



Legal position and certainty of execution of verdict convicting the respondent to pay court fees of administrative justice

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Abstract

The decision is the final resolution of a dispute in the State Administrative Court. If in a PTUN decision the Plaintiff wins and the Defendant does not want to implement the PTUN decision voluntarily, the Plaintiff will apply for execution. However, the execution related to the judgment that sentenced the Defendant to pay the costs of the case was difficult to carry out because there was no determination in relation to it. This research and study aims to examine and analyze the position and legal certainty of execution of the judgment that punishes the defendant to pay the costs of the case in the State Administrative Court. The research method used is a normative legal research method. The data sources are secondary data in the form of primary legal materials, secondary legal materials, and tertiary legal materials. The secondary data obtained will be analyzed with a qualitative approach. The results showed that Amar the PTUN decision that sentenced the Defendant to pay the costs of the case has an important position because it is one of the things that must be contained in a PTUN Decision. If this is not contained in the decision of the PTUN, then the decision becomes void. E execution of the judgment that sentenced the Defendant to pay the costs of the case until now there has been no regulation either at the level of legislation or policy regulations in the form of circulars in the internal environment of the Supreme Court.

Keywords: legal position and certainty, execution of judgment, case costs, PTUN

Introduction

The State of Indonesia was established to achieve certain goals as outlined in the Preamble to the Constitution of the Republic of Indonesia in 1945. To achieve this goal, it is necessary for organs in the state to realize it. Based on the Trias Politica theory, the division of power within the state consists of power in the legislative, executive, and judicial spheres. In its manifestation, each of these spheres of power will carry out its functions in accordance with the authority vested in it. Although exercising different authorities, each of these institutions is inseparable from carrying out government functions which in carrying out these government functions must be based on laws and regulations and general principles of good government. But not infrequently, in the implementation of government duties that are in close contact with the citizens of the community, cause conflicts of interest, disputes, or disputes between the State Administration Agency / Officer and the citizens of the community. The dispute occurs due to a state administrative decision or government action issued by a state administrative agency/official that causes harm to the community ^[1].

To resolve disputes that arise between citizens and the state administrative body/official, a State Administrative Court was formed. The existence of the State Administrative Court or administrative court is also a form of legal protection for citizens due to the issuance of decisions (*beschikking*) ^[2]. The presence of the State Administrative Court is expected to be able to uphold justice, truth, order, and legal certainty, so as to provide protection to the community, especially in the relationship between the State Administrative Agency or Officer and the community. In addition to functioning to resolve disputes between citizens and state administrative bodies/officials, the presence of the State Administrative

Court is because Indonesia is a state of law. As stated by Friedrich Julius ^[3] Stahl that the state of law (*recht staat*) one of the characteristics it must have is the existence of an administrative judiciary that is free in disputes. In addition, PTUN is an absolute requirement for efforts to realize good governance and ^[4] obey the law ^[5].

The State Administrative Court (PTUN) is one of the four judicial spheres under the Supreme Court. In carrying out its duties and authorities, PTUN refers to ^[6] "Law Number 5 of 1986 concerning the State Administrative Court and its amendments". As one of the executors of judicial power within the state administrative court, the PTUN is authorized to examine, decide, and resolve state administrative disputes at the first level. Usually, the parties to the ^[7] dispute in PTUN are between community members as Plaintiffs against Defendants who are state administrative bodies/officials that occur as a result of a state administrative decision or government action taken by the Defendant.

The final form of dispute resolution by PTUN is a ruling. In the event that the Plaintiff's claim is granted, then in the case of the PTUN Decision against the Decision of the Defendant being sued will be declared void or invalid and the Defendant may also be charged with the obligation to revoke the Decision and issue the Object of Dispute as stipulated in the provisions of "Article 97 paragraphs (8) and (9) of Law Number 5 of 1986 concerning the State Administrative Court (UU Peratun)". In addition, if the Plaintiff's claim is granted, then in the judgment of the PTUN to the Defendant is also punished to pay the costs of the case ^[8].

Regarding the implementation of the execution "Article 97 paragraphs (8) and (9) of the Law on Agriculture, has been

accommodated in the provisions of Article 116 Number 51 of 2009 concerning the Second Amendment of the Law on Defense". "Article 116 of the Law basically regulates the remedies that can be taken by the Plaintiff if the Defendant does not carry out its obligation to revoke or issue decisions ranging from the imposition of coercive money / and / or administrative sanctions, collected in the mass media, to notify the matter to the President as the highest authority of the government and to the DPR to carry out supervisory functions". However, even though the mechanism for the execution of the PTUN Decision has been regulated in such a way, in its implementation, there are still government bodies/officials who do not want to implement the PTUN Decision. Like courts in other environments, the Administrative Court also has a classic problem in dispute resolution, namely the execution of judgments. Even as stated by Irfan Fachrudin that the problem regarding the execution of the PTUN Decision has actually existed since the establishment of the judicial institution^[9, 10].

The problem of execution of the PTUN Decision was not only in terms of the execution of the "principal ammar", but also related to the execution of the PTUN Decision also occurred related to the ammar that sentenced the Defendant to pay the costs of the case. The costs of the case that the Defendant was convicted of paying should have been handed over to the Plaintiff. This is because the Plaintiff has paid the cost of the case when registering the lawsuit and when the lawsuit is granted, the money used as a guide for the costs of the case must be returned to the Plaintiff through the Defendant. The problem lies in that there is no provision governing how to execute the ammar that punishes the defendant to pay the costs of the case both in the laws and internal policies in the form of circulars in the Supreme Court.^[11]

This issue will create a legal vacuum related to the execution of the PTUN decision which punishes the defendant to pay the costs of the case both for the PTUN itself and the Defendant. PTUN will experience problems regarding how the stages or procedures in carrying out the execution of ammar that punish the defendant to pay the costs of the case. Then for the defendant as an official/government agency, it will also cause problems related to the source of money that will be used to fulfill the implementation of the ammar that punishes him to pay the costs of the case. These problems ultimately make the judgment that punishes the defendant to pay the costs of the case at the PTUN difficult or even unenforceable.

The vacuum of the rules regarding the execution of the PTUN decision that sentenced the Defendant to pay the costs of the case has made it impossible to carry out the ammar in one of the PTUN, namely in the Banda Aceh State Administrative Court. In the Banda Aceh State Administrative Court, almost all cases filed for execution, the execution of the ammar that punishes the defendant to pay the costs of the case is not carried out.^[12] This can be seen in case number 16/G/2019/PTUN. BNA in the case between H. Badruzzaman Ismail, S.H., M.Hum as Plaintiff against the Governor of Aceh as Defendant and Drs. H. Saidan Nafi, S.H., M.H. as Defendant II Intervention. In this case, the Defendant was sentenced to pay the costs of the case in the amount of Rp. 316, 000, - (three hundred sixteen thousand rupiah). Then the non-implementation of the ammar that punishes the Defendant to pay the costs of the case is also seen in case number 10/G/2020/PTUN. BNA in

the case between PT. Daya Primamega Utama as Plaintiff against the Head of the Investment Office and One-Stop Integrated Services of Aceh Province as Defendant and PT. Aceh Power Energy Abadi as Defendant II of the Intervention. The cost of the case to be paid by the Defendant is Rp. 254,000,- (two hundred fifty four thousand rupiah) Both cases have been requested for execution and went through all stages of execution at the PTUN to write to the President, but until now have not been carried out including the ammar that sentenced the Defendant to pay the costs of the case.

The absence of provisions governing the execution of the PTUN decision that punishes the defendant to pay the costs of the case is interesting to be reviewed related to the position of the judgment that punishes the defendant to pay the costs of the case at the PTUN, the legal certainty aspect of the implementation of the ammar of the PTUN decision that punishes the defendant to pay the costs of the case, and the juridical consequences of the non-implementation of the ammar of the PTUN decision that punishes the defendant to pay the costs of the case. Starting from this background, the author is interested in conducting research on a thesis entitled, "The Position and Legal Certainty of Execution Amar Verdict that Sentencing Defendants to Pay Case Costs in the State Administrative Court".

Based on the explanation above, this research and study aims to examine and analyze the position and legal certainty of execution of the judgment that sentenced the defendant to pay the costs of the case in the State Administrative Court.

Research methods

The research method used is a normative legal research method. The data sources are secondary data in the form of primary legal materials, secondary legal materials, and tertiary legal materials. The secondary data obtained will be analyzed with a qualitative approach.^[13]

Yield and distribution

1. Position Amar Judgment Sentencing Defendant to Pay Case Costs

Judicial power in Indonesia is exercised by the Supreme Court and its subordinate judicial bodies and by a Constitutional Court. In practice, the judicial power must be exercised independently. This is because independent judicial power is one of the most important characteristics of a democratic legal state like in Indonesia. The existence of an independent judiciary is very important for 3 reasons, namely the court is the guardian of the constitution, the free court is an element of a democratic state, and the court is the root of the rule of law.^[14]

By looking at the important role of judicial institutions including the State Administrative Court in Indonesia, the community or parties who are in dispute in court will expect the legal problems they are facing to be resolved by the court. Resolution of a dispute in court will be answered through a court decision. The Court's decision is basically something that is highly anticipated by the parties to the dispute because through the decision the parties will know how certain about the issue they are disputing including also determining the losing and winning parties.

The Court's decision is the last agenda in the series of examinations of a dispute. In PTUN, the decision agenda is scheduled after the parties submit conclusions to the Panel

of Judges. This can be seen in the provisions of "Article 97 paragraphs (1) and (2) of the PTUN Law" which regulates:
 "(1) In the event that the examination of the dispute has been resolved, both parties shall be given an opportunity to express the final opinion in the form of their respective conclusions.

(2) After both parties have come to the conclusion referred to in sub-section (1), the Presiding Judge declares that the hearing is adjourned to give the panel of judges an opportunity to deliberate in a closed room to consider everything for the decision of the dispute."

In accordance with "Article 97 paragraph (7) of the PTUN Law, the decision that can be handed down by the PTUN can be in the form of a lawsuit rejected, a lawsuit granted, a lawsuit not accepted, and a lawsuit void". The lawsuit will be rejected if the subject matter has been examined and the arguments of the Plaintiff are not proven so that it can be concluded that the object of the dispute being sued is in accordance with the provisions of laws and regulations and general principles of good governance. The lawsuit will be granted if the object of the dispute being sued has errors either in terms of authority, procedure or substance. Furthermore, in the event that a lawsuit is granted to a government agency/official, several obligations can be imposed in the form of:

a. Revocation of the relevant State Administrative Decision; or

- b. revocation of the relevant State Administrative Decision and issue a new State Administrative Decree; or
- c. issuance of a State Administrative Decree in the event of a lawsuit based on Article 3 of the PTUN Law"

In addition to the obligations described above, in the event that a lawsuit is granted to a government agency/official, it may also be burdened with the obligation to pay a certain amount of compensation or the obligation to provide rehabilitation in employment disputes.

Furthermore, if the lawsuit is not accepted, it means that the plaintiff's claim does not meet one of the formal aspects in filing a lawsuit such as the non-authority of the PTUN in adjudicating the dispute filed, the plaintiff has no interest in filing a lawsuit or the grace period for filing the lawsuit has passed. Finally, regarding the lawsuit to fall, this is because the Plaintiff did not appear twice in a row without a justifiable reason even though he had been properly summoned as stipulated in Article 71 of the PTUN Law.

The decision of the PTUN whether the lawsuit is rejected, the lawsuit is granted, the lawsuit is not accepted, or the lawsuit is lost in its judgment will always include the punishment of case costs to the losing party. This can be seen from Article 109 of the PTUN Law which regulates things that must be contained in a decision where one of the things that must exist is the cost of the case. The verdict regarding the sentencing of case costs is seen in several decisions that have been summarized in the table below:

Table 1: Amar Ruling on Sentencing Case Costs

Verdict Number	Types of Verdicts	Amar Verdict
16/G/TF/2022/PTUN. JKT	Lawsuit rejected	M e n g a d i l i : in expection: "Declaring the Defendant's Exclusion is not accepted; " IN THE SUBJECT MATTER: "1. Dismiss Plaintiff's claim entirely; 2. Punish the Plaintiff to pay costs in this dispute in the amount of Rp 308,000.00 (three hundred eight thousand rupiah); "
29/G/2015/PTUN. SBY	The lawsuit was granted	M e n g a d i l i in expection: "Declaring the Defendant's Exclusion and Defendant II's Intervention is not accepted" In the subject matter: 1. Grant the Plaintiff's claim in its entirety; 2. Declaring void the Decree of the Governor of East Java Number 188/828/KPTS/013/2014 dated December 11, 2014 concerning the Revocation of the Decree of the Governor of East Java Number 188/113/KPTS/013/2012 concerning the Settlement of Regional Boundary Disputes between Blitar Regency and Kediri Regency located in the Mount Kelud area in East Java Province; 3. Requiring the Defendant to revoke the Decree of the Governor of Java Timur Number 188/828/KPTS/013/2014 dated December 11, 2014 concerning the Revocation of the Decree of the Governor of East Java Number 188/113/KPTS/013/2012 concerning the Settlement of Regional Boundary Disputes between Blitar Regency and Kediri Regency located in the Mount Kelud area in East Java Province; 4. Punish the Defendant and Defendant II Intervention to pay the costs incurred in this case in the amount of Rp. 213,500,- (Two Hundred Thirteen Thousand Five Hundred Rupiah); "
113/G/2022/PTUN. MDN	Lawsuit not accepted	M e n g a d i l i : "1. Declaring Plaintiff's Claim inadmissible; Punish the Plaintiff to pay the costs of the case arising in this dispute in the amount of Rp. 749,300,- (Seven Hundred Forty Nine Thousand Three Hundred Rupiah); "

Based on the table above, it can be seen that the amar that punishes the losing party will always be present in every PTUN decision. The components of the cost of the case itself as stipulated in "Article 111 of the PTUN Law" are:

- a. "a. clerkship fees and stamp duty fees;
- b. witness, expert, and translation fees provided that the party requesting the examination of more than five witnesses must pay the costs for the more witnesses even if that party wins;
- c. the cost of examination elsewhere in the courtroom and other costs necessary for the resolution of the dispute by order of the Presiding Judge. "

The absence of case costs stated in a PTUN decision will cause the decision to become void, as stipulated in the provisions of "Article 109 paragraph (2) of the PTUN Law". If the PTUN Decision that does not include the cost of the case has become void, then all court processes that have been carried out will be in vain and cause losses to the parties. This shows the importance of the position of case costs in the PTUN decision which is manifested in the form of one of the amar of the PTUN decision, including the amar that punishes the Defendant to pay the costs of the case.

In addition, if viewed further, the cost of the case mentioned in a decision is a manifestation of one of the principles of procedural law, namely the event is charged. This principle basically stipulates that in order to file a lawsuit in Court, there must be a fee charged to the party who filed the lawsuit, namely the Plaintiff. In PTUN, this principle is manifested in the provisions of "Article 59 paragraph (1) of the PTUN Law which reads: To file a lawsuit, the plaintiff pays an advance on the costs of the case, the amount of which is assessed by the Registrar of Court."

Then when viewed from the type of judgment, the judgment of the PTUN that sentenced the Defendant to pay the costs of the case is included in the category of *condemnatoir* judgment because it contains a sentence. By looking at the explanation of the judgment that sentenced the Defendant to pay the costs of the case described above, it can be concluded that the judgment that sentenced the Defendant to pay the costs of the case has an important position in a PTUN decision.

Given the importance of a judgment punishing the Defendant to pay the costs of the case in a judgment as outlined above, the role of the state must be present to ensure its implementation. Indonesia firmly declares itself to be a state of law. As a state of law, Indonesia has fulfilled the elements of the state of law itself, one of which is the existence of a state administrative court. But it is not enough just to create a state administrative court in Indonesia. The state must also be able to take a role in order to improve the execution of PTUN decisions, including so that the judgment that sentences defendants to pay case costs at the PTUN.

The state through the President as the holder of the highest executive power must provide understanding to its subordinates that carrying out court decisions is an obligation. The obligation to implement court decisions, including implementing judgments that punish the defendant (government agency/official) to pay the costs of the case at the State Administrative Court, must be viewed not only as the obligation of the losing party, but must be seen more broadly in the context of the rule of law. If

government agencies/officials voluntarily implement the amar of the PTUN ruling, including the amar that punishes him to pay the costs of the case, then it can increase public trust in the government as well as be an indicator of the success of a state of law in the implementation of the law, including the decision of the PTUN.

Legal certainty in execution Amar the decision of the State Administrative Court that sentenced the defendant to pay the costs of the case

PTUN decisions that can be executed are only decisions that have permanent legal force as stipulated in "Article 115 of the PTUN Law". A judgment that has permanent legal force means that the decision cannot be filed for ordinary legal remedies again. Yahya Harahap explained that there are several consequences of a court decision that has permanent legal force as follows:^[14]

- a. "a. No person has the right and power to amend the judgment;
- b. The decision can only be changed in a limited way in the form of granting clemency in criminal cases and through judicial review in civil cases;
- c. Against a judgment of permanent force it is obligatory and must be made either voluntarily or by force by execution, and the execution of a judgment need not be concerned whether the judgment is cruel or not; "

In the context of the state administrative court, when a decision has permanent legal force and the defendant in this case the government body/official does not want to implement the decision, then the plaintiff is provided an effort to submit an execution application to the state administrative court. The execution mechanism at PTUN has undergone several changes. The first mechanism is regulated in "Article 116 of Law Number 5 of 1986". These provisions regulate:

1. A copy of the judgment of the Court which has acquired permanent force of law, shall be sent to the parties by registered letter by the local Clerk of Court by order of the Chief Justice who tried him in the first instance not later than within fourteen days.
2. In the event that four months after the decision of the Court which has obtained permanent legal force as referred to in paragraph
3. sent by the defendant not carrying out its obligations as referred to in Article 97 paragraph (9) point a, then the disputed State Administrative Decision has no legal force anymore.
4. In the event that the defendant is determined to have to carry out his obligations as referred to in Article 97 paragraph (9) point b and letter c, and then after three months it turns out that these obligations are not carried out, then the plaintiff submits an application to the Chief Justice as referred to in paragraph (1), for the Court to order the defendant to implement the decision of the Court.
5. If the defendant still does not want to do so, the Chief Justice submits this to his superior agency according to the rank of office.

The superior agency referred to in paragraph (4), within two months after receiving notification from the Chief Justice must have ordered the official referred to in paragraph (3) to implement the decision of the Court.

6. In the event that the superior agency referred to in paragraph (4), does not heed the provisions referred to in paragraph (5), the Chief Justice submits this matter to the President as the holder of the highest government power to order the official to implement the decision of the Court. "

The execution of the provisions above focuses more on implementation with a tiered or hierarchical system. This can be seen from the involvement of higher officials than the Defendant as his superior. Even the Presiden as the highest person in charge of government power is also involved if there are state administrative officials who do not want to implement the decision of the PTUN.

The above provisions were then amended in 2004 through the first revision of the "Law on Peratun in Law 9 of 2004. Article 116 in Law Number 9 of 2004" stipulates:

"(1) A copy of the judgment of the Court which has acquired permanent legal force, shall be sent to the parties by registered letter by the local Registrar of Court by order of the Chief Justice trying him in the first instance not later than within 14 (fourteen) days.

(2) In the event that 4 (four) months after the decision of the Court that has obtained permanent legal force as referred to in paragraph (1) is sent, the defendant does not carry out its obligations as referred to in Article 97 paragraph (9) point a, the disputed State Administrative Decision has no legal force anymore.

(3) In the event that the defendant is determined to have to carry out his obligations as referred to in Article 97 paragraph (9) point b and letter c, and then after 3 (three) months it turns out that these obligations have not been carried out, the plaintiff submits an application to the Chief Justice as referred to in paragraph (1) for the Court to order the defendant to implement the decision of the Court.

(4) In the event that the defendant is unwilling to carry out the decision of the Court which has obtained permanent legal force, the official concerned shall be subject to coercive efforts in the form of payment of a sum of forced money and/or administrative sanctions.

(5) Officials who do not implement the decision of the court as referred to in paragraph (4) shall be announced in the local print mass media by the Registrar since the non-fulfillment of the provisions referred to in paragraph (3). "

"In the provisions of article 116 in Law Number 9 of 2004 above, there are differences in the implementation of executions in PTUN with the previous executions". The above provision is a form of coercion for state administrative bodies or officials who do not want to carry out decisions voluntarily. The coercion is in the form of the imposition of forced efforts in the form of payment of forced amounts of money and/or administrative sanctions. In addition, there are also announcements in the mass media for state administrative bodies or officials who do not want to implement the decision of the PTUN.

Furthermore, there was another change in the implementation of execution at the PTUN through the second revision of "Article 116 in Law Number 51 of 2009". The provisions of Article 116 which were last amended regulate as follows:

1. A copy of the judgment of the court which has acquired permanent legal force, shall be sent to the parties by registered letter by the clerk of the local court by order

of the chief justice who tried him in the first instance not later than within 14 (fourteen) working days.

2. If after 60 (sixty) working days the court decision that has obtained permanent legal force as referred to in paragraph (1) is accepted that the defendant does not carry out its obligations as referred to in Article 97 paragraph (9) point a, the disputed state administrative decision has no legal force anymore.
3. In the event that the defendant is determined to have to carry out the obligations as referred to in Article 97 paragraph (9) point b and letter c, and then after 90 (ninety) working days it turns out that the obligations are not carried out, then the plaintiff submits an application to the chief justice as referred to in paragraph (1), so that the court orders the defendant to implement the court decision.
4. In the event that the defendant is unwilling to carry out a court decision that has obtained permanent legal force, the official concerned is subject to coercive efforts in the form of payment of forced money and/or administrative sanctions.
5. Officials who do not implement the court decision as referred to in paragraph (4) are announced in the local print mass media by the clerk since the non-fulfillment of the provisions referred to in paragraph (3).

In addition to being announced in the local print mass media as referred to in paragraph (5), the chief justice must submit this matter to the President as the holder of the highest government power to order the official to carry out court decisions, and to the people's representative institution to carry out supervisory functions.

Provisions regarding the amount of forced money, types of administrative sanctions, and procedures for implementing forced money payments and/or administrative sanctions are regulated by laws and regulations. "

Based on the provisions above, it can be seen that the execution in the current PTUN is the result of a merger between "Article 116 in Law Number 5 of 1986 and Article 116 in Law Number 9 of 2004". This can be seen in "paragraph (6) which makes the President the last party who can order the state administrative agency or official to implement the decision of the PTUN". Then there is also the application of coercive measures in the form of imposing administrative sanctions and forced payment of money as well as announcements in the mass media.

For the implementation of the execution provisions in the state administrative court, "Government Regulation Number 43 of 1991 concerning Compensation and Procedures for Its Implementation in the State Administrative Court" has been established. The Government Regulation focuses more on regulating how to implement if there is compensation charged to government agencies/officials in the PTUN decision and regulates the maximum amount of compensation.

If we look at the rules regarding execution in "Article 116 of the PTUN Law from the beginning to the last amendment included in Government Regulation Number 43 of 1991, these rules only regulate the revocation and issuance of a state administrative decision and the procedure for compensation charged to government agencies/officials. "However, regarding the decision of the PTUN that punishes the defendant to pay the costs of the case, from the

provisions previously described, there is nothing that regulates this.

The arrangement regarding the judgment punishing the defendant to pay the costs of the case is crucial for several reasons stated below. First, the position of the judgment punishing the defendant to pay the costs of the case is a *condemnatoir* ammar, which means that the ammar must be implemented. In its implementation, of course, it requires further explanation related to how the mechanism and so on. Second, related to the source or origin of the money used to pay the costs of the case. In the event that the defendant is a government official such as the governor, mayor, or head of the land office, if the defendant is sentenced to pay the costs of the case, the problem is that the money used to pay the costs of the case whether comes from his agency or from the personal money of the official concerned. If what is used to pay the case fee money is the personal money of government officials, it will certainly cause unwillingness from government officials to spend their personal money because they feel that what they do is in the framework of office duties. If what is used is agency money, it will also cause even bigger problems. This is because money from agencies where government officials work comes from the State/Regional Budget (APBN/D) where the APBN/D is generated from the community through tax payments and mistakes from government officials in carrying out their government cannot be charged to money from the community.

Finally, the importance of the regulation regarding the execution of the amar which punishes the defendant to pay the costs of the case because the money used to pay the case originally came from the plaintiff's money as a community. Plaintiffs who have been aggrieved by a decision and/or action from a government official must spend a sum of money to register their case in the state administrative court to prove the guilt of the government body/official, so that if the defendant is proven to have committed a violation in the issuance of a decision and/or committed an action, other than the implementation of an ammar that revokes or issuances a state administrative decision, The money that has been paid by the community must also be returned through the execution of the judgment that punishes the defendant to pay the costs of the case.

The theory of legal certainty states that the existence of clear and definite rules of law can provide certainty and justice for society. Clear and definite rules of law allow people to understand what is expected of them and what counts as unlawful acts. This allows them to take the right decisions and avoid unintentional violations of the law.

On the other hand, the absence of rules or uncertainty in the law can lead to injustice and confusion in society. The absence of rules or uncertainty in the law can make it difficult for people to know what they should do and what is considered unlawful. The absence of rules or uncertainty in the law can also allow for abuse of power by the authorities, because there are no rules governing the limits of their power. In the context of the absence of rules regarding the execution of ammar that punishes the defendant to pay the costs of the case at the PTUN can be in the form of the non-implementation of the ammar or differences in its implementation at each PTUN which in the end can cause losses to the community. Therefore, the absence of rules regarding the execution of ammar that punishes defendants to pay case costs at PTUN can cause legal uncertainty in

Indonesia, even though Indonesia is a legal country that in carrying out its legal system must try to realize all legal objectives, one of which is certainty.

Conclusion

The results showed that the decision of the PTUN that sentenced the Defendant to pay the costs of the case has an important position because it is one of the things that must be contained in a PTUN Decision. If this is not contained in the decision of the PTUN, then the decision becomes void. The execution of the judgment punishing the Defendant to pay the costs of the case until now has not been regulated either at the level of legislation or policy regulations in the form of circulars in the internal environment of the Supreme Court.

Keeping in mind the importance of the position of the amar that punishes the Defendant to pay the costs of the case, the Plaintiff who filed the lawsuit at the PTUN should include this matter in his petition. Likewise, the judge at the PTUN to ensure that the amount of money that must be paid by the Defendant to pay the costs of the case is correct. To the Supreme Court as the highest judicial institution to

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Book

immediately make rules regarding how to execute the PTUN decision that punishes the Defendant to pay the costs of the case at the PTUN.

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Laws and Regulations

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Article 5 of Law Number 5 of 1986 concerning the State Administrative Court

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