cooperative in providing explanations and providing evidence or providing evidence that is not related to the substance of the case being disputed.

Legal culture or community legal culture is also used to explain the legal system. For example, to explain why the legal system cannot function as it should or when its journey differs from the original pattern. The legal culture of society can also be given the same limitations as legal awareness. However, legal awareness is different from legal feelings. The feeling of law is a product of spontaneous community judgment which is of course subjective, while legal awareness is more the result of thoughts, reasoning and arguments made by experts, especially legal experts. Legal awareness is an abstraction (experts) regarding legal feelings from legal subjects. In the context of discussing the legal system, of course what is meant by the legal culture of this community is the legal awareness of the legal subjects of a community as a whole.

The success or failure of law enforcement depends on these three components because all three are interrelated with one another. Lawrence M Friedman argues that the substance of law is referred to as a substantial system that determines whether or not the law can be implemented. legal system-beliefs, values, thoughts, and expectations. Legal culture is the atmosphere of social thought and social forces that determine how law is used, avoided or misu.

Even though the legal structure and legal substance work and apply nationally throughout Indonesia, it is open to the possibility of differences in the performance of the legal apparatus and its application. This is because the structure and legal substance of these laws also interact with the culture, values, beliefs, and legal opinions in the society concerned. Thus in order to realize the enforcement of the principles of justice, usability and legal certainty, we do not only highlight the side of the substance of the law, but also highlight the performance of the legal apparatus in interpreting, interpreting, or actualizing certain legal substances in implementing and enforcing the law.

Satjipto Rahardjo is of the opinion that the operation of law enforcement agencies is primarily determined and limited by formal standards which can be known from formulations in various legal regulations. However, to support organizational needs in order to work well, law enforcement agencies develop their own values within the organization so that a 'law enforcement culture' is formed. The link between the three factors that impede the implementation of TUN judicial decisions with this theory shows that problems that occur in the substance and structure of the law will also affect the legal culture, namely affecting the

public in obeying the law where the legal awareness of the community tends to be low apart from being ignorant of the law itself. In addition, the implementation of the execution of TUN judicial decisions is often hampered due to low control over the implementation of court decisions regarding the implementation of TUN judicial decisions.

The problem of cultivating law in society is not only a problem for those who differentiate or oppose law and society, but also for those who distinguish rules from facts. The real problem revolves around how to civilize a legal system imported from other societies or how to institutionalize a legal system introduced by the ruling class. This problem must be overcome if the goal is to make the law effective.

Weaknesses in the regulatory system regarding the definition of TUN Bodies or Officials, State Administrative Decisions, State Administrative Disputes in legal culture, if analyzed based on Friedman's view that there is still a culture or legal co-commissioning from the community regarding the object of dispute in the state administrative court still occurs in disputes over determination of results village head election with various reasons and considerations made by the judge. Even the highest judicial institution, the supreme court itself, still supports the dispute over the determination of the Village head election committee that goes to the state administrative court, so that the main objective of the state administrative justice law is to create a prosperous, safe, peaceful state and nation. as well as orderliness that can guarantee the position of citizens in the law and ensure the maintenance of harmonious, balanced and harmonious relations between apparatus in the field of state administration and citizens, can be achieved.

CONCLUSION

Based on the results of the research and discussion that have been described in the previous chapters, the authors draw conclusions, suggestions, from the results of the research as follows: Weaknesses in the regulatory authority adjudicating the Determination of Village Head Election Results as the Object of the Current State Administrative Dispute, Weaknesses Regulations in Article 1 number 8 and number 9 regarding the understanding of State Administrative Agencies or Officials and State Administrative Decisions in the perspective of current Human Rights, namely that there are weaknesses in the legal structure, legal substance and legal culture. The weakness in the legal structure is that the laws are unclear, unclear and can lead to legal interpretations that the determination of the Village head election committee regarding the results of the Village head election can be challenged in the state administrative court. Meanwhile, the procedure and mechanism for resolving disputes over the results of the Village head elections are carried out by the Rege

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