

**MEASUREMENT OF THE QUALITY OF STATE ADMINISTRATIVE
JUDGE DECISIONS IN DISPUTE SETTLEMENT IN STATE
ADMINISTRATIVE COURTS**

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ABSTRACT

The quality of the decisions handed down by judges can be seen from the *ratio decidendi* or legal arguments given by the judges themselves. Before the judge decides to answer the plaintiff's demands, the judge first makes the basics of legal considerations containing legal arguments or reasons to arrive at a decision finally. Article 109 paragraph (1) of Law Number 5 of 1986 concerning the State Administrative Court stipulates that one thing that must be included in a judge's decision is the legal reason that forms the basis of the decision. The method used in this research is the empirical legal research method. This study used primary data and secondary data. The data obtained were analyzed juridical qualitatively utilizing deductive-inductive thinking. The decision has carried out the breadth of proof, the burden of proof, and the assessment of evidence, and the judge has assessed all evidence based on Article 109 of Law Number 5 of 1986 and supported by two pieces of evidence based on Article 107 of Law Number 5 of 1986, the reasons for the judge's refusal and accept the arguments of the plaintiff and the defendant is because the legal remedies do not carry out the decision. The application of Article 107 of Law Number 5 of 1986 concerning the State Administrative Court was then implemented into Article 109 paragraph 1 point d of Law Number 5 of 1986 concerning the State Administrative Court must be carried out in the context of creating a quality State Administrative Court decision.

Keywords: Judge's Decision, Quality of Legal Decision, Evidence, State Administration

A. PRELIMINARY

1. Research Background

Judicial power is the power of an independent state to administer the judiciary to enforce law and justice based on Pancasila and the 1945 Constitution of the Republic of Indonesia for the sake of implementing the State of Law of the Republic of Indonesia.¹ One of the existing courts in Indonesia is the State Administrative Court, which was created to resolve disputes between the government and its citizens, namely disputes arising from government actions that violate the rights of its citizens.²

Article 109 paragraph (1) of Law Number 5 of 1986 concerning the State Administrative Court stipulates that one thing that must be included in a judge's decision is

the legal reason that forms the basis of the decision. Before the judge gives a verdict to answer the plaintiff's demands, the judge first makes the basics of legal considerations containing the *ratio decidendi* or reasoning, namely arguments or legal reasons, to arrive at a decision finally. Good judges are expected to produce good quality legal decisions.³ *Ratio Decidendi* or reasoning is the court's consideration to arrive at a decision. *The Decidendi Ratio* contained in the judge's legal considerations in a decision is one of the benchmarks to determine the quality of a court decision. A decision that does not include the judge's legal considerations will cause the decision to be null and void.⁴

Based on Article 107 of Law 5 of 1986 concerning the State Administrative Court states

¹Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia jo. Article 1 number 1 of Law Number 48 of 2009 concerning Judicial Power

² Philipus, (et al), *Pengantar Hukum Administrasi Indonesia*, Gadjah Mada University Press, Yogyakarta, 2005, p. 314..

³ R. Wiyono, *Hukum Acara Peradilan Tata Usaha Negara*, Penerbit Sinar Grafika, Edisi Ketiga, Jakarta, 2013, p. 71.

⁴ R. Wiyono, *Op.Cit.*, p. 194.

that:

"The judge determines what must be proven, the burden of proof along with the assessment of the evidence, and for the validity of the proof, at least two pieces of evidence are required based on the judge's conviction."

Therefore, the writer is interested in conducting research with the title **MEASUREMENT OF THE QUALITY OF STATE ADMINISTRATIVE JUDGE DECISIONS IN DISPUTE SETTLEMENT IN STATE ADMINISTRATIVE COURTS.**

2. Identification of the Problem

Based on the background of the problem as described above, the following problems can be formulated:

1. What is the measurement of the quality of State Administrative Court Judges' Decisions in settlement of State Administrative disputes?

B. RESEARCH METHOD

1. Research Type

This research is empirical legal research.

2. Research Approach

This study used an empirical juridical research approach (Law is seen as the norm or *dassolen*).

3. Research Location

The location of this research is the Bengkulu State Administrative Court.

4. Data and Data Sources

a. Primary data

The primary data type is collected from field research, which collects data from respondents through in-depth interviews.

b. Secondary data

Secondary data is obtained through library materials by conducting library research which aims to find data in the form of conceptions, theories, opinions, views, doctrines, and legal principles closely

related to the problems studied.

5. Population and Sample

a. Population

The population in this study were all decisions of the Bengkulu State Administrative Court.

b. Sample/respondent

In this case, the author has made observations in the form of research related to all parties involved in the Quality of Legal Decisions of State Administrative Judges in Dispute Resolution in the State Administrative Court.

5. Data Collection Method

This study implemented two main data collection methods, which are:

a. Interview

Interview is a method of collecting data to obtain information verbally.

b. Documentation Study

A documentation study is a study of official documents and decisions of the Bengkulu State Administrative Court.

6. Data Processing

Data processing is a research process where the collected data is processed. The facts obtained, both primary and secondary data, are grouped and classified according to the subject matter.

7. Data Analysis

In this study, the authors used qualitative juridical data analysis methods.

C. RESULTS AND DISCUSSION

This study aims to determine the quality of the decisions of Bengkulu State Administrative judges. The decision section, which mentions legal considerations or commonly referred to as preambles, contains a description of the legal considerations of the case. The

quality of the decisions handed down by judges can be seen from the *ratio decidendi* or legal arguments given by the judges themselves. Before the judge decides to answer the plaintiff's demands, the judge first makes the basics of legal considerations containing legal arguments or reasons to arrive at a decision finally. The judge's argument or reason in a legal consideration is known as the *Ratio Decidendi*.⁵ Article 109 paragraph (1) of Law Number 5 of 1986 concerning the State Administrative Court stipulates that one thing that must be included in a judge's decision is the legal reason that forms the basis of the decision.

The judge's decision must be based on comprehensive legal reasoning (*ratio decidendi*). The judge's decision which is not sufficiently considered, causes the decision to be categorized as *onvoldoende gemotiveerd*. Such a situation is a juridical matter.

Therefore it can be overturned by a higher court. Article 50 of Law Number 48 of 2009 states: "A court decision must not only contain the reasons and basis for the decision, but it also contains certain articles of reasoning from the relevant legislation or unwritten legal sources that are used as the basis for judging". The article instructs the judge to give sufficient and complete consideration to each decision. Sufficient in this case is interpreted as the legal condition where the judges have considered all the evidence submitted by the party involved, all the legal facts discovered, and all parts of the plaintiff's lawsuit.⁶

The quality of the decisions of the State Administrative Court is related to legal reasoning because weak legal reasoning will affect the quality of decisions that are less or not good, and vice versa; strong legal reasoning will make court

⁵ W. Riawan Tjandra, *Op. Cit.*, p. 16.

⁶ M. Natsir Asnawi, *Hermeneutika Putusan Hakim*, UII Press, Yogyakarta, 2020, p. 52

decisions good. The implementation of the State Administrative Court's decisions differs from the implementation of criminal and civil decisions. If a state administrative official is ordered to revoke the disputed State Administrative Decision and issue a new State Administrative Decree, what must be done before implementing the decision of the State Administrative Court is to read the considerations in the decision carefully. Quality decisions affect the compliance of State Administrative Officials to comply with and implement decisions of State Administrative Courts.⁷

The characteristics of legal reasoning as a systematic problem-solving activity are:

1. Legal reasoning seeks to create consistency in legal rules and legal decisions. The basis for thinking is the *similia similibus* principle; the same

⁷ Jurnal Self-Respect dan Kesadaran Hukum Pejabat Tata Usaha Negara Menuju Keadilan Untoro Fakultas Hukum Universitas Islam Jakarta, p. 40

case must be given the same decision.

2. Legal reasoning seeks to maintain continuity in time or historical consistency. Legal reasoning will refer to pre-formed legal rules and previous legal decisions to ensure stability and predictability.
3. In legal reasoning, there is dialectical reasoning, namely considering the opposing claims in the debate on the formation of law, the process of considering the views and facts put forward by the parties in the judicial and negotiation processes. (Rivai, 2014: 93-94).⁸

Moreover Shidarta⁹,

added six steps of legal reasoning, namely:

1. Identifying the facts to produce a structure (map) of cases that the judge truly believes to be a genuine cases;
2. Connecting (subsume) the structure of the case

⁸ Ibid, p.41

⁹ Shidarta, Hukum Penalaran dan Penalaran Hukum, Buku 1 Akar Filosofis, Genta Publishing, Yogyakarta, 2013, p. 157

- with relevant legal sources so that it can determine legal actions in juridical terms (legal terms);
3. Selecting relevant sources of law and legal rules and then finding out the policies contained in those laws (the policies underlying those rules) so that a coherent structure or map of rules is produced;
 4. Linking the rule structure to the case structure;
 5. Looking for possible alternative solutions;
 6. Determining the choice of one of the alternatives to be later formulated as a final decision.

For justice seekers, a quality judge's decision is nothing but a decision that can realize justice or reflects a sense of justice, which can be implemented and can be accepted or satisfy the justice seeker. Judges' decisions that cannot be implemented (non-executable) or do not fulfil a sense of justice are tantamount to not being valid for justice seekers, and

it is because the goals expected by justice seekers in court proceedings are other than so that the law can be enforced. In that way, justice can be realized. On the other hand, if, due to specific reasons, the decision cannot be enforced, then there will be no benefit or benefit to the disputing parties. In short, quality decisions can reflect justice, legal certainty and legal expediency. Furthermore, the quality decision is also expected to be well-organized, coherent, systematic, does not contain a term that has multiple interpretations, and contains clarity.¹⁰

Several indicators have been examined by the Judicial Commission and the indicators issued by the Chief Justice of the Supreme Court of the Republic of Indonesia regarding the quality of a judge's decision. Here is an explanation of it

¹⁰ Komisi Yudisial Republik Indonesia, *Kualitas Hakim dalam Putusan: Laporan Penelitian Putusan Hakim Tahun 2012*, Cetakan Pertama, Jakarta: Sekretariat Jenderal Komisi Yudisial Republik Indonesia, 2014, page XV

1. Based on the 2011 High Court Decision Research Report by the Judicial Commission of the Republic of Indonesia concerning the Application and Findings of Law in Judge Decisions, ISBN: 978-602-19112-0-4, alludes to indicators in analyzing quality judge decisions in the context of civil and criminal decisions.
2. Based on the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number 120 /KMA/SK/VI/2021 dated June 16, 2021, regarding the Review of Main Performance Indicators of the Supreme Court of the Republic of Indonesia in the context of Realizing a Definite, Transparent and Accountable Judiciary.

Then the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number 120 /KMA/SK/VI/2021 is calculated as follows:

Number of cases that do not

 file for legal action

Number of cases decided

Then according to Paulus E. Lotulung, the notion of a quality court decision is a court decision that is fair to the majority of the community, and the decision can be implemented to create order, certainty and benefit. The indicators include the following:¹¹

1. Most of the justice seekers and observers did not dispute the decision.
2. The decision does not contain excessive controversy, both in terms of the substance of the case and the legal substance used as the basis for adjudicating the case.
3. The decision contains a sense of justice for the parties (perpetrators, victims, society, and the state (in this context, the prosecutor).
4. The decision is following the demands of the times and society so that it does

¹¹ Paulus E. Lotulung, *Mewujudkan Putusan Berkualitas Yang Mencerminkan Rasa Keadilan*, Paparan Ketua Muda Mahkamah Agung RI X 100% Lingkungan Peradilan Tata Usaha Negara Dalam Rapat Kerja Nasional Balikpapan, October 10th-14th 2017.

- not cause unrest for the majority of the community, and
5. The decision can be executed.

Quality court decisions are court decisions that are fair to the majority of the community, and these decisions can be implemented in the context of creating order, certainty and benefit. The indicator is that some do not dispute the decision in terms of the substance of the case or the legal substance used as a basis for adjudicating, and the decision follows the times' conditions so that an appeal is not carried out.¹² Quality court decisions are decisions that can realize justice or reflect a sense of justice that can be implemented and accepted or satisfy justice seekers.¹³

¹²HM Laica Marzuki, *Judicial Monitoring Through Public Examination*, Judicial Monitoring Workshop, ICW, Jakarta, 2002, p. 2.

¹³ Ahmad Rifai, *Penemuan Hukum Oleh Hakim Dalam Perspektif Hukum Progresif*, Bumi Aksara, Jakarta, 2011, p. 14.

D. CLOSING

1. Conclusion

Based on the description above, the conclusions of the researcher regarding the quality of the decisions of the Judges of the State Administrative Court are:

1. The decision has carried out the breadth of proof, the burden of proof, and the assessment of the evidence
2. The judge has assessed all evidence based on Article 109 of Law Number 5 of 1986
3. It has been supported by two pieces of evidence based on Article 107 of Law Number 5 of 1986
4. The reason the judge rejected and accepted the arguments of the plaintiff and the defendant
5. Judgment is not implemented legal action

2. Suggestions

From the research results above, the researcher suggests that the judges of the State Administrative Court should prioritize the quality of decisions so that justice seekers do not carry out existing legal remedies.

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