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Politics Legal Regulation of the Supreme Court of the Republic of Indonesia (Perma Ri) Number 2 of 2019 as a Guideline for Suits for Unlawful Acts Against Government Agencies And/Or Officials

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ABSTRACT: The Supreme Court has issued PERMA No. 2 of 2019 concerning Guidelines for Settlement of Disputes on Government Actions and the Authority to Adjudicate Unlawful Acts by Government Agencies and/or Officials (Onrechmatige Overheidsdaad), with the aim of being a guideline in terms of the authority to adjudicate onrechtmatige overheidsdaad cases, as well as as statutory provisions and regulations in terms of governance method of resolving disputes regarding unlawful acts committed by government agencies or government officials, which has now become the absolute authority of the State Administrative Court (PERATUN). Regarding Legal Politics, the issuance of PERMA No. 2 of 2019 is important to study and research, because it has created a new "legal situation" and "legal consequences", namely regarding the authority to adjudicate overheidsdaad cases that are onrechtmatige, as well as regarding legal provisions regarding dispute resolution procedures against the government. From this research it can be concluded that with the enactment of PERMA Regulation No. 2 of 2019, cases of unlawful acts by government agencies and/or officials, which previously fell under the authority of the general judiciary to be examined and tried in the District Court, but are now expressly regulated. Becomes the authority of PERATUN and is tried at the State Administrative Court, so its implementation actually still requires improvements, so that in the future it can be implemented even better.

KEYWORDS: Political Law Perma 2/2019, PERMA 2/2019, PERMA regarding onrechmatige Overheidsdaad

A. BACKGROUND

Since birth, humans have been bound by relationships with other humans. Apart from having a positive influence in helping the lives of other humans, this relationship also has the potential to have a negative influence on each other. Therefore, humans create laws to create order. Even though the existence of law functions to create order, in reality there are still parties who try to violate the law for various reasons. In the scope of law, the act of violating the law in question has the potential to cause shocks in the balance of people's lives. This turmoil is often known as a dispute. It can be said that these upheavals or disputes do not only occur between humans and humans, but also between humans and government agencies and/or officials or are often known as disputes over government actions.

Disputes over government actions relate to unlawful acts committed by government agencies or officials. Initially, this dispute was included in the doctrine or teachings of civil law, as Sudikno Mertokusumo argued that unlawful acts committed by the government were no different from teachings regarding unlawful acts in general. Both are teachings about the balance of society [1]. However, since the promulgation of Law Number 30 of 2014 concerning Government Administration (UUAP), the provisions for adjudicating disputes over government actions have shifted to the authority of the State Administrative Court (PERATUN). This transition was also confirmed by Supreme Court Circular Letter Number 4 of 2016 and Supreme Court Regulation Number 2 of 2019 (hereinafter referred to as PERMA No. 2 of 2019), which are affirmative provisions regarding state administration disputes or state administrative disputes. It has been determined that disputes over government actions are disputes that arise in the field of government administration between citizens and citizens government officials or other government administrators, as a result of carrying out government actions that are deemed to violate the law.

In fact, state administration disputes or state administration disputes only arise or occur when a person or community or civil legal entity feels disadvantaged as a result of the issuance of a state administration decision. This is directly related to government bodies or officials in their function of carrying out public interests, which cannot be separated from the act of issuing

[1] Sudikno Mertokusumo, (2019). *Unlawful Actions by the Government*, Yogyakarta, Maha Karya Pustaka Publisher.

decisions, so it is possible and does not rule out the possibility that the "decision" will cause losses and be considered unlawful. According to Ridwan HR., the burden of responsibility and demands for compensation or claims for rights are directed at every legal subject who violates the law, whether the legal subject is a person, legal entity or government[2]. One of its forms is illegal acts committed by government bodies and/or officials.

Regarding unlawful acts by government bodies and/or officials who hold or have such power, according to Sjachran Basah there is a need for legal protection, because legal protection for the injured party is a reasonable urgency to appear and occupy a leading position in realizing equal opportunities to obtain justice[3]. Moreover, regulation of unlawful acts by the authorities is not strictly regulated by law. This lack of clarity prompted the Supreme Court to issue a regulation in the form of PERMA no. 2 of 2019. This can be known by paying attention to the considerations of PERMA No. 2 of 2019 in question, which explains its issuance due to the following things:

a. that the General Explanation of paragraph 5 (five) of Law Number 30 of 2014 concerning Government Administration, states that members of the public can file a lawsuit against decisions and/or actions of Government Administration Bodies and/or Officials;
b. that unlawful acts by government agencies and/or officials (onrechtmatige overheidsdaad) are government actions and therefore fall under the authority of PERATUN based on Law Number 30 of 2014 concerning Government Administration;
c. that the transitional provisions of Law Number 30 of 2014 do not mention the authority to adjudicate cases of onrechtmatige overheidsdaad, and the provisions of procedural law The resolution of disputes over government actions is also not yet regulated, so guidelines for resolving disputes over government actions and the authority to adjudicate cases of unlawful acts by government bodies and/or officials (onrechtmatige overheidsdaad) are needed;
d. that based on the considerations as intended in letters a to c, it is necessary to stipulate a Supreme Court Regulation concerning Guidelines for Settlement of Disputes on Government Actions and the Authority to Adjudicate Unlawful Acts by Government Agencies and/or Officials (Onrechtmatige Overheidsdaad); ;

Therefore, it can be seen that PERMA No. 2 of 2019 is basically a follow-up, complement, or confirmation of the implementation of Law Number 30 of 2014 concerning Government Administration (UUAP).

Due PERMA No.2 of 2019 is a follow-up, complement, and confirmation of the application Law no. 30 of 2014 concerning Government Administration, then the matter referred to is in fact "Legal Politics". According to Mahfud MD in the book Political Law in Indonesia, legal politics is a legal policy or official line (policy) regarding the law that will be enforced, either by making new laws or by replacing old laws, in order to achieve state goals[4]. According to Padmo Wahjono, legal politics is the basic policy that determines the direction, form and content of the law that will be formed. Specifically, Padmo Wahjono explained that legal politics is the policy of state administrators regarding a criterion which includes law formation, law application and law enforcement[5].

Regarding the politics of law enforcement PERMA No.2 of 2019, where the provisions for adjudicating disputes over "unlawful acts" by government bodies and/or officials (onrechtmatige overheidsdaad) which previously could be implemented in the General Courts, but have now been expressly transferred to the absolute authority of the State Administrative Courts (PERATUN), then regarding the transition The authority in question is an interesting thing to research.

B. Politics and Law Supreme Court Regulation Number 2 of 2019 as a Guide For Lawsuits for Unlawful Acts Against Agencies and/or Officials Government.

Regarding unlawful acts by Government Agencies and/or Officials (Onrechtmatige Overheidsdaad), according to Ridwan HR, the burden of responsibility and demands for compensation or claims for rights are aimed at every legal subject who commits a violation of the law, regardless of whether the legal subject is a person, legal or government bodies[6]. As a result of the Onrechtmatige Overheidsdaad incident, problems arose, namely in terms of legal protection. Is it the competence of the general court or the competence of the State Administrative Court (PTUN) to resolve the case?

Paying attention to the main question, now the arrangements have been made determined in PERMA No. 2 of 2019. In PERMA No. 2 of 2019 it was formulated provisions regarding the requirements or legal position of a plaintiff to be able to file claims for unlawful acts by government bodies and/or officials. that formulation can be seen in Article 3 PERMA No.2 of 2019, which determines that community members it is possible to file a lawsuit against unlawful government actions, with the reason that the government action being sued is in conflict with statutory regulations and is in conflict with the general principles of good

[2] Ridwan HR, (2013). *State Administrative Law*, Jakarta, Rajawali Press Publishers.
[3] Philipus M Hadjon, (1987). *Legal Protection for the Indonesian People*, Surabaya, Publisher PT. Bina Ilmu.
[4] Moh. Mahfud MD, (2019). *Legal Politics in Indonesia*, 7th printing, Jakarta, Rajawali Press Publishers.
[5] Padmo Wahjono, (1986). *Indonesia, a country based on law*, Jakarta, Ghalia Indonesia Publisher.
[6] Ridwan HR, (2013). *State Administrative Law*, Jakarta, Rajawali Press Publishers.

governance (AUPB)[7].

Implementation of PERMA No. 2 of 2019 as a guideline for legal prosecution for unlawful acts committed by government bodies and/or officials is actually Legal Politics, because it is a follow-up, complement and confirmation of the implementation of Law Number 30 of 2014 concerning Government Administration, namely as state administrators' policies regarding criteria or benchmarks in terms of forming something which includes the formation, implementation and enforcement of laws.

In relation to a rule of law country like Indonesia, where written legal regulations (codified law) are the characteristic and main source of constitutional law, which is an antinomy to common law as a system based on jurisprudence (judgemade law), where written regulations are known as regulations. legislation
invitation (wettelijke regeling). Regarding this matter, regarding statutory regulations or regarding the formation of statutory regulations, then in a legal country like Indonesia, this has been explicitly regulated in Law Number 12 of 2011 jo. Law Number 15 of 2019 concerning the Formation of Legislative Regulations. In the provisions of this regulation, what is meant by statutory regulations are written regulations that contain norms that are generally legally binding, and are formed or stipulated by state institutions or authorized officials through procedures stipulated in the provisions of statutory regulations. If viewed from the perspective of organ theory and the division of power, then a legislative regulation is very closely related to the legislative function of the state legislative body, where the formation of laws in particular becomes a monopoly of the authority of the People's Representative Council as a legislative body. Although in practice, the constitution also gives the government as the executive body the same portion of authority to submit draft laws
legislation up to the approval stage, namely in the context of statutory regulations under the law[8].

On the other hand, judicial power as a judicial body is theoretically different and not identical to legislative power. The Supreme Court is the actor and implementer of judicial power as intended in the 1945 Constitution of the Republic of Indonesia. Judicial power only intersects with legislative power in the context of monitoring the implementation of this function in the form of reviewing statutory regulations, which is known and called judicial review. or the right to judicial review. The authority of the judiciary to examine statutory regulations is in principle interpreted as a form of supervisory control to maintain balance between the judiciary as a judicial body and the People's Representative Council as a legislative body. For example, the Supreme Court has this authority to review statutory regulations based on Article 24 A paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

In the Indonesian constitutional structure, the Supreme Court is one of the state institutions that holds judicial power (judiciary) as mandated by Article 24 paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Furthermore, the Supreme Court is mandated with the task and authority to adjudicate at the cassation level; testing statutory regulations under the law against the law; as well as other powers granted by law[9].

Legal justification (ljuridical legitimacy) the authority of the Supreme Court in terms of issuing and enforcing Supreme Court Regulations (PERMA), including as stated in the provisions of Article 79 of Law Number 14 of 1985 concerning the Supreme Court jo. Law Number 5 of 2004 jo. Law Number 3 of 2009 (Law Concerning the Supreme Court) which stipulates in essence that "The Supreme Court can further regulate matters necessary for the smooth administration of justice if in this law there are matters that are not sufficiently regulated "[10]. Reflecting on the formulation of this article, it is known that there is a delegation from the Law to the Supreme Court, which allows this institution to carry out other regulatory functions. Apart from that, Law Number 12 of 2011 in conjunction with Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Formation of Legislative Regulations, the provisions also explain that one type of statutory regulation is regulations. regulations (PERMA) set by the Supreme Court[11].

Therefore, the Supreme Court Regulation or PERMA No.2 2019 can be seen as "legal politics", namely in the form of breakthrough reforms towards Law Number 30 of 2014 concerning Government Administration (UUAP). This refers to the enactment function PERMA No.2 2019 as Action Dispute Resolution Guidelines Government and Authority to Judge Unlawful Acts by Agencies and/or Government Office (Onrechmatige Overheidsdaad), which has filled the legal void in Law Number 30 of 2014 concerning Government Administration (UUAP), as well as Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning State Administrative Courts. 7

In fact, legal politics in the form of legal reform or implementation and enforcement of the law. by the Supreme Court

[7] Article 3 Regulation of the Supreme Court of the Republic of Indonesia Number 2 of 2019

[8] Hambali, Rizki Ramadani, Hardianto Djanggih. (2021). PERMA Legal Politics Number 1 of 2020 in Realizing Justice and Legal Certainty in the Punishment of Corruption Perpetrators. Scientific journal Wawasan Juridika, Vol. 5 No. September 2, 2021.

[9] The 1945 Constitution of the Republic of Indonesia Article 24 A paragraph (1)

[10] Law Number 5 of 2004 concerning the Functions of the Supreme Court jo. Law Number 3 of 2009 concerning the Supreme Court

[11] Law Number 12 of 2011 concerning the Establishment of Legislative Regulations Article 8 paragraph (1)

has often occurred and is quite effective in improving procedural law and the judicial system in Indonesia, for example in terms of reforming civil procedural law which is largely filled with Supreme Court jurisprudence, the doctrine of the Supreme Court justices as outlined in the Supreme Court Circular Letter (SEMA), and the establishment of Supreme Court Regulations (PERMA)[12].

Legal Politics (legal policy) as stated by Mahfud MD is the official policy line regarding laws that will be implemented, either through the formulation of new laws or by updating old laws, in order to achieve state goals[13]. Padmo Wahyono further explained that legal politics is the basic policy of state administrators in the field of law that will, is and has been in force, which originates from the values that apply in society to achieve the state's aspired goals. Policy in the above sense is related to a systematic, detailed and fundamental strategy relating to the formation of law, implementation of law and its own enforcement[14].

In terms of formulating and determining legal rules that have been and will be implemented, legal politics delegates legislative authority to state administrators, but while still paying attention to the values that exist in society, in order to achieve the goals and objectives of the state. Noting that a legal vacuum (rechtsvacuum) results in the absence of legal certainty for society which should be guaranteed and protected by law, in this case, "legal certainty" is one of the important objectives of the law, in addition to aspects of justice and aspects of benefit.

With regard to legal certainty, justice and expediency, which are the aims and ideals of the law, this is appropriate and in line with what was put forward by Gustav Radbruch in the concept of "Teaching on Priority Standards", that there are three basic ideas of law, namely justice , usefulness, and legal certainty, where good law is a law that is able to synergize the three for the welfare and prosperity of society[15]. Certainty Law is defined as a situation where the law can function as a rule that must be obeyed. The definition of legal certainty can be interpreted as clarity and firmness regarding the application of law in society. This is to avoid multiple interpretations and discriminatory treatment by society.

Therefore, the courage of the Supreme Court in responding to legal needs and creating legal certainty is by carrying out legal politics to form something that includes the formation, application and enforcement of law, as in the legal politics of enacting PERMA 2 of 2019 which is a guideline for resolving disputes over government actions and the authority to adjudicate actions. breaking the law by government agencies and/or officials (Onrechmatige Overheidsdaad), then this should be appreciated, because the regulation confirms that unlawful acts by government agencies and/or officials (onrechtmatige overheidsdaad) are government acts, so that it becomes their authority or competence. absolute authority from the State Administrative Court (PTUN) based on the Government Administration Law (UUAP). This is to examine and adjudicate disputes over government actions after administrative action has been taken.

C. Juridical Implications of Lawsuits for Unlawful Acts Directed Against Government Bodies and/or Offices Based on Supreme Court Rules Number 2 of 2019

Considering that unlawful acts by government bodies and/or officials (onrechtmatige overheidsdaad) based on PERMA No.2 of 2019 are government acts, so it is the competence or authority of the PTUN to examine and adjudicate them, this is in line with the opinion expressed by Sjachran Basah, that The aim of PTUN is to provide legal protection and legal certainty, not only for the people but also for state administration. In the sense of maintaining and maintaining a balance between the interests of society and the interests of individuals. For the sake of state administration, order, peace and security will be maintained in carrying out its duties in order to create a strong, clean and authoritative government in a legal state based on Pancasila[16]. Based on this opinion, it can be concluded that apart from the general court, the state administrative court (PTUN) is also a means of repressive legal protection, which provides legal protection to the people by carrying out advisory, referral and judicial functions. These three functions are carried out in such a way as to always guarantee and maintain harmonious relations between the people and the government based on the principle of harmony which is reflected in the concept of the rule of law in Indonesia.

Furthermore, as explained in the previous section, currently there is PERMA No. 2 of 2019 which regulates procedures for resolving disputes over unlawful acts committed by government agencies and/or officials. The presence of PERMA No. 2 of 2019 has in fact completed the procedural law regarding the resolution of disputes over government actions and the authority to adjudicate unlawful acts by government bodies and/or officials (onrechtmatige overheidsdaad), with the existence of PERMA No. 2 of 2019, the resolution of disputes over unlawful acts committed by government agencies and/or officials is currently clearly

[12] Mohammad Kamil Ardiansyah, (2020). Legal Reform by the Supreme Court in Filling the Vacancies in Civil Procedure Law in Indonesia. Legal Policy Scientific Journal 14, No. 2.

[13] Moh. Mahfud MD, (2017). *Legal Politics in Indonesia*, 7th printing, Jakarta, Rajawali Press Publishers.

[14] Padmo Wahjono, (1991). *Investigating the Process of Forming Legislation.* Justice Forum, No. 29.

[15] R. Tony Prayogo, (2016). *Application of the Principle of Legal Certainty in Supreme Court Regulation Number 1 of 2011 concerning the Right to Judicial Review and in Procedure Guidelines for Reviewing Laws*, Indonesian Legislative Journal 13, No. 2

[16] Sjachran Basah, (2010). *Existence and Benchmarks of Administrative Justice Bodies in Indonesia*, Bandung, Alumni Publishers.

under the absolute authority of the State Administrative Court (PERATUN). Because it is part of the absolute authority of the PTUN. Therefore, procedural procedures related to claims for rights (lawsuits) for unlawful acts committed by government agencies and/or officials (Onrechtmatige Overheidsdaad) will follow and be in line with procedural procedures at the State Administrative Court.

The transition from the General Court to the authority of the State Administrative Court (PTUN), will of course give rise to legal conditions or legal consequences (Judicial Implications), both in terms of meaning, application, or implementation related to the process proceedings, which include: the parties, time limits, object of dispute, demands, and verdict. Apart from that, there are no previous administrative efforts clear provisions regarding compensation claims, as well as the absence of mediation events, which in fact are still shortcomings of PERMA No.2 of 2019, and therefore needs to be repaired (revised)[17].

As for the juridical implications regarding with "Parties"; based on PERMA No. 2 of 2019 with other related regulations such as the PERATUN Law and its amendments as well as the Government Administration Law, for parties disputing in court, there are at least 2 (two) parties involved. The two parties are the Plaintiff and the Defendant. The existence of these two parties also applies within the scope of PERATUN. In the context of disputes over unlawful acts committed by government agencies and/or officials, as a result of the confirmation of the PTUN's authority to adjudicate these disputes, mutatis mutandis makes the parties involved the same as the parties involved in State Administration disputes. Court. Based on Article 1 numbers 6 and 7 PERMA No. 2 of 2019 Plaintiffs are defined as people whose interests have been harmed by government actions, while Defendants are government officials or state administrators whose actions in administering the state are being sued[18]. Therefore, it can be said that there are no significant differences regarding the parties to a dispute at the State Administrative Court, whether in the form of a state administrative decision (KTUN) or in the form of government action.

Juridical implications regarding the "Deadline Time". In contrast to case examinations at the General Courts which do not have a time limit, the proceedings at PERATUN set a time limit of 90 days. This grace period also applies in the case of disputes over government actions. Article 55 of the PTUN Law states, "A lawsuit can only be filed within a period of ninety days from the date the decision is received or announced by the State Administrative Agency or Official."[19]. Article 55 of the PTUN Law which regulates the time limit for filing a lawsuit to the State Administrative Court (PTUN), is an important provision to guarantee legal certainty in proceedings, where the time limit for filing a lawsuit is the time limit given to a person or civil legal entity to fight for their rights. by filing a lawsuit through the State Administrative Court.

Juridical implications regarding the "Object of Dispute". In the provisions of the Government Administration Law, actions by government agencies and/or officials that violate the law are included in the category of government administration disputes. The dispute in question is disputes arising in the realm of government administration relating to the consequences of issuing decisions and/or implementing government actions based on public law. Of the two causes of state administrative disputes (TUN) above, more specifically unlawful acts by government bodies and/or officials in the context of state administration are part of the dispute resulting from government actions. The government's own dispute is based on Article 1 Number 3 PERMA No. 2 of 2019 is defined as a dispute that arises between citizens or civil legal entities and government officials or state administrators as a result of government actions[20]. Apart from that, PERMA no. 2 of 2019 also provides an understanding of disputes regarding unlawful acts committed by government agencies and/or officials, namely disputes in which there is a demand to declare invalid and/or cancel the actions of government officials, or to force illegal acts. binding and indemnification. Although disputes about government actions and disputes about unlawful acts by government bodies and/or officials are interpreted separately, in essence the two things are the same. This similarity is the object of dispute, whether caused by actions of government agencies and/or officials which conflict with statutory regulations and general principles of good governance (AUPB). In this case, the definition of a dispute over an unlawful act by a government agency and/or official is more likely to indicate the form of a claim (petitum) in a lawsuit against a government act, while the definition of a dispute over a government act refers more to the cause of the dispute, namely the government's action. The formulation regarding the object of this dispute can be seen in Article 3 of PERMA No.2 of 2019 which regulates that filing a lawsuit for government action must be based on actions that are contrary to statutory regulations and the AUPB. From the formulation of these provisions, it can be understood that between government actions that are contrary to statutory regulations and contrary to the AUPB, cumulative evidence applies. In this case, the plaintiff in his lawsuit as a citizen must be able to prove that the actions carried out by government agencies and/or officials in the context of administering the state in fact has violated statutory regulations and general principles of good governance (AUPB)[21].

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[17] Muhammad Addi Fauzanil, Fandi Nur Rohman, (2020). *Problematic Settlement of Disputes on Unlawful Acts by Authorities in the Indonesian Administrative Court (critical study of Supreme Court Regulation Number 2 of 2019)*. Widya Pranata Journal Vol. 3 Number 1.

[18] Article 1 numbers 6 and 7 Regulation of the Supreme Court of the Republic of Indonesia No. 2 of 2019

[19] Law Number 5 of 1986 concerning State Administrative Courts Article 55

[20] Article 1 number 3 Regulation of the Supreme Court of the Republic of Indonesia No. 2 of 2019

[21] Law Number 30 of 2014 concerning Government Administration Article 10. which formulates 8 AUPB, namely legal

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The juridical implications regarding "Claims", as explained in the previous section, are that in PERMA No. 2 of 2019, disputes over unlawful acts of government bodies and/or officials regarding lawsuits or claims for rights are canceled and/or declared invalid or does not have binding legal force for government actions, as well as claims for compensation. With this understanding, it becomes clear what can be demanded (petitum) in disputes against legal entities and/or government officials. Apart from understanding based on this definition, the form of demand can also be understood based on Article 5 paragraph (2) PERMA No.2 of 2019, namely in the form of taking government action or not taking government action.[22]

Juridical implications regarding the "Decision". In principle, disputes in court must aim to produce a decision. With the decision, the contested dispute is declared over. Decision in Article 5 PERMA No. 2 of 2019 can take the form of a lawsuit being rejected, a lawsuit being granted, a lawsuit not being accepted, and a lawsuit being dismissed[23]. These four forms of decision are actually forms of decision that are generally handed down in PERATUN, but because the subject matter of the case is government action, the meaning needs to be adjusted. A dismissal lawsuit is a form of decision which means the plaintiff does not appear at the specified hearing or the plaintiff is declared dead. The lawsuit being granted means that the actions of government agencies and/or officials are declared null and void by the judge in his decision, in accordance with the plaintiff's demands. If the lawsuit is granted, the court can require government officials to take or not take government action, as well as stop the government action. The lawsuit is not accepted, meaning that in the judge's decision it is stated that there are conditions that are not fulfilled in the plaintiff's lawsuit, while the lawsuit is rejected, meaning that in his decision, the judge will state that the action was carried out by government agencies and/or officials in the context of State administration is a valid legal act so it cannot be canceled according to the plaintiff's wishes.

Furthermore, regarding juridical implications which still require improvements. In this case, the main thing concerns special circumstances in the form of "There is an Obligation to Take Administrative Action First". Article 2 paragraph (2) PERMA No. 2 of 2019 determines that the State Administrative Court (PTUN) has the authority to adjudicate Government Action Disputes after taking efforts or carrying out administrative actions as intended in Law Number 30 of 2014 concerning Government Administration, and Supreme Court Regulation Number 6 of 2018 concerning Guidelines for Dispute Resolution Government Administration After Taking Administrative Efforts. Based on the provisions of Article 2 paragraph (2) PERMA No. 2 of 2019, all government administrative disputes must be resolved first through administrative efforts. In another sense, state administrative disputes do not yet fall under the absolute authority of the State Administrative Court to resolve them, except after administrative action has been taken but the results are unsatisfactory. Pay attention to the provisions of Article 2 paragraph (1) PERMA No. 2 of 2019 in question, administrative efforts must be carried out for members of the public who wish to resolve their administrative disputes. The provisions of Article 2 paragraph (1) of this PERMA have consequences in the form of an obligation for all government agencies or bodies to carry out administrative efforts. As for the specific regulation of administrative efforts, the authority to adjudicate disputes over government actions is the State Administrative High Court (PTUN) as the first level court[24].

Juridical implications regarding "Compensation". In PERMA No. 2 of 2019 in fact does not regulate clearly and firmly the amount or parameters of compensation, where in Article 5 paragraph (3) it is stated that the obligations as referred to in paragraph (2) can be accompanied by the imposition of rehabilitation and/or compensation (compensation). In fact, the essence of a lawsuit for an unlawful act is compensation for damages. In terms of the consequences of the actions of the government as the competent authority, compensation is the main thing requested or expected by the victims, because of the losses that arise as a result of violations of the law committed by government bodies and/or officials[25]. Therefore, special provisions regarding the rules for the amount of "true" compensation must appear in PERMA No. 2 of 2019. This is by not only limiting it to a certain amount, but adjusting it to losses arising from violations of a law by government agencies and/or officials.

Furthermore, the juridical implications relate to "Mediation". Specific procedural law rules in the General Court include implementing a mediation process, where mediation is carried out before the panel of judges examines the subject matter of the case. Based on PERMA No. 1 of 2016 concerning Procedures for Mediation in Court, it is determined that the mediation process is a way of resolving disputes by means of a negotiation process between the disputing parties in order to obtain mutual agreement from the disputing parties with the help of a Mediator. In its implementation, mediation has been considered by many parties as a peaceful, effective, fast, precise dispute resolution, and can open wider access to the disputing parties in terms of obtaining a satisfactory and fair resolution of the problem, due to the existence of a win-win solution. It is known about this mediation process, for all civil disputes submitted before the District Court, including cases of opposition to the verstek decision (verzet), and opposition

certainty, usefulness, impartiality, accuracy, non-abuse of authority, openness, public interest and good service.

[22] Article 5 paragraph (2) Regulation of the Supreme Court of the Republic of Indonesia No. 2 of 2019

[23] Article 5 paragraph (1) Regulation of the Supreme Court of the Republic of Indonesia No. 2 of 2019

[24] Article 2 paragraph (3) Regulation of the Supreme Court of the Republic of Indonesia No. 2 of 2019

[25] Muhammad Addi Fauzanil, Fandi Nur Rohman, (2020). *Problematic Settlement of Disputes on Unlawful Acts by Authorities in the Indonesian Administrative Court (critical study of Supreme Court Regulation Number 2 of 2019)*. Widya Pranata Journal Vol. 3 Number 1.

to the litigants (partij verset), as well as third party opposition (derden verzet) to the decision. which has been incarcerated or has permanent legal force, in fact, efforts must first be made to resolve the dispute through mediation. However, it is known that this "mediation" procedure does not exist and was not discovered during the case at the State Administrative Court (PTUN). As for the absence of an examination of mediation procedures at the case examination hearing at the PTUN, this matter needs to receive attention and improvement in the case examination at the PTUN. Therefore, if mediation is implemented and then successful in its implementation, of course it will shorten the time for case examinations and there will be an opportunity for the parties to the dispute to obtain justice that is mutually agreed upon.

Completing the explanatory description above, in terms of the juridical implications of changes in competence or authority in terms of examining and adjudicating cases of unlawful acts committed by government bodies and/or officials (onrechtmatige overheidsdaad), with the enactment of PERMA No. 2 of 2019, where there is no Mediation procedure, the general process for examining the case is as specified in Chapter V of PERMA No. 2 of 2019[26]:

D. CONCLUSION

Concluding the writing of the article, the author in this study provided the following conclusions **:**

1. The stipulation of PERMA No. 2 of 2019 as a guideline for lawsuits against unlawful acts against government bodies and/or officials is in fact Legal Politics, because it is a follow-up, complement and confirmation of the implementation of Law Number 30 of 2014 concerning Governance . Namely the policy of state administrators regarding what is used as a benchmark for forming something which includes the formation, implementation and enforcement of laws.
2. PERMA No. 2 of 2019 can be seen as a breakthrough in updating Law Number 30 of 2014 concerning Government Administration (UUAP). This refers to the function of PERMA No. 2 of 2019 as Guidelines for Resolving Disputes on Government Actions and the Authority to Adjudicate Unlawful Acts by Government Agencies and/or Officials (Onrechmatige Overheidsdaad), which has filled the legal vacuum in Law Number 30 of 2014 concerning Government Administration (UUAP), as well as the Laws Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning State Administrative Courts.
3. Legal Politics actually takes the form of legal reform or the application and enforcement of the law. Legal politics by the Supreme Court has often occurred and is quite effective in improving procedural law and the judicial system in Indonesia, for example in terms of civil procedural law reform which is largely filled with Supreme Court jurisprudence, Supreme Court doctrine of supreme judges as outlined in the Supreme Court Circular Letter (SEMA), and the formation of PERMA.
4. The courage of the Supreme Court in responding to legal needs and creating legal certainty by carrying out legal politics to determine something that includes the formation, application and enforcement of law, as in the enactment of PERMA No. 2 of 2019 which is a guideline for resolving disputes over government actions and the authority to adjudicate unlawful acts by government bodies and/or officials (Onrechmatige Overheidsdaad), then this should be appreciated, because the regulation confirms that the unlawful acts of government bodies and/or officials (onrechtmatige overheidsdaad) are acts of the government, so they fall under the absolute authority of the State Administrative Court (PTUN) to examine and try it based on the Government Administration Law (UUAP).
5. In order to create legal certainty and provide clarity regarding the formulation of procedures for unlawful acts by government agencies and/or officials, in connection with the implementation of PERMA No. 2 of 2019, the author considers it necessary to immediately make the third amendment to Law Number 5 of 2019. 1986 concerning State Administrative Justice (PERATUN). As we all know, after the implementation of Law 30 of 2014 Law Number 30 of 2014 concerning Government Administration (UUAP), there have been various paradigm shifts in viewing State Administration (TUN) disputes. Thus, if Law 30 of 2014 is currently considered as material law for the PERATUN system, then it is appropriate that formal law in the form of the PERATUN Law also follows and accommodates existing material law.
6. Apart from that, in the third amendment to Law Number 5 of 1986 concerning State Administrative Courts, the author also suggests adding rules and provisions regarding "compensation". Because the essence of PMH's lawsuit is compensation, because there are losses arising from violations of the law. With the provisions regarding compensation, the basis for filing a claim for rights (lawsuit) becomes clearer.

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