

AMENDMENT TO LAW NO. 5/1986 ON STATE ADMINISTRATIVE COURT (Law No. 9/2004 dated March 29, 2004)

BY THE GRACE OF GOD ALMIGHTY
THE PRESIDENT OF THE REPUBLIC OF INDONESIA.

DECIDES :

Considering:

- a. that the Unitary Republic of Indonesia is a constitutional state which under the state ideology Pancasila and the 1945 Constitution of the Republic of Indonesia aims to create an orderly, clean, prosperous and just nation, state and community;
- b. that State Administrative Court is a court overseen by the Supreme Court to act independently as an agent of judiciary to carry out the administration of justice in order to uphold law and justice;
- c. that the State Administrative Court as meant in Law No.5/1986 on State Administrative Court is no longer relevant to the public need for justice and the life of the state under the 1945 Constitution of the Republic of Indonesia;
- d. that based on the considerations in letters a, b, and c, it is necessary to enact Law on Amendment to Law No.5/1986 on State Administrative Court;

In view of:

1. Article 20, Article 21, Article 24, and Article 25 of the 1945 Constitution;
2. Law No.5/1986 on State Administrative Court (Statute Book of 1986 No.77, Supplement to Statute Book No.3344);
3. Law No.4/2004 on Judiciary (Statute Book of 2004 No.8, Supplement to Statute Book No.4358);
4. Law No.5/2004 on Amendment to Law No.14/1985 on the Supreme Court (Statute Book of 2004 No.9, Supplement to Statute Book No.4359);

By the joint approval of
THE HOUSE OF REPRESENTATIVES
and

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

To stipulate:

LAW ON AMENDMENT TO LAW NO.5/1986 ON STATE ADMINISTRATIVE COURT.

Article I

Several provisions in Law No.5/1986 on State Administrative Court (Statute Book of 1986 No.77, Supplement to Statute Book No.3344) shall be amended as follows:

1. Article 2 shall be amended so that it reads as follows:

Article 2

The definition of State Administrative Verdict according to this law shall not include:

- a. State administrative verdict which constitutes a civil code act;
- b. State administrative verdict which constitutes a general regulation;
- c. State administrative verdict which still requires approval;
- d. State administrative verdict which is issued under the Penal Code and the Law of Criminal Procedure or other penal codes;
- e. State administrative verdict which is issued based on the result of examination by a court body by virtue of the law in force;
- f. State administrative verdict on the administration of the National Defence Forces;
- g. Decisions of the Central and Regional General Elections Commissions on vote tally.

2. Article 4 shall be amended so that it reads as follows:

Article 4

State Administrative Court shall be one of the agents of judiciary which serve justice seekers in state administrative disputes.

3. Article 6 shall be amended so that it reads as follows:

Article 6

(1) A State Administrative Court shall be set up in the

regental/municipal capital with its judicial area covering the regency/municipality.

(2) A High State Administrative Court shall be set up in the provincial capital with its judicial area covering the province.

4. Article 7 shall be amended so that it reads as follows:

Article 7

(1) The Supreme Court shall provide technical guidance regarding the judicature, organization, administration and finance of Courts.

(2) The guidance as meant in paragraph (1) shall not reduce the freedom of judges in examining and deciding state administrative disputes.

5. Article 9, fixed substances, elucidation of article shall be abolished as contained in the elucidation of article by article, point 5.

6. In-between Article 9 and Article 10, a new article called Article 9A shall be inserted:

Article 9A

In a State Administrative Court, exclusiveness can be made based on the law.

7. Article 12 shall be amended so that it reads as follows:

Article 12

(1) The judges of State Administrative Court shall be the officials who perform judiciary duties.

(2) The requirements and procedures for appointing and discharging judges as well as for performing their duties shall be provided for in this law.

8. Article 13 shall be amended so that it reads as follows:

Article 13

(1) The Supreme Court Justice Chief shall provide general guidance to and conduct general supervision of judges.

(2) The guidance and supervision as meant in paragraph (1) shall not reduce the independence of judges in examining and deciding state administrative disputes.

9. Article 14 shall be amended so that it reads as follows:

Article 14

(1) A would-be judge of State Administrative Court shall meet the following qualifications:

- a. Indonesian citizen;
- b. religiously devout;
- c. loyal to the state ideology Pancasila and the 1945 Constitution;
- d. graduate in law;
- e. aged at least 25 (twenty five) years;
- f. physically and mentally healthy;
- g. integrated, honest, and just and never committing a disgraceful deed; and
- h. neither a former member of outlawed Indonesian Communist Party, including its mass organizations, nor a person directly involved in the abortive Sept 30, 1965 communist coup.

(2) To become a judge of State Administrative Court, the nominee shall be a civil servant who meets the qualifications of would-be judge as meant in paragraph (1).

(3) To become a chairman or deputy chairman of State Administrative Court, the nominee shall have experience as a judge of State Administrative Court for at least 10 (ten) years.

10. Article 15 shall be amended so that it reads as follows:

Article 15

(1) To become a judge of High State Administrative Court, the nominee shall meet the following qualifications:

- a. fulfilling the qualifications as meant in Article 14 paragraph (1) letters a, b, c, d, f and h;
- b. aged at least 40 (forty) years;
- c. having experience for at least 5 (five) years as a chairman or deputy chairman of State Administrative Court, or 15 (fifteen) years as a judge of State Administrative Court;
- d. passing the examination conducted by the Supreme Court.

(2) To become a chairman of High State Administrative Court, the nominee shall have experience for at least 5 (five) years as a judge of High State Administrative Court or 3 (three) years for a judge of High

State Administrative Court who was once appointed chairman of State Administrative Court.

- (3) To become a deputy chairman of High State Administrative Court, the nominee shall have experience for at least 4 (four) years as a judge of High State Administrative Court or 2 (two) years for a judge of High State Administrative Court who was once appointed chairman of State Administrative Court.

11. Article 16 shall be amended so that it reads as follows:

Article 16

- (1) The judges of Court shall be appointed and discharged by the President on recommendation of the Supreme Court Justice Chief.
- (2) The chairman and deputy chairman of Court shall be appointed and discharged by the Supreme Court Justice Chief.

12. Article 17 shall be amended so that it reads as follows:

Article 17

- (1) Before assuming their posts, the chairman, deputy chairman and judges of Court shall take an oath or pledge according to their religion.

- (2) The oath or pledge as meant in paragraph (1) shall read as follows:

Oath

"I swear by God that I will meet the obligations of judge as properly and fairly as possible, firmly stick to the 1945 Constitution of the Republic of Indonesia, implement all legislation as truly as possible according to the 1945 Constitution of the Republic of Indonesia, and dedicate myself to the state and nation."

Pledge

"I swear that I will be serious in fulfilling the obligations of judge as properly and fairly as possible, firmly stick to the 1945 Constitution of the Republic of Indonesia, implement all legislation as truly as possible according to the 1945 Constitution, and dedicate myself to the state and nation."

- (3) The deputy chairman and judges of State Adminis-

trative Court shall be sworn in by the chairman of State Administrative Court.

- (4) The deputy chairman and judges of High State Administrative Court as well as the chairman of State Administrative Court shall be sworn in by the chairman of High State Administrative Court.

- (5) The chairman of High State Administrative Court shall be sworn in by the chairman of the Supreme Court.

13. Article 18 shall be amended so that it reads as follows:

Article 18

- (1) Except otherwise stipulated by or under law, a judge shall be prohibited to concurrently become:
- the executor of a court verdict;
 - a trustee, guardian and official related to a case examined by him/her;
 - entrepreneur.

- (2) A judge shall be prohibited to concurrently become a lawyer.

- (3) The posts that must not concurrently be held by a judge other than those referred to in paragraph (2) are to be provided for in a government regulation.

14. Article 19 shall be amended so that it reads as follows:

Article 19

- (1) The chairman, deputy chairman and judges of Court shall be honorably discharged from their post:
- upon their request;
 - due to acute physical or mental ailment;
 - at the age of 62 (sixty two) years for the chairman, deputy chairman and judges of State Administrative Court and 65 (sixty five) years for the chairman, deputy chairman and judges of High State Administrative Court;
 - because they turn out to be unable to perform their duties.

- (2) The chairman, deputy chairman and judges of Court who die shall automatically be discharged honorably from their posts by the President.

15. Article 21 shall be amended so that it reads as follows:

Article 20

- (1) The chairman, deputy chairman and judges of Court shall dishonorably be discharged from their post because they:
- are imprisoned for committing a criminal offence;
 - commit disgraceful deeds;
 - continue to ignore their obligation to perform their duties;
 - violate their oath or pledge;
 - violate the bans as meant in Article 18.
- (2) A proposal for dishonorable discharge due to the reasons as meant in paragraph (1) letters b, c, d and e shall be made after the concerned party has been given a sufficient chance to make self defence before an honorary council of judges.
- (3) Provisions on the formation, lineup and work mechanism of the honorary council of judges as well as procedures for making self defence are to be stipulated by the Supreme Court Justice Chief.

16. Article 21 shall be amended so that it reads as follows:

Article 21

A judge who is discharged from his/her post shall automatically be discharged as a civil servant.

17. Article 22 shall be amended so that it reads as follows:

Article 22

- (1) Before being dishonorably discharged as meant in Article 20 paragraph (1), the chairman, deputy chairman and judges of Court can be suspended from their post by the Supreme Court Justice Chief.
- (2) The suspension as meant in paragraph (1) shall also be subject to provisions in Article 20 paragraph (2).
- (3) The suspension as meant in paragraph (1) shall be valid for a maximum of 6 (six) months.

18. Article 26 shall be amended so that it reads as follows:

Article 26

The chairman, deputy chairman and judges of Court can be arrested or detained at the instruction of the Attorney General after receiving a consent from the

Supreme Court Justice Chief, except if they are:

- caught red-handed committing a criminal offence;
- accused of committing a criminal offence punishable by death; or
- accused of committing a criminal offence against state security.

19. Article 28 shall be amended so that it reads as follows:

Article 28

To become a clerk of State Administrative Court, the nominee shall meet the qualifications as follows:

- Indonesian citizen;
- religiously devout;
- loyal to the state ideology Pancasila and the 1945 Constitution of the Republic of Indonesia;
- at least bachelor of law;
- having experience for at least 3 (three) years as a clerk assistant, 5 (five) years as a junior clerk of State Administrative Court, or as a clerk assistant of High State Administrative Court; and
- physically and mentally healthy.

20. Article 29 shall be amended so that it reads as follows:

Article 29

To become a clerk of High State Administrative Court, the nominee shall meet the qualifications as follows:

- fulfilling the qualifications as meant in Article 28 letters a, b, c and f;
- graduate in law; and
- having experience for at least 3 (three) years as a clerk assistant, 5 (five) years as a junior clerk of High State Administrative Court, or 3 (three) years as a clerk of State Administrative Court.

21. Article 30 shall be amended so that it reads as follows:

Article 30

To become a clerk assistant of State Administrative Court, the nominee shall meet the qualifications as follows:

- fulfilling the qualifications as meant in Article 28 letters a, b, c, d and f; and
- having experience for at least 3 (three) years as a junior clerk or 4 (four) years as a substitute clerk of State Administrative Court.

22. The

22. Article 31 shall be amended so that it reads as follows:

Article 31

To become a clerk assistant of High State Administrative Court, the nominee shall meet the qualifications as follows:

- a. fulfilling the qualifications as meant in Article 28 letters a, b, c and f;
- b. graduate in law; and
- c. having experience for at least 2 (two) years as a junior clerk, 5 (five) years as a substitute clerk of High State Administrative Court, 3 (three) years as a clerk assistant of State Administrative Court, or as a clerk of State Administrative Court.

23. Article 32 shall be amended so that it reads as follows:

Article 32

To become a junior clerk of State Administrative Court, the nominee shall meet the qualifications as follows:

- a. fulfilling the qualifications as meant in Article 28 letters a, b, c, d, and f; and
- b. having experience for at least 2 (two) years as a substitute clerk of State Administrative Court.

24. Article 33 shall be amended so that it reads as follows:

Article 33

To become a junior clerk of High State Administrative Court, the nominee shall meet the qualifications as follows:

- a. fulfilling the qualifications as meant in Article 28 letters a, b, c, d, and f; and
- b. having experience for at least 2 (two) years as a substitute clerk of High State Administrative Court, 3 (three) years as a junior clerk, 5 (five) years as a substitute clerk of State Administrative Court; or as a clerk assistant of State Administrative Court.

25. Article 34 shall be amended so that it reads as follows:

Article 34

To become a substitute clerk of State Administrative Court, the nominee shall meet the qualifications as follows:

- a. fulfilling the qualifications as meant in Article 28 letters a, b, c, d, and f; and
- b. having experience for at least 3 (three) years as a civil servant with the State Administrative Court.

26. Article 35 shall be amended so that it reads as follows:

Article 35

To become a substitute clerk of High State Administrative Court, the nominee shall meet the qualifications as follows:

- a. fulfilling the qualifications as meant in Article 28 letters a, b, c, d and f; and
- b. having experience for at least 3 (three) years as a substitute clerk of State Administrative Court or 8 (eight) years as a civil servant with the High State Administrative Court.

27. Article 36 shall be amended so that it reads as follows:

Article 36

- (1) Except otherwise stipulated by or under law, a clerk shall be prohibited to concurrently become a trustee, guardian and official related to the case in which he/she acts as a clerk.
- (2) A clerk shall be prohibited to concurrently become a lawyer.
- (3) The posts that must not be concurrently held by a clerk other than referred to in paragraph (1) and paragraph (2) are to be stipulated by the Supreme Court.

28. Article 37 shall be amended so that it reads as follows:

Article 37

The clerk, clerk assistant, junior clerk, and substitute clerk of Court shall be appointed and discharged by the Supreme Court.

29. Article 38 shall be amended so that it reads as follows:

Article 38

- (1) Before assuming their posts, the clerk, clerk assistant, junior clerk and substitute clerk shall be sworn in by the chairman of Court according to their religion.

- (2) The oath or pledge as meant in paragraph (1) shall read as follows:

"I swear/pledge truly that I, to gain this post, directly or indirectly using any name or means, will never give or pledge anything to somebody."

"I swear/pledge that I, to do or not to do anything related to this post, will never directly or indirectly receive any pledge or gift from anybody."

"I swear/pledge that I will be loyal to and will defend and practice Pancasila as the foundation and ideology of the state, the 1945 Constitution of the Republic of Indonesia, and other legislation prevailing in the Unitary Republic of Indonesia."

"I swear/pledge that I will always exercise this post honestly and thoroughly without discriminating against people and will act as properly and fairly as possible in exercising my obligations in the same way as a clerk, clerk assistant, junior clerk and substitute clerk who have good conduct and are honest in upholding law and justice."

30. In-between Article 39 and Part Three, Secretary, new Part Two called Part Two A, confiscator, consisting of 5 (five) articles, namely Article 39A, Article 39B, Article 39C, Article 39D and Article 39E, shall be inserted as follows:

Part Two A
Confiscator
Article 39A

Every State Administrative Court shall employ confiscators.

Article 39B

- (1) To become a confiscator, the nominee shall meet the qualifications as follows:

- a. Indonesian citizen;
- b. religiously devout;
- c. loyal to the state ideology Pancasila and the 1945 Constitution of the Republic of Indonesia;
- d. at least senior high school graduate;
- e. having experience for at least 3 (three) years as a substitute confiscator; and
- f. physically and mentally healthy.

- (2) To become a substitute confiscator, the nominee shall meet the qualifications as follows:

- a. fulfilling the qualifications as meant in paragraph (1) letters a, b, c, d and f;

- b. having experience for at least 3 (three) years as a civil servant with the State Administrative Court.

Article 39C

- (1) The confiscator of State Administrative Court shall be appointed and discharged by the Supreme Court on recommendation of the Court.

- (2) A substitute confiscator shall be appointed and discharged by the chairman of the Court concerned.

Article 39D

- (1) Before assuming their post, a confiscator and substitute confiscator shall be sworn in by the chairman of the Court concerned according to their religion.

- (2) The oath or pledge as meant in paragraph (1) shall read as follows:

"I swear/pledge truly that I, to gain this post, directly or indirectly using any name or means, will never give or pledge anything to anybody."

"I swear/pledge that I, to do or not to do anything related to this post, will never receive directly or indirectly any pledge or gift from anybody."

"I swear/pledge that I will be loyal to and will defend and practice Pancasila as the foundation and ideology of the state, the 1945 Constitution of the Republic of Indonesia, and other legislation prevailing in the Unitary Republic of Indonesia."

"I swear/pledge that I will always exercise my post honestly and thoroughly without discriminating against people and will act as properly and fairly as possible in exercising my obligations in the same way as a confiscator or substitute confiscator who has good conduct and is honest in upholding law and justice."

Article 39E

- (1) Except otherwise stipulated by or under law, a confiscator shall be prohibited to concurrently become a trustee, guardian, and official related to the case in which he/she has the interest.

- (2) A confiscator shall be prohibited to concurrently become a lawyer.

- (3) The posts that a confiscator must not concurrently hold other than those referred to in paragraph (1) and paragraph (2) are to be stipulated by the Supreme Court.

31. Article 42 shall be amended so that it reads as follows:

Article 42

To become a deputy secretary of State Administrative Court, the nominee shall meet the qualifications as follows:

- a. Indonesian citizen;
- b. religiously devout;
- c. loyal to the state ideology Pancasila and the 1945 Constitution of the Republic of Indonesia;
- d. at least bachelor of law or administration;
- e. having experience in the administration of court; and
- f. physically and mentally healthy.

32. Article 44 shall be amended so that it reads as follows:

Article 44

The deputy secretary of Court shall be appointed and discharged by the Supreme Court.

33. Article 45 shall be amended so that it reads as follows:

Article 45

(1) Before assuming their posts, the secretary and deputy secretary of Court shall be sworn in by the chairman of the Court concerned according to their religion.

(2) The oath or pledge as meant in paragraph (1) shall read as follows:

"I swear/pledge truly that I, to be appointed a secretary/deputy secretary, will be loyal to and will abide by the state ideology Pancasila, the 1945 Constitution of the Republic of Indonesia, the state and the government."

"I swear/pledge that I will abide by the existing legislation and perform official duties entrusted to me with a full sense of dedication, awareness and responsibility."

"I swear/pledge that I will always uphold the honor of the state and the government and the dignity of the secretary/deputy secretary, and give priority to the state interests over personal, individual or group interests."

"I swear/pledge that I will keep the confidentiality of anything which according to its characteristics or instruction I must keep it secret."

"I swear/pledge that I will work honestly, smartly, accurately and vigorously for the benefit of the state."

34. Article 46 shall be amended so that it reads as follows:

Article 46

(1) The secretary of Court shall be tasked to carry out the general administration of Court.

(2) Provisions on the task, responsibility, organizational structure and work mechanism of the secretariat are to be provided for in a decree of the Supreme Court Justice Chief.

35. Article 53 shall be amended so that it reads as follows:

Article 53

(1) Individuals or civil legal entities that feel their interests are harmed by a state administrative verdict may file a lawsuit against the state administrative verdict in writing to the authorized court to declare the disputed state administrative verdict null and void with or without demand for compensation and/or rehabilitation.

(2) The reasons for filing the lawsuit as meant in paragraph (1) may be as follows:

- a. The state administrative verdict against which the lawsuit is filed contradicts the law in force.
- b. The state administrative verdict against which the lawsuit is filed contradicts the general principles of good governance.

36. Article 116 shall be amended so that it reads as follows:

Article 116

(1) The copies of a court verdict that has received permanent legal force shall be sent to the parties by registered mail by the clerk of the relevant court at the instruction of the chairman of the court which has tried the case at the first phase in no more than 14 (fourteen) days.

(2) If within 4 (four) months after the court verdict that has received permanent legal force as meant in paragraph (1) has been sent, the defendant does not fulfill his/her obligations as meant in Article 97 paragraph (9) letter a, the disputed state administrative verdict shall no longer have legal force.

(3) If the defendant is required to fulfill his/her obligations as meant in Article 97 paragraph (3) letter b

and letter c, and after 3 (three) months the defendant fails to fulfill the obligations, the plaintiff shall file an application to the chairman of court as meant in paragraph (1) to order the defendant to implement the court verdict in question.

(4) If the defendant is not prepared to implement the court verdict that has received permanent legal force, the relevant official shall be subject to forced remedy by paying a sum of forced money and/or administrative sanction.

(5) The official who fails to implement the court verdict as meant in paragraph (4) shall be announced in the local mass media by the clerk after the failure to fulfill the provisions in paragraph (3).

37. Provisions in Article 118 shall be abolished.

38. In-between Article 143 and Chapter VII, a new article called Article 143A shall be inserted as follows:

Article 143A

When this law began to take effect, all regulations needed to implement Law No.5/1986 on State Administrative Court shall remain valid, provided they do not contradict this Law and have not been replaced by virtue of this Law.

39. In General Elucidation the words "the Government" and "the Ministry of Justice" shall be replaced with "the Supreme Court Justice Chief."

Article II

This Law shall take effect as from the date of stipulation.

For public cognizance, this Law shall be promulgated by placing it in the Statute Book of the Republic of Indonesia.

Endorsed in Jakarta
on March 29, 2004

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,
sgd.

MEGAWATI SOEKARNOPUTRI

Promulgated in Jakarta
on March 29, 2004

THE STATE SECRETARY,
sgd.
BAMBANG KESOWO

STATUTE BOOK OF
THE REPUBLIC OF INDONESIA OF 2004 NUMBER 35

ELUCIDATION OF LAW NO.9/2004 ON AMENDMENT TO LAW NO.5/1986 ON STATE ADMINISTRATIVE COURT

I. GENERAL

The 1945 Constitution of the Republic of Indonesia stipulates that judiciary constitutes the independence of the Supreme Court and judicial bodies under its preview to run the administration of justice in order to uphold law and justice. The 1945 Constitution has brought about a significant change to the execution of judiciary and consequently, legislation in the field of judiciary needs to be enacted or amended. The enactment or amendment of legislation is aimed at strengthening the principles of judiciary which is free from other power in the administration of justice in order to uphold law and justice.

Legislation in the field of judiciary that has been enacted includes the endorsement of Law No.4/2004 on Judiciary in lieu of Law No.14/1970 on the Principles of Judiciary as has been amended by Law No.35/1999. Likewise, Law No.14/1985 on the Supreme Court also has been amended by Law No.5/2004 on Amendment to Law No.14/1985 on the Supreme Court.

Law No.5/1986 on State Administrative Court which is one of the laws governing judicial bodies under the preview of the Supreme Court also needs to be amended. Amendment to Law No.5/1986 on State Administrative Court has laid foundations for the adoption of policies in which all affairs related to general judicature, either those related to judicial aspects or those related to non judicial aspects such as organizational, administrative and financial matters, are under the control of the Supreme Court. The policies originate from the policies stipulated by Law No.4/2004 on Judiciary as was desired by the 1945 Constitution.

The amendment to Law No.5/1986 on State Administrative Court also has brought about other important changes such as:

1. the qualifications of judges of State Administrative Court;

2. the

2. the maximum age for appointing and discharging judges;
3. the procedures for appointing and discharging judges;
4. the supervision of judges;
5. the abolition of law of procedure regarding the entry of third party into a dispute;
6. the imposition of sanction on an official for failing to implement a court verdict that has received permanent legal force.

Basically, the general amendment to Law No.2/1986 on State Administrative Court aims to adjust it to Law No.4/2004 on Judiciary and Law No.5/2004 on Amendment to Law No.14/1985 on the Supreme Court.

II. ARTICLE BY ARTICLE

Article 1

Point 1

Article 2

This article deals with the limitation of the definition of state administrative verdict including the scope of State Administrative Court's competence to try a case. The limitation is made because several types of verdicts which because of their characteristics and aims cannot be included in the definition of state administrative verdict according to this Law.

Letter a

The state administrative verdict which constitutes a civil code act includes a verdict on sales purchase transactions between a government agency and an individual made by virtue of civil code.

Letter b

Referred to as "general regulation" is the regulation which contains legal norms laid down in a regulation whose validity force binds every individual.

Letter c

Referred to as "state administrative verdict which still requires approval" is the verdict which still requires approval from the higher agency or other agency to execute it. In the frame of preventive administrative supervision and policy standardization, a regulation which serves as the basis for the making of a decision very often stipulates that approval from the higher agency is needed before a state administrative verdict takes effect. Sometimes a basic regulation stipulates that approval from other agency is needed because the other agency will be involved in the legal consequence caused by the verdict. A lawsuit can be filed to a district court against a verdict which still requires approval but has inflicted losses.

Letter d

State administrative verdict based on the Penal Code is, for instance, a traffic case in which the suspect is condemned to a conditional sentence requiring him/her to bear the cost of treating the victim at the hospital. Since the obligation must be fulfilled by the convicted, the prosecutor, who pursuant to Article 14 letter d of the Civil Code is appointed to supervise whether or not the obligation is fulfilled, must order the convicted to immediately send medical expense payment slips to the prosecutor.

State administrative verdict based on the Law of Criminal Procedures is, for instance, a public prosecutor issues a warrant for the suspect's arrest.

State administrative verdict based on other penal code is, for instance, a prosecutor's order to confiscate the goods of a suspect in a economic criminal offence.

The assessment of the three types of state administrative verdicts from the standpoint of law application can only be made by courts within the public judiciary.

Letter e

State administrative verdict referred to herein includes

1. The decision of the National Land Agency which issues a land title in the name of a person based on a civil court verdict with permanent legal force that the disputed land is state land and not inherited land to which the parties have laid a claim.
2. A decision which is similar to that in point 1 but is based on a civil court verdict with permanent legal force.
3. A decision on the dismissal of a notarial public made by a minister whose task and responsibility covers the post of notarial public after receiving a proposal from the chairman of the district court based on authority specified in Law on General Judiciary.

Letters f and g

Sufficiently clear

Point 2

Article 4

Referred to as "justice seekers" are individuals, both Indonesians and foreign nationals, and civil legal entities that seek justice in the State Administrative Court.

Point 3

Article 6

Paragraph (1)

Basically, State Administrative Court is located in a regental/municipal capital with judicial area covering the

regency/municipality, however, exception to this rule may not be ruled out.

Paragraph (2)

Sufficiently clear

Point 4

Article 7

Sufficiently clear

Point 5

Article 9

Sufficiently clear

Point 6

Article 9A

Referred to as "exclusiveness" is specialization in state administrative judiciary, such as tax tribunal.

Point 7

Article 12

Sufficiently clear

Point 8

Article 13

Paragraph (1)

The "general supervision" referred to herein covers built-in control conducted by the Supreme Court.

Paragraph (2)

Sufficiently clear

Point 9

Article 14

Sufficiently clear

Point 10

Article 15

Paragraph (1)

Letters a up to c

Sufficiently clear

Letter d

Referred to as "passing the examination" is the evaluation by the Supreme Court of the verdicts meted out by the relevant judge.

Paragraphs (2) and (3)

Sufficiently clear

Point 11

Article 16

Sufficiently clear

Point 12

Article 17

Sufficiently clear

Point 13

Article 18

Sufficiently clear

Point 14

Article 19

Paragraph (1)

Letter a

The honorable discharge of a judge at his/her own request covers the definition of resignation on reason that the judge fails to uphold law in his/her own household. In principle, the situation, condition, atmosphere and discipline of each judge's household plays one of the important roles in helping improve the image and integrity of the judge.

Letter b

Referred to as "acute physical or mental ailment" is the ailment that makes the concerned party unable to carry out his/her duties well.

Letter c

Sufficiently clear

Letter d

Referred to as "unable" is, for instance, the concerned party makes a lot of big mistakes in performing his/her duties.

Paragraph (2)

Sufficiently clear

Point 15

Article 20

Paragraph (1)

Letter a

Referred to as "criminal offence" is a criminal offence punishable by a minimum of 1 (one) year's imprisonment.

Letter b

Referred to as "commit disgraceful deeds" is, for instance, the relevant judge who because of his/her attitude, action, and behavior both inside the court or outside the court undermines the dignity of a judge.

Letter c

Referred to as "his tasks" are all tasks entrusted to the concerned party.

Letters d and e

Sufficiently clear

Paragraph (2)

If the dishonorable discharge is because the concerned party is imprisoned for committing a criminal offence, he/she will be denied a chance to make self defence.

Paragraph (3)

Sufficiently clear

Point 16

Article 21

Sufficiently clear

Point 17

Article 22

Paragraphs (1) and (2)

Sufficiently clear

Paragraph (3)

The suspension referred to herein begins to take effect on the stipulation date of a decision on the suspension.

Point 18

Article 26

Sufficiently clear

Point 19

Article 28

Letters a up to c

Sufficiently clear

Letter d

The "bachelor of law" referred to herein include those that have completed law education equivalent to bachelor and are considered competent to the post.

Letters e and f

Sufficiently clear

Point 20

Article 29

Sufficiently clear

Point 21

Article 30

Sufficiently clear

Point 22

Article 31

Sufficiently clear

Point 23

Article 32

Sufficiently clear

Point 24

Article 33

Sufficiently clear

Point 25

Article 34

Sufficiently clear

Point 26

Article 35

Sufficiently clear

Point 27

Article 36

These provisions also apply to a clerk assistant, junior clerk and substitute clerk.

Point 28

Article 37

Sufficiently clear

Point 29

Article 38

Sufficiently clear

Point 30

Article 39A

If the number of confiscators in a State Administrative Court is not adequate, the confiscators must be assisted by substitute clerks in carrying out their tasks.

Articles 39B up to 39E

Sufficiently clear

Point 31

Article 42

Sufficiently clear

Point 32

Article 44

Sufficiently clear

Point 33

Article 45

Sufficiently clear

Point 34

Article 46

Sufficiently clear

Point 35

Article 53

Paragraph (1)

Pursuant to Article 1 point 4 only the individual or civil legal entity that has the status as the subject of law is eligible to file a lawsuit to the State Administrative Court against a state administrative verdict.

State administrative body or official is not eligible to file a lawsuit to the State Administrative Court against a state administrative verdict.

Only the individual or civil legal entity whose interests are affected by the legal consequence of a state administrative verdict is eligible to file a lawsuit against the state administrative verdict.

The lawsuit must be filed in writing because the lawsuit will serve as the basis for the court and the parties during the examination.

Those who have poor reading and writing skills can ask the clerk of court to assist them in filing a lawsuit in writing.

Unlike a lawsuit filed to the civil court, the lawsuit filed to the State Administrative Court is limited to 1 (one) kind of main demand to nullify the state administrative verdict which has harmed the interests of the plaintiff.

The only additional demand allowed is demand for compensation and only in a personnel dispute other additional demand is allowed, namely demand for rehabilitation.

Paragraph (2)

Letter a

Sufficiently clear

Letter b

The "general principles of good governance" referred to herein include

- legal certainty;

- the good running of government;

- transparency;

- proportionality;

- professionalism;

- accountability,

as meant in Law No.28/1999 on Good Governance, Which is Free from Corruption, Collusion and Nepotism.

Point 36

Article 116

Paragraph (1)

Even though a court verdict has not received permanent legal force, the conflicting parties deserve to receive copies of the verdict which carry the clerk's notes that the verdict has not received permanent legal force.

Paragraphs (2) and (3)

Sufficiently clear

Paragraph (4)

Referred to as "the relevant official shall be subject to forced remedy" is the obligation to pay a sum of money specified by the judge because of his/her post contained in the verdict at the time of deciding a case in favor of the plaintiff's suit.

Paragraph (5)

Sufficiently clear

Point 37

Article 118

Sufficiently clear

Point 38

Article 143A

Sufficiently clear

Point 39

Sufficiently clear

Article II

Sufficiently clear

SUPPLEMENT TO STATUTE BOOK OF
THE REPUBLIC OF INDONESIA NO. 4380

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