LAW OF THE REPUBLIC OF INDONESIA
NUMBER 5 YEAR 1986
CONCERNING
THE STATE ADMINISTRATIVE JUDICIAL SYSTEM
WITH THE BLESSINGS OF GOD ALMIGHTY
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Considering :

a. that the Republic of Indonesia as a State governed by law based on Pancasila and the Constitution of 1945 aims at the realization of a system of the state and the nation which is prosperous, peaceful, orderly and secure the equal status of all members of the society before the law and which secures the harmonious, balanced relation among the apparatus in the State Administrative field with the members of the Society;

b. that in creating such system by maintaining the independence through national development, phase by phase, efforts shall be made to build, complete and control the apparatus of the State Administration in order to make it efficient, effective, clean and of great integrity, and in carrying out its duty it should always be based on law with the spirit and dedication for the society;

c. that notwithstanding the national development is going to create a condition in which every member of the society may enjoy a sphere of order and legal certainty based on justice, the implementation of which may collide with the interests, and create disputes between the members of society and the State Administrative Agencies or State Administrative Officials which may harm or hinder the progress of national development;

d. that to solve the disputes, a State Administrative Judicial System is necessary to uphold justice, truth, order and the certainty of law, so as to give protection to the society and particularly in the relationship between the State Administrative Agencies or State Administrative Officials and the society;

e. that in relation with such considerations and pursuant to Law No. 14 Year 1970 concerning The Basic Principles of the Judicial Power it is deemed necessary to enact the Law concerning the State Administrative Judicial System.

In view of :

1. Article 5 section (1) Article 20 section (1), Article 24 and Article 25 of the Contitution of 1945;
2. Decree of the People's Consultative Assembly of the Republic of Indonesia No. IV/M.P.R/ 1978 in conjunction to Decree of the People's Consultative Assembly of the Republic of Indonesia No. II/M.P.R/1983 concerning the Broad Outlines of State Policy;
3. Law No. 14 Year 1970 concerning the Basic Principles of the Judicial Power. (State Gazette Year 1970 No. 74, supplement to the State Gazette of the Republic of Indonesia No. 2951).
4. Law No. 14 Year 1985 concerning The Supreme Court (State Gazette No. 73 Year 1985, supplement to the State Gazette No. 3316).

With the Approval of
The People's Representative Council
of the Republic of Indonesia

HAS DECIDED
To enact: THE LAW CONCERNING STATE ADMINISTRATIVE JUDICIAL SYSTEM

CHAPTER I
GENERAL PROVISIONS

PART ONE
DEFINITIONS

Article 1

That which is meant in this law by:

1. State Administration is the administration of the state which exercises the function to administer government affairs, both at the national and regional level.
2. A State Administrative Agency or State Administrative Official is the Agency or Official which exercises government affairs based on valid legislations.
3. A State Administrative Decision is a written ruling issued by the State Administrative Agency or State Administrative Official containing State Administrative legal acts based on valid legislations which are concrete, individual, and final, which create legal effect on a person or a civil corporation.
4. A State Administrative Dispute is a dispute arising in the field of State Administration between a person or a civil corporation and the State Administrative Agency or State Administrative Official, either at the national or regional leval as a consequence of the issuance of a State Administrative Decision, including personnel disputes based on valid legislations.
5. A complaint is a petition containing a claim to the State Administrative Agency or State Administrative Official, which is submitted to the court to obtain a judgement.

6. A Defendant is the State Administrative Agency or State Administrative Official who has issued a ruling based on its authority or which is delegated to it, claimed by a person or a civil corporation.
7. A Court is the State Administrative Court and/or the State Administrative High Court within the sphere of the State Administration Judicial System.
8. A Judge is a judge at the State Administrative Court and or a Judge at the State Administrative High Court.

Article 2

Decisions which do not belong to State Administrative Decisions pursuant to this Law, are:

a. State Administrative Decisions which are legal acts of civil nature;
b. State Administrative Decisions which are regulations of general nature;
c. State Administrative Decisions which still need approval;
d. State Administrative Decisions issued based on the Criminal Code or the Criminal Procedural Law or other criminal legislations;
e. State Administrative Decisions issued based on court's examination pursuant to valid legislations;
f. State Administrative Decisions concerning the administration of the Indonesian Armed Forces;
g. Decisions of the Committee on General Election, both in the central government or in municipalities concerning the results of the general election.

Article 3

(1) Where the State Administrative Agency or State Administrative Official does not issue a decision, whereas it is its duty to do so, then such an ommission is considered equal to a State Administrative Decision.
(2) Where the State Administrative Agency or State Administrative Official does not issue a decision which has been petitioned, while according to the legislation the time limit has elapsed, the State Administrative Agency or State Administrative Official is deemed to have rejected to issue the decision concerned.
(3) If there is no time limit mentioned in the legislation according to section (2), then four months after receipt of the petition, the State Administrative Agency or State Administrative Official is deemed to have issued a decision rejecting the petition.

PART TWO
STATUS

Article 4

The State Administrative Judicial System is one of the administrators of the judicial power for people seeking justice in state administrative disputes.

Article 5

(1) The judicial power within the sphere of the State Administrative Judicial System is exercised by:
   a. the State Administrative Court,
   b. the State Administrative High Court.
(2) The highest judicial power within the sphere of the State Administrative Judicial System is vested in the Supreme Court as the highest state court.

PART THREE
LOCATION

Article 6

(1) State Administrative Courts are located in municipalities or in the capitals of regencies, of which the territorial jurisdiction covers the municipalities or regencies.
(2) State Administrative High Courts are located in the capitals of provinces, of which the territorial jurisdiction covers the provinces.

PART FOUR
FOSTERING

Article 7

(1) The Judicial technical fostering of the Court is exercised by the Supreme Court.

(2) Organizational, administrative and financial fostering are exercised by the Ministry of Justice.

(3) Fostering as intended by section (1) and (2) shall not decline the independence of the judge in examining and deciding a state administrative dispute.

CHAPTER II
STRUCTURE OF THE COURT

PART ONE
GENERAL

Article 8

The courts consist of:

a. A State Administrative Court which constitutes the court of first instance.

b. A State Administrative High Court, which constitutes the court of appeal.

Article 9

The State Administrative Courts are established by Presidential Decree.

Article 10

The State Administrative High Courts are established by Law.

Article 11

(1) The structure of the court consists of a Leadership, Member Judges, a Court Clerk and a Secretary.

(2) The Court Leadership consist of the Head of Court and the Deputy Head of Court.

(3) A member judge of the State Administrative High Court is called a High Judge.

PART TWO
HEAD JUDGE, DEPUTY HEAD JUDGE, JUDGE AND COURT CLERK

PARAGRAPH 1
HEAD JUDGE, DEPUTY HEAD JUDGE, AND JUDGE

Article 12

(1) A judge is an official administering judicial power.

(2) The requirements and procedures of the appointment, the discharge and the exercise of the judge's duty are regulated by this Law.

Article 13

(1) Fostering and general supervision over judges as civil servants are exercised by the Minister of Justice.

(2) The fostering and supervision as intended by section (1) may not decline the independence of the judge in examining and deciding the state administrative dispute.

Article 14

(1) To be appointed as a judge at the State Administrative Court, a candidate shall meet the following requirements:

a. an Indonesian national;
b. devoted to God Almighty;
c. loyal to Pancasila and the Constitution of 1945;
d. not being an ex member of the prohibited Indonesian Communist Party (P.K.I.), including its mass organizations, or not being a person who was involved directly or indirectly in the "Contra Revolution Movement" (Gerakan Kontra Revolusi G.30.S/PKI);
e. a civil servant;
f. a lawyer or other university graduated person skilled in the field of state administration;
g. a minimum age of twenty years;
h. having authority, honest, just and of good behaviour.

(2) To be appointed as Head Judge or Deputy Head Judge of the State Administrative High Court an experience of minimum ten years as judge of the State Administrative High Court is required.

Article 15

(1) To be appointed as Judge of the State Administrative High Court, a candidate shall meet the following requirements:

a. requirements as intended by Article 14 section (1) point a, b. c, d, e, f and h;

b. a minimum age of forty years;
c. an experience of at least five years as Head or Deputy Head Judge of the State Administrative Court or at least fifteen years as judge of the State Administrative Court.

(2) To be appointed as the Head Judge of the State Administrative High Court an experience of at least ten years as Judge of the State Administrative High Court or at least five years experience for a Judge of the State Administrative High Court and ever been appointed as Head of the State Administrative Court.

(3) To be appointed as Deputy Head Judge of the State Administrative High Court an experience of at least eight years as judge at the State Administrative High Court is required or at least three years for a judge at the State Administrative High Court and ever been appointed as Head of the State Administrative Court.

Article 16

(1) A judge is appointed and discharged by a Presidential Decree on the proposal of the Minister of Justice and based on the approval of the Chief Justice of the Supreme Court.

(2) Head and Deputy Head of the Court are appointed and discharged by the Minister of Justice on the approval of the Chief Justice of the Supreme Court.

Article 17

(1) Before entering office the Head Judge, Deputy Head Judge, and judges shall take an oath or affirmation according to his respective religion or belief, as follows:

"I swear/affirm solemnly, that in order to achieve my present office I have not, directly or indirectly, by any name or means whatsoever, given or promised anything to whomsoever".

"I swear/affirm, that to do or to omit something in my office, I shall never receive, directly or indirectly from whomsoever, a gift or a promise".

"I swear/affirm, that I shall bear true faith and allegiance to uphold and practice Pancasila as the principles and ideology

of the State, the Constitution of 1945, and all laws and regulations, valid in the Republic of Indonesia".

"I swear/affirm, that I will incessantly, honestly, conscientiously and impartially perform the duties of my present office and that I will duly and to the best of my judgement exercise my duties as may be required from a good and honest Head Judge/Deputy Head Judge/Judge, for the maintenance law and justice".

(2) The Deputy Head Judge and Judge of the State Administrative Court shall be sworn in or make their affirmation in front of the Head of the State Administrative Court.

(3) The Deputy Head Judge and Judge of the State Administrative High Court shall be sworn in or make their affirmation in front of the Head of the State Administrative High Court.

(4) The Head of the State Administrative High Court shall be sworn in or makes his affirmation in front of the Chief Justice of the Supreme Court.

Article 18

(1) Except as stipulated otherwise by law or based on law, a Judge may not serve concurrently as :

a. an executor of a court judgment;
b. a guardian, curator, and an official who is related to the case he has to examine;
c. a businessman.

(2) A judge shall not act concurrently as legal counsel.

(3) Apart from the offices as stated in section (1) and (2), the offices which cannot be exercised concurrently by a Judge, will be further regulated by Government Regulation.

Article 19

(1) The Head Judge, Deputy Head Judge or Judge of the State Administrative Court will be honourably discharged from his office, due to:

a. his own request;
b. continuous physical and mental illness;

c. having reached the age of sixty years for the Head Judge, Deputy Head Judge or Judge of the State Administrative Court, and sixty three years old for the Head Judge, Deputy Head Judge and Judge at the State Administrative High Court;
d. incapability in excercising his duty.

(2) The Head Judge, Deputy Head Judge and Judge who has passed away is automatically discharged honourably from his office by the President as Head of State.

Article 20

(1) The Head Judge, Deputy Head Judge and Judge will be dishonourably discharged on grounds of:

a. being punished for having committed a crime;
b. improper behavior;
c. continuously neglecting his duty in the course of his office;
d. violation of the judicial oath or affirmation;
e. violation of the prohibitions as intended by Article 18.

(2) The proposal for a dishonourable discharge on grounds as intended by section (1) points b up to and c shall be submitted after the person concerned has been given the opportunity to defend himself in front of the Council of Honour for Judges.

(3) The establishment, structure, and the working procedure of the Council of Honor for Judges and the procedure of defence are regulated by the Chief Justice of the Supreme Court and the Minister of Justice.

Article 21

A judge who is discharged from his office is not automatically discharged as a civil servant.

Article 22

(1) The Head Judge, Deputy Head Judge, or Judge, prior to his discharge as intended by Article 20 section (1), may be discharged provisionally from his office by the President as Head of State at the proposal of the Minister of Justice based on the

approval of the Chief Justice of the Supreme Court.

(2) The provision as intended by Article 20 section (2) will be applied to the proposal for a provisional discharge as intended by Section (1).

Article 23

(1) Where there is a warrant of arrest on a judge followed by a detention, the judge shall automatically be provisionally discharged from his office.

(2) Where a judge is adjudicated in a criminal case without being detained as intended by article 21 section 4 of Law number 8 Year 1981 concerning the Law of Criminal Procedure, he may provisionally be discharged from his office.

Article 24

Further regulations concerning the procedure of the honourable discharge, dishonourable discharge, provisional discharge and the rights of the discharged official will be regulated by Government Regulation.

Article 25

(1) The protocol status of the judge is regulated by Presidential Decree.

(2) Extra allowance and other regulations for the Head Judge and Deputy Head Judge and the Judges are regulated by Presidential Decree.

Article 26

(1) The Head Judge, Deputy Head Judge, and Judges may only be arrested or detained by order of the Attorney General after having the approval of the Chief; Justice of the Supreme Court and the Minister of Justice,

(2) In case of being:

a. caught in the course of committing a crime, or

b. suspected for having committed a crime punishable by capital punishment, or

c. suspected for having committed a crime against the security of the state.

the Head Judge, Deputy Head Judge, and Judges may be arrested without the order or approval as intended in section (1).

PARAGRAPH 2
COURT CLERK

Article 27

(1) In each Court there shall be a court clerk's office which is led by a Court Clerk.

(2) In exercising his duty the Court Clerk is assisted by a Deputy Clerk, several Junior Clerks, and several Subsitute Clerks.

Article 28

To be appointed as a Clerk of the State Administrative Court, a candidate shall meet the following requirements:

a. an Indonesian national;

b. devoted to God Almighty;

c. loyal to Pancasila and the Constitution of 1945;

d. minimal a bachelor of law degree;

e. a minimum of four years experience as Deputy Clerk or seven years as Junior Clerk at the State Administrative Court, or acting as Deputy Clerk of the State Administrative High Court.

Article 29

To be appointed as Clerk of the State Administrative High Court, a candidate shall meet the following requirements:

a. requirements as mentioned in Article 28 points a, b, and c;

b. a lawyer's degree;

c. a minimum of four years experience as Deputy Clerk or eight years as Junior Clerk at the State Administrative High Court, or four years as Clerk at the State Administrative Court.

Article 30

To be appointed as Deputy Clerk of the State Administrative Court, a candidate shall meet the following requirements:

a. requirements as intended by Article 28 points a, b, c and d;
b. a minimum of four years experience as Junior Clerk or six years as Subtitute Clerk at the State Administrative Court.

Article 31

To be appointed as Deputy Clerk at the State Administrative High Court, a candidate shall meet the following requirements:

a. requirements as intended by Article 28 points a, b, and c;
b. a lawyer's degree;
c. a minimum of four years experience as Junior Clerk or seven years as Substitute Clerk at the State Administrative High Court or four years as Deputy Clerk at the State Administrative Court or acting as Clerk of a State Administrative Court.

Article 32

To be appointed as Junior Clerk of the State Administrative Court, a candidate shall meet the following requirements:

a. requirements as intended by Article 28 points a, b, c and d;
b. a minimum of three years experience as Substitute Clerk at the State Administrative Court.

Article 33

To be appointed as Junior Clerk of the State Administrative High Court, a candidate shall meet the following requirements:

a. requirements as intended by Article 28 points a, b, c and d;
b. a minimum of three years experience as Substitute Clerk at the State Administrative High Court or four years as Junior Clerk or eight years as Substitute Clerk at the State Administrative Court or acting as Deputy Clerk at the State Administrative Court.

Article 34

To be appointed as Deputy Clerk at the State Administrative High Court, a candidate shall meet the following requirements:

a. requirements as intended by Article 28 points a, b, c and d;
b. a minimum of three years experience as civil servant at the State Administrative Court.

Article 35

To be appointed as Substitute Clerk of the State Administrative High Court, a candidate shall meet the following requirements:

a. requirements as intended by Article 28 points a, b, c and d;
b. a minimum of five years experience as Substitute Clerk at the State Administrative Court or ten years as civil servant at the State Administrative High Court.

Article 36

(1) Except as provided otherwise by or by virtue of law, a Clerk shall not act concurrently as a guardian, curator or an official related to the case in which he acts as a Clerk.
(2) A Clerk shall not act concurrently as legal counsel.
(3) Offices for a Clerk, which may not be served concurrently other than those stated in section (1) and (2), shall be regulated further by the Minister of Justice based on the approval of the Chief Justice of the Supreme court.

Article 37

A Clerk, Deputy Clerk, Junior Clerk, and Substitute Clerk are appointed or discharged from office by the Minister of Justice.

Article 38

Before entering office, the Clerk, Deputy Clerk, Junior Clerk and Substitute Clerk shall be sworn in or make their affirmation according to their respective religion or belief, in front of the Head of Court concerned, the content of which is as follows:

"I swear/affirm solemnly, that in order to achieve my present office I have not, directly or indirectly, by any name or means whatsoever,

given or promised anything to whomsoever".

"I swear/affirm, that to do or to omit something in my office, I shall never receive, directly or indirectly from whomsoever, a gift or a promise.

"I swear/affirm, that I shall bear true faith and allegiance to uphold and practise Pancasila as the principles and ideology of the State, the Constitution of 1945, and all laws and regulations, valid in the Republic of Indonesia".

"I swear/affirm, that I will incessantly, honestly, conscientiously and impartially perform the duties of my present office and that I will duly and to the best of my judgement exercise my duties as may be required from a good and honest Clerk/Deputy Clerk/Junior Clerk/Substitute Clerk for the maintenance of law and justice".

Article 39

The duties and responsibilities, structure, organization and work procedure of the court clerk's office shall be regulated further by the Supreme Court.

PART THREE
SECRETARY

Article 40

In each court there shall be a secretariat led by a Secretary and assisted by a Deputy Secretary.

Article 41

The office of Court Secretary is exercised concurrently by the Court Clerk.

Article 42

To be appointed as Deputy Secretary of the State Administrative Court, a candidate shall meet the following requirements:

a. an Indonesian national;
b. Devoted to God Almighty;

c. loyal to Pancasila and the Constitution of 1945;
d. minimal a bachelor of law degree or bachelor of administration degree;
e. experienced in the administration of justice.

Article 43

To be appointed as Deputy Secretary of the State Administrative High Court, a candidate shall meet the following requirements:

a. requirements as intended by Article 42 points a, b, c, and e;
b. a lawyer's degree or graduated from the Faculty of Administration.

Article 44

The Deputy Secretary is appointed and discharged by the Minister of Justice.

Article 45

Before entering office, the Secretary, Deputy Secretary shall be sworn in or make their affirmation according to their respective religion or belief, in front of the Head of Court concerned, the content of which is as follows:

I swear/affirm :

"that I, to be appointed as Secretary/Deputy Secretary shall be loyal and fully obedient to Pancasila, the Constitution of 1945, the State and the Government";

"that I shall obey all valid legislations and exercise my official duty entrusted to me with full dedication, awareness and responsibilities;

"that I shall always uphold the honour of the State, the Government and the dignity of a Secretary/Deputy Secretary and always will give priority to state interset than to my ownself individual or group interest";

"that I shall keep the secrecy of everything which, according to its nature or as instructed to me has to be kept secret;

"that I shall work honestly, orderly, accurately and with a spirit for state interest".

Article 46

(1) The Court Secretary has the duty to keep the general administration of the court.

(2) The duties and responsibilities, structure of the organization, and the work procedure of the secretariat will be regulated further by the Minister of Justice.

CHAPTER III
JUDICIAL POWER

Article 47

The Court has the duty and is authorized to examine, to decide and to settle state administrative disputes.

Article 48

(1) Where the 'state Administrative Agency or State Administrative Official is authorized by legislation or by virtue of legislation is entitled to settle a particular state administrative dispute through an administrative method, the state administrative dispute in question shall be settled through existing administrative remedies.

(2) The court has the power to examine, decide and settle a state administrative dispute as mentioned in section (1) after all administrative remedies have been used.

Article 49

The Court is not authorized to examine, decide and settle a particular state administrative dispute, if the decision in dispute has been issued in:

a. time of war, danger, natural calamity, or in an extraordinary dangerous time, pursuant to valid legislation;

b. time of urgency for public interest, pursuant to valid legislation.

Article 50

The State Administrative Court has the duty and is authorized to examine, decide and settle a state administrative dispute in first instance.

Article 51

(1) The State Administrative High Court has the duty and is authorized to examine, decide and settle a State administrative dispute in appelate level.

(2) The State Administrative High Court has also the duty and is authorized to examine and decide in first and last instance any

dispute on competence between State Administrative Court in its territorial jurisdiction.

(3) The State Administrative High Court has the duty and is authorized to examine, decide and to settle in first instance a state administrative dispute as intended by Article 48.

(4) An application for cassation may be lodged against the State Administrative High Court's judgement as intended by Article 3

Article 52

(1) The Head Judge has the supervision over the exrecise of duties and the conduct of the Judge, Court Clerk and Secretary in its territorial jurisdiction.

(2) Beside the duties as intended by section (1) the Head Judge of the State Administrative High Court has the supervision over the exercise of the judicial power in the State Administrative Court in its territorial jurisdication and takes care that the judicial power be administered accurately and normally.

(3) In exercising the supervision as intended by section (1) and (2), the Head Judge may give the necessary guidance, remarks, and warnings.

(4) The Supervision as intended by section (1) section (2) and section (3) shall not decline the independence of the judge in examining and deciding a state administrative dispute.

CHAPTER IV
PROCEDURAL LAW
PART ONE
THE COMPLAINT

Article 53

(1) A person or civil corporation whose interest is harmed by a State Administrative Decision may lodge a written complaint to the competent court containing a claim that the decision in dispute be declared void or illegal, with or without a claim for compensation or rehabilitation.

(2) Reasons which may be used in the claim as stated in section (1) are:

a. that the State Administrative Decision is contradictive with the existing legislations;

b. that the State Administrative Agency or State Administrative Official at the time of issuing the decision as stated in section (1) used his authority for another aim than is given to him.

c. the State Administrative Agency or State Administrative Official, when issuing or not issuing the decision as stated in section (1), after considering all interests related to the decision, should not have reached a court's examination or decision.

Article 54

(1) The complaint for a state administrative dispute shall be lodged to the competent court, of which the jurisdiction covers the defendant's domicile.

(2) Where the defendant is more than one State Administrative Agency or State Administrative official and not residing in one jurisdiction area, the complaint shall be lodged to the court of which the jurisdiction area covers the domicile of one of the State Administrative Agencies or State Administrative officials.

(3) Where the defendant's domicile is not in the jurisdiction area wherein the plaintiff resides, the complaint may be submitted to the court of which jurisdiction covers the plaintiff's residence for

further submission to the respective court.

(4) In certain cases, pursuant to the nature of the state administrative dispute regulated in a Government Regulation, a complaint may be lodged to the competent court of which jurisdiction covers the plaintiff's residence.

(5) Where either the plaintiff or the defendant has its domicile abroad or are found abroad, the complaint shall be submitted to the court in Jakarta.

(6) Where the defendant's domicile is in Indonesia and the plaintiff resides abroad, the complaint shall be submitted to the court where the defendant resides.

Article 55

The complaint may be lodged only within ninety days as from the receipt or the announcement of the decision of the State Administrative Agency or State Administrative official.

Article 56

(1) A complaint shall contain :

a. name, nationality, residence, occupation of the plaintiff or his proxy;

b. occupation, domicile of the defedant;

c. grounds for the complaint and matters requested to be decided by the court.

(2) If a complaint is made and signed by a proxy of the plaintiff, it should be accompanied by a legal proxy.

(3) In the event possible, the complaint should also be accompanied by the state administrative decisison disputed by the plaintiff.

Article 57

(1) The parties engaged in dispute may be accompanied or represented by one or more proxies.

(2) The proxy may be given a special letter or orally given in the court.

(3) The proxy made in a foreign country shall have from and other

requirements used by that respective country and acknowledged by the Representative of the Republic of Indonesia to the said country concerned and shall then be translated into the Indonesian language by a sworn translator.

Article 58

If it is deemed necessary, the Judge has the authority to summon both parties engaged in dispute to be present in court, despite already being represented by a proxy.

Article 59

(1) To submit a complaint the plaintiff shall pay in advance the trialcost, of which the amount shall be fixed by the Court Clerk.

(2) After having paid the advanced trial cost, the complaint will be noted in the case register by the Court Clerk.

(3) Thirty days at the latest after registering the complaint, the Judge determines the day, time, and place if the session and order to summon both parties to be present at the appointed time and place.

(4) The summons to the defendant shall be accompanied by a copy of the complaint with the information that a written reply may be given to the complaint.

Article 60

(1) The plaintiff may apply to the Head Judge of the Court for a free of charge examination.

(2) The application shall be submitted at the time the plaintiff lodges his complaint accompanied by a statement of indigence given by the village head at the applicant's residence.

(3) The statement concerned shall state that the applicant is unable to pay the trialcost.

Article 61

(1) The application as intended by Article 60 shall be examined and ruled by the court prior to the examination of the main dispute.

(2) This ruling is made in the first and last instance.

(3) The court ruling which has granted the applicant for a free of charge complaint, shall also be applicable in appellate and cassation level.

Article 62

(1) In the deliberation meeting the Head Judge is entitled to decide by a ruling completed by considerations that the complaint is declared not acceptable or without grounds, in cases such as :

a. the subject of the complaint clearly does not fall under the jurisdiction of the court;

b. the requirements of the complaint as intended by article 56 have not been met by the plaintiff despite the notifacation and warning given to him;

c. the complaint is the based on proper grounds;

d. matters claimed in the complaint actully have been met in the respective state administrative decision;

e. the complain is lodged before the fixed time or after the expired time;

(2) a. The ruling as intended by section (1) shall be pronounced in a deliberation meeting prior to the appointment of a court day, by summoning both parties to hear the ruling.

b. The summon to both parties shall be sent through registered mail by the Court Clerk by order of the Head Judge.

(3) a. An objection against the ruling as intended by in section (1) may be submitted to the court within fourteen days after the ruling has been given.

b. The said objection shall be submitted in accordance with the provision in article 56.

(4) The objection as intended by section (3) shall be examined and decided by the court with summary procedure.

(5) If the court agrees with the objection then the ruling as intended by section (1) becomes void by operation of law and the main complaint will be examined, decided and executed according to ordinary procedures.

(6) Against the judgement of the said objection there are no legal remedies.

Article 63

(1) Before the examination of the main dispute commences, the judge shall conduct a pre-examination to complete the complaint wich is still unclear.

(2) In said examination as intended bay section (1) the judge:

a. shall advise the plaintiff to correct and complete the complaint with the necessary data within thirty days.

b. may require clarifications from the State Administrative Agency or State Administrative Official concerned.

(3) If within the time as intended by section (2) point a, the plaintiff has not completed the complaint yet, the judge shall by a decision pronounce the complaint as not accepted.

(4) Against the judgement as intended by section (3), there are no legal remedies, but a new complaint may be lodged.

Article 64

(1) In determining the session day, the judge has to consider the distance of the parties residence from the court.

(2) The period between the summons and the session day may not be less than six days, except if the dispute shall be examined by an express examination procedure, as regulated in Part Two Paragraph 2.

Article 65

A summons to the parties concerned is deemed legal when each of the parties has received it through registered mail.

Article 66

(1) Where one of the parties domicilies or is outside the territory of the Republic Indonesia, the Head Judge concerned shall deliver the summons by forwarding the letter stating the session day and a copy of the complaint to the Ministry of Foreign Affairs.

(2) The Ministry of Foreign Affairs shall send the letter which states

the session day and the copy of the complaint as intended by section (1) through the Representative of the Republic of Indonesia abroad, in which territory the party concerned has its domicil or residences.

(3) The official of the said Indonesian Representative Office shall give a report to the Court concerned within seven days after the summons.

Article 67

(1) A complaint shall not postpone or hinder the execution of the decision of the State Administrative Agency or the State Administrative Official and by the acts taken by the State Administrative Agency or State Administrative Official against which a complaint is lodged.

(2) The plaintiff may apply for a postponement of the execution of the state administrative as long as the examination of the state administrative dispute is still in process until there is a judgement which is final and binding.

(3) The application as intended by section (2) may be submitted together with the complaint and may be decided prior to the decision of the main dispute concerned.

(4) The application for the postponement as intended by section (2):

a. may be granted only in urgent circumstances where plaintiff's interest is badly harmed if the State administrative decision is executed.

b. may not be granted if the public interest in the framework of the development obligates the execution of the decision.

PART TWO
EXAMINATION AT FIRST INSTANCE

PARAGRAPH 1
ORDINARY EXAMINATION PROCEDURES

Article 68

(1) The court shall examine and decide a state administrative dispute by three judges.

(2) The court holds a session on the day as determined in the summons.

(3) The examination of the state administrative dispute in court is led by the Head Judge at trial.

(4) The Head Judge at trial shall be obligated to ensure that the rules of order be maintained by everyone and that all his orders shall be well carried out.

Article 69

(1) Everyone in the courtroom shall be obligated to show an attitude, conduct, behaviour and expression which upholds the dignity, integrity, and honor of the court and shall obey the rule of court order.

(2) Anyone who does not obey the rules of court order as intended by section (1) after having been warned by the judge or by his order, shall be removed from the courtroom.

(3) The acts of the Head Judge at trial against the violation of the rules of order as intended by section (2) shall not reduce the possibility for prosecution, if the violation constitutes an offense.

Article 70

(1) For the purpose of examination, the Head Judge at trial shall open the session and declare it open to the public.

(2) Where the Collegiate Judge is of the opinion that the dispute in examination involves the public interest or state security, the examination may be declared closed to the public.

(3) Failure to meet the provisions in section (1) shall result in a void

judgement by operation of law.

Article 71

(1) In case the plaintiff or his proxy fails to be present on the first day and on the day determined in the second summons, without legally acceptable reasons, despite being properly summoned each time, the complaint is declared forfeited, and the plaintiff shall pay the trial costs.

(2) In such a case as intended by section (1) the plaintiff is entitled to submit his complaint once again, after paying an advance of the trial costs.

Article 72

(1) Where the defendant or his proxy fails to be present in the session two times in sequence, or neglects the complaint without reasons despite being properly summoned each time, the Head Judge at trial will request the defendant's superior to order the defendant to be present or to respond to the complaint.

(2) Where two months has elapsed since the sending by registered mail of the ruling as intended by section (1) no response has been received, either from the superior official or from the defendant, the Head Judge at trial determines the next session and the case will be examined further by ordinary examination procedure without the defendant's presence.

(3) The judgement on the main complaint may be rendered only after the examination of the evidence has been thoroughly conducted.

Article 73

(1) In case there are more than one defendants and one or more of them or their representatives are not present in the session without legally acceptable reasons, the examination may be postponed until another session day as determined by the Head Judge at trial.

(2) The postponement of the session shall be informed to the party present and the Head Judge at trial orders the absent party to be summoned once again.

(3) If the defendant or his proxy is still absent at the postponed session day, the session shall be continued without his presence.

Article 74

(1) The examination of the dispute commences by reading the complaint and the letter of reply by the Head Judge at trial, and in the absence of a letter of reply, the defendant will be given the opportunity to give his response.

(2) The Head Judge at trial provides both parties with the opportunity to give necessary explanation concerning the matters they put forward.

Article 75

(1) The plaintiff may change the reasons which form the base of his complaint only until the replication, provided it is accompanied by necessary reasons and does not harm the defendant's interest, and which shall be taken in accurate consideration by the judge.

(2) The defendant may change the reasons of his reply only until the letter of duply, provided it is accompanied by necessary reasons and does not harm the plaintiff's interest which shall be taken in accurate consideration by the judge.

Article 76

(1) The plaintiff may withdraw his complaint at any time prior to the reply of the defendant.

(2) If the defendant has given his reply the withdrawal of the complaint by the plaintiff will be approved by the court only if the defendant agrees.

Article 77

(1) The objection against the absolute competence of the court may be submitted anytime during the examination, and although there is no objection against the absolute competence of the court, but the judge, is aware thereof he shall ex-officio declare the court to be incompetent to judge the dispute concerned.

(2) The objection against the relative competence of the court may be submitted prior to the reply of the main dispute and said objection shall be decided prior to the examination of the main dispute.

(3) Other objections not related to the competence of the court shall only be decided together with the main dispute.

Article 78

(1) A judge shall be obligated to withdraw from the examination of a case if he is tied by blood relationship or kinship to the third degree or by a marital relationship, despite being divorced, to one of the member judges or the clerk.

(2) A judge or clerk shall be obligated to withdraw from the examination of the case if he is tied by blood relationship or kinship to the third degree or by a marital relationship despite being divorced, to the defendant, the plaintiff or the legal counsel.

(3) The judge or clerk as intended by section (1) and (2) shall be replaced, and in case neither replacement nor withdrawal has been done whereas the case has already been decided, then the case shall immediately be reexamined with a different composition.

Article 79

(1) A judge or a clerk shall be obligated to withdraw, if he himself has an interest, directly or indirectly in a certain case.

(2) Withdrawal as intended by section (1) can be done by the judge or clerk's own will or at the request of one or both disputing parties.

(3) Where there is doubt or a difference of opinion regarding the matters as intended by section (2) the competent court official shall decide.

(4) The judge or clerk as intended by section (1) and (2) shall be replaced and in case of neither replacement nor withdrawal has been done whereas the dispute has already been decided, such dispute shall immediately be re-examined with a different composition.

Article 80

For the sake of a speedy examination of the dispute, the Head Judge at trial has the authority in the court session to advise the disputing parties of the legal remedies and means of proof which they may use in the dispute.

Article 81

With the consent of the Head Judge, the plaintiff, defendant, and legal counsel may study the dossier and other related documents in the clerk's office and make the necessary excerpts of them.

Article 82

The parties concerned may make or let another make copies or excerpts of the documents of the examination at their own expanses after receiving the consent of the Head Judge.

Article 83

(1) In the course of the examination everyone who has an interest in a dispute of another party being examined by the court may, whether on his own initiative or by submitting an application or on the judge's initiative, have access to the state administrative dispute, and may act as:

a. a party defending his rights, or
b. a party joined into one of the parties.

(2) The application as intended by section (1) may be granted or rejected by the court with a decision included in the court minutes.

(3) The application for an appeal on the judgement as intended by section (2) may not be forwarded separately, but shall be jointly lodged with the request for an appeal on the final judgment of the main dispute.

Article 84

(1) Where a proxy in court has acted beyond his authority, the principal may submit a written objection claiming that the acts of the proxy shall be declared null and void by the court.

(2) Where the objection as stated in section (1) is approved, the Judge shall be obligated to state in the judgment written in the court minutes that the acts of the proxy is declared null and void and further striked out of the court minutes.

(3) The judgment as intended by section (2) shall be read out and or informed to the parties concerned.

Article 85

(1) For the interest of the examination and if the Head Judge at trial deems it necessary he may order an examination of the documents, which are with the state administrative official or with an other official who keeps such documents, or ask for clarification or information on certain matters related to the dispute.

(2) Except for the authority as intended by section (1) the Head Judge at trial may also order the documents be shown to the court in a session which will be determined for that purpose.

(3) If the documents constitute part of a register, before being shown by the document keeper, a copy of the document shall be made as a substitute of the original for as long as the original has not yet been received from the court.

(4) It the examination concerning the truth of a document results in a suspicion against a living person that the document has been valsified by him, the Head Judge at trial may send the document to a competent investigator and the examination of the state administrative dispute can be postponed until judgement on the criminal case has been rendered.

Article 86

(1) At the request of one of the parties or exofficio, the Head Judge at trial may order a witness to be heard in the court.

(2) Where the witness fails to attend without legally acceptable reasons despite properly being summoned, whilst the judge has enough reasons to suspect that the witness intentionally did not attend, the Head Judge at trial may order the witness to be brought to the court by the police.

(3) A witness whose residence is not in the territorial jurisdiction of the court concerned is not obligated to attend the court, but the examination of the witness may be done by the court of which the jurisdiction covers the witness's residence.

Article 87

(1) Witnesses shall be called into the courtroom one by one.

(2) The Head Judge at trial shall ask the witness his full name, place of birth, age or date of birth, gender, nationality, address, his religion or belief, occupation, grade of family relationship, business relation with the plaintiff of defendant.

(3) Before giving testimony, a witness shall be obligated to take an oath or an affirmation according to his respective religion or belief.

Article 88

Those who are not allowed to be heard as witnesses, are:

a. relatives related by blood or kinship to the second degree ascendently or descendently to one of the disputing parties;

b. husband or wife of one the disputing parties despite being divorced;

c. a minor who is not yet seventeen years of age;

d. an insane person.

Article 89

(1) Those who may withdraw from the obligation to give a testimony are:

   a. male or female siblings, brother or sister in law to one of the parties;

   b. everyone who, because of his dignity, occupation or office is obligated to keep all matters confidential which are related to his dignity, occupation, or office.

(2) Whether or not there are grounds for the obligation to keep all matters confidential as intended in section (1) point b is up to the judge's consideration.

Article 90

(1) Questions posed to the witness by one of the parties shall be through the Head Judge at trial.

(2) If the Head Judge at trial considers the question irrelevant to the dispute, he shall reject it.

Article 91

(1) If the plaintiff or the witness does not understand the Indonesian language the Head Judge at trial may appoint a translation expert.

(2) Before carrying out his duty the translation expert shall be obligated to take an oath or affirmation according to his respective religion or belief to translate accurately the language which the plaintiff or witness as intended by section (1) understands, into the Indonesian language and the other way around.

(3) Those who act as witnesses in the dispute are not allowed to be assigned as translation experts in the dispute concerned.

Article 92

(1) If a plaintiff or witness is dumb and/or deaf and is unable to write, the Head Judge at trial may assign a person as interpretor who is skilled at communication with the plaintiff or witness.

(2) Before carrying out his duty the interpretor as intended by section (1) shall be obligated to take an oath or affirmation according to his respective religion or belief.

(3) If a plaintiff or witness is dumb and/or deaf but is able to write, the Head Judge at trial shall order to write down the question or warning and give it to the plaintiff or witness and order him/her to write down the answer, and afterwards all questions and answers shall be read out.

Article 93

An official who is summoned as a witness shall be obligated to personally come to the court session.

Article 94

(1) The witness shall take an oath or affirmation and be heard at the court session attended by the disputing parties.

(2) If the disputing parties have been summoned properly but fail to come without any legally acceptable reason, the witness may be heard without the disputing parties being present.

(3) If the witness to be heard is not able to come to the session on legally acceptable grounds, the judge assisted by the Court Clerk shall come to the residence of the witness, to take an oath or affirmation of the witness and hear the witness.

Article 95

(1) Where a dispute can not be settled in one session day, the examination shall be continued on the next court session.

(2) The next session shall be informed to both parties, to whom the information shall be regarded as a summons.

(3) If one of the parties which is present at the first session day does not come to the following court sessions, the Head Judge at trial shall order to inform said party about the time, day and date of the next session.

(4) If the party as intended by section (3) remains absent without any legally acceptable reason, despite proper notifications, the examination may be continued without the party's presence.

Article 96

If in the course of the examination certain actions should be taken which need expenses, the expenses shall be paid in advance by the party asking for those actions to be taken.

Article 97

(1) Where the examination of a dispute has been conducted, both parties shall be given the opportunity to forward their final opinion in the form of their respective conclusions.

(2) After both parties have forwarded their conclusions as intended by section (1) the Head Judge at trial declares the session to be adjourned to give the opportunity to the Collegiate Judge to

deliberate in a closed session to consider all matters to make a judgement of the respected dispute.

(3) The judgment made in deliberation of the Collegiate Judge led by the Head Judge of the College, shall constitute a result of an unanimous consultation except when this can not be achieved after earnest efforts, the judgement shall be made by a majority vote.

(4) If the deliberation of the Collegiate Judge does not result into a decision, it shall be adjourned until the next consultative meeting.

(5) If on the next consultative meeting a majority vote can not be reached, the last vote of the Head Judge of the College shall be decisive.

(6) The judgment may be rendered on the same day in a trial open for public, or be postponed to another day which shall be informed to both parties.

(7) The judgement may be :

a. rejecting the complaint;
b. granting the complaint;
c. not accepting the complaint;
d. forfeiting the complaint.

(8) Where the complaint is granted, the judgment may stipulate obligations which shall be carried out by the State Administrative Agency or the State Administrative Official who has issued the state administrative decision.

(9) Obligations as mentioned in by section (8) may be :

a. a revocation of the respective state administrative decision, or
b. a revocation of the respective state administrative decision concerned and issuance of a new state administrative decision, or
c. an issuance of a state administrative decision, if the complaint is based on Article 3.

(10) The obligations as intended by section (9) may be accompanied with compensation.

(11) If the court judgment as intended by section (8) relates to personnel matters, the obligation as stated in section (9) and (10) may be accompanied by the granting of rehabilitation.

PARAGRAPH 2
EXAMINATION IN EXPRESS PROCEDURE

Article 98

(1) Where there is an urgent interest which can be seen from the reasons of his application, the plaintiff may apply to the court to speed up the examination.

(2) Within fourteen days after receiving the application as intended by section (1) the Head Judge of court issues a ruling to state whether the application will be granted or rejected.

(3) Against a ruling as intended by section (2), a legal remedy may not be lodged.

Article 99

(1) The examination in express procedure shall be conducted by a single judge.

(2) In case the application as intended by article 98 section (1) is granted, the Head Judge of the Court within the time limit of seven days after the issue of the ruling as intended by Article 98 section (2), determines the day, place, and time of the session without the preparation examination procedure as intended by Article 63.

(3) The time limit for the answers and giving evidence for both parties shall be fixed not exceeding fourteen days each.

PART THREE
E V I D E N C E

Article 100

(1) Means of proof are:

a. documents or writings

b. the testimony of an expert
c. the testimony of a witness
d. confessions of parties
e. the judge's knowledge.

(2) Matters generally known need not be proven.

Article 101

Documents as means of proof consist of three types, namely:

a. an authentic deed, which is a document made by or in the presence of an official assigned by legislation to make such a document aimed to use it as a means of proof on matters or legal matters stated therein.
b. an underhand deed, which is a document made and undersigned by the respective parties aimed to use it as means of proof on matters or legal matters stated therein.
c. documents other than deeds.

Article 102

(1) Expert testimony is an opinion made by a person under oath at trial on matters known by him according to his experience and his knowledge.

(2) A person who may not be heard as a witness by virtue of Article 88 may not give an expert testimony.

Article 103

(1) At the request of both parties or one of them or the presideng judge ex officio may assign one or some experts.

(2) An expert at trial shall give a written or oral testimony taken under oath or affirmation about the truth based on his knowledge.

Article 104

A testimony of a witness is deemed to be a means of proof if such a statement concerns an event which he himself has experienced, seen or heard.

Article 105

Confessions from both parties may not be withdrawn except with stern reasons and acceptable for the judge.

Article 106

A judge's knowledge are matters of which the truth is known and convinced by the judge.

Article 107

The judge decides what must be proven, the burden of proof and the evaluation of the evidence and to legalize an evidence, a minimum of two legal means of proof are needed plus the judge's conviction.

PART FOUR
COURT JUDGEMENTS

Article 108

(1) Court judgements shall be pronounced in a court open for public.

(2) In case one or both parties are not present at the time when the judgment is pronounced, a copy of the judgment shall be sent through registered mail to the party concerned by order of the Head Judge of the court.

(3) Failure to meet the provisions in section (1) shall render the judgment illegal and has no legal force.

Article 109

(1) A written judgement shall contain:

a. heading of the judgment shall be "For the sake of Justice Based on the Belief in God Almighty".
b. name, occupation, nationality, address or residence of the parties having a dispute.
c. a clear summary of the complaint and the reply of the defendant.
d. considerations and evaluation of each produced evidence and all matters occured in court during the examination of the dispute.

e. legal grounds which serve as the basis of the judgment.
f. grounds for the judgment relating to trialcosts.
g. The day and date of the judgment, name of the deciding judge, name of the clerk and the statement of the absence or presence of the parties.

(2) Failure to meet one of the provisions in section (1) may render the judgement void and null.

(3) Thirty days at the latest after the judgment has been pronounced, the judgment shall be signed by the deciding judge and the attending Court Clerk.

(4) Where the Head Judge of the College or the Head Judge of the express procedure fails to undersign, the court judgment shall be undersigned by the Head Judge of Court by stating the absence of the Head Judge of the College or the Head Judge of the express procedure.

(5) Where the member judges fail to undersign, the judgment shall be undersigned by the Head Judge of the College and states the absence of the member judges concerned.

Article 110

The entire or partially defeated party shall be held liable to pay the trialcosts.

Article 111

Trialcosts include :

a. Secretarial costs and stamp duties;
b. Expenses for witnesses, experts, translators provided that if a party asks for more than five witnesses he shall pay the expenses of additional witnesses even if he has won the case;
c. Expenses for examination in places other than the courtroom and other expenses needed in deciding the dispute on order of the Head Judge of Court.

Article 112

The total sum of the trialcosts which shall be paid either by the plaintiff or the defendant shall be mentioned in the judgment.

Article 113

(1) Court judgement which is not a final judgment, despite the announcement in a court session, shall not be made as a separate judgement and shall be attached in the minutes.

(2) The parties directly concerned with the court judgment, may apply for an authentic copy by paying the expenses.

Article 114

(1) In every examination the clerk shall make minutes of the trial containing all matters occured in the court session.

(2) The minutes of the court shall be undersigned by the Head Judge at trial and the Clerk, and when one of them is incapacitated the fact shall be stated in the minutes.

(3) When both the Head Judge at trial and the Clerk are incapacitated to sign, the minutes shall be signed by the Head Judge of the court stating the incapacity of the Head Judge at trial and the clerk's presence.

PART FIVE
EXECUTION OF COURT JUDGMENT

Article 115

Only a judgment which becomes final and binding may be executed.

Article 116

(1) A copy of the judgement which becomes final and binding shall be sent to the parties through registered mail by the local Court Clerk by order of the Head Judge of the court who has decided the case in first instance within fourteen days at the latest.

(2) If within four months after the sending of the final and binding judgement as stated in section (1) the defendant has not fulfilled the obligation as stated in article 97 section (9) point a, the State Administrative Decision in dispute has no legal force anymore.

(3) If it is decided that the defendant has to carry out the obligation as stated by Article 97 section (9) point b and c, and if after three months if turns out that the obligation has not been

carried out, the plaintiff may request to the Head Judge of the court as stated in section (1) to order the defendant to carry out the judgment concerned.

(4) If the defendant still fails to carry it out, the Head Judge of the court submits the case to a higher instance in order to the official ranking.

(5) Within two months after having received the information from the Head Judge of court, the higher instance as mentioned in section (4) shall have ordered the official mentioned in section (3) to execute the court judgment.

(6) Where the higher instance as mentioned in section (4) fails to obey the provision as stated in section (5), the Head Judge of court submits the case to the President as the highest holder of the executive power to order the official concerned to execute the court judgment.

Article 117

(1) With regards to the obligation intended by article 97 section (11) if the defendant fails to carry out or not completely carry out the court's judgement which has become final and binding due to the change of conditions after the imposition of the court judgement and/or when it becomes final and binding, he is obligated to inform the Head Judge of court as intended by Article 116 section (1) and the plaintiff.

(2) Within thirty days after having received the information as intended by section (1) the plaintiff may request to the Head Judge of Court who has sent the court judgement which has become final and binding to burden the defendant with the obligation to pay an amount of money or other compensation which he desires.

(3) After having received the request as intended by section (2) the Head Judge of the Court orders to summon both parties to make efforts to reach an agreement on the amount of money or other compensations to be burdened upon the defendant.

(4) After efforts of reaching an agreement to which they fail to agree on the sum of money or other compensations, the Head

Judge determines by decisive ruling and sufficient considerations on the sum of money and other compensations.

(5) The ruling of the Head Judge as stated in section (4) may be forwarded either by the plaintiff or the defendant to the Supreme Court to be re-determined.

(6) The judgment of the Supreme Court as intended by section (5) shall be maintained by both parties.

Article 118

(1) In case the court's judment as intended by Article 116 section (1) contains obligations for the defendant as intended by Article 97 section (9) section (10) and section (11), a third party who does not participate or not been involved in the course of the examination of the said dispute pursuant to Article 83 and he fears that his interest will be harmed by the implementation of the final and binding judgment concerned, he may lodge a counter complaint to the court who has judged the case in first instance against the execution of the judgment.

(2) The counter complaint as intended by section (1) may only be lodged prior to the execution of the final and binding judgement by giving reasons for his request pursuant to the provisions in Article 56; the provisions as stated in Article 62 and 63 shall apply for this request of counter complaint.

(3) The counter complaint as intended by section (1) shall not automatically postpone the execution of the final and binding judgment.

Article 119

The Head Judge of the Court shall supervise over the execution of the final and binding judgment.

PART SIX
COMPENSATION

Article 120

(1) A copy of the judgment containing an obligation to pay com-

pensation shall be sent to the plaintiff and the defendant within three days after the judgment has becomes final and binding.

(2) A copy of the judgment containing the obligation to pay compensation as intended by section (1) shall also be sent by the court to the State Administrative Agency or the State Administrative Official who is burdened with the obligation to pay a compensation within three days after the judgment becomes final and binding.

(3) The amount of compensation and the procedure of implementation of the provision of Article 97 section (10) shall be regulated further in a Government Regulation.

PART SEVEN
REHABILITATION

Article 121

(1) Where a complaint relating to personnel matters is granted pursuant to the provisions as intended by article 97 section (1), a copy of a judgment containing the obligation for rehabilitation will be sent both to the plaintiff and defendant within three days after the judgment has become final and binding.

(2) A copy of the judgment containing an obligation for rehabilitation as intended by section (1) shall be sent by the court to the State Administrative Agency or State Administrative Official empowered to enforce the rehabilitation within three days after the judgment has become final and binding.

PART EIGHT
EXAMINATION AT THE APPELATE LEVEL

Article 122

An appeal against a judgment of a State Administrative Court may be lodged by the plaintiff or the defendant to the State Administrative Court of Appeal.

Article 123

A request for an appeal may be submitted in writing by the petitioner or someone especially Authorized therefor to the State Administrative Court which has imposed the judgment within fourteen days after the court judgment has been legally informed to him.

Article 124

A State Administrative Court judgment which is not final, may only be lodged for appeal together with the final judgment.

Article 125

(1) The request for appeal shall be registerd in the register of cases by the Court Clerk.

(2) The Court Clerk informes the matter to the defendant in appeal.

Article 126

(1) Thirty days at the latest after the registration of the request of appeal, the Court Clerk informs both parties that they can study the dossiers in the State Administrative Court office within the time limit of thirty days after they have been informed.

(2) A copy of the judgment, minutes and other related documents shall be sent to the Clerk of the State Administrative High Court within sixty days after the request of the appeal.

(3) The parties may submit a brief of appeal and/or the counter brief of appeal and other documents and evidence to the Clerk of the State Administrative Court on condition that a copy of the brief and/or the counter brief shall be given to the other party through the Court Clerk.

Article 127

(1) The State Administrative High Court examines and decides cases in appeal with a minimum of three judges.

(2) Where the State Administrative High Court is of the opinion that the examination by the State Administrative Court is incomplete, the State Administrative High Court may convene

its own session to have an additional examination or order the State Administrative Court concerned to convene the additional examination.

(3) Against the State Administrative Court decision which states that it is incompetent to examine the case forwarded to him while the State Administrative High Court has another opinion, the latter court may examine and decide the case himself or order the State Administrative Court to do so.

(4) The Clerk of the State Administrative High Court send a copy of the High Court judgement accompanied by an examination document and other documents to the State Administrative Court of first instance within thirty days.

Article 128

(1) The provisions as intended by Article 78 and Article 79 shall also apply to the examination in appelate level.

(2) The provisions concerning family relationship as intended Article 78 section (1) also apply between a Judge and or a Clerk of the appelate court and a Judge and or a Clerk of the first instance court.

(3) If a Judge after decided the case in first instance becomes a judge of the State Administrative High Court, said Judge is prohibited to examine the same case at the appelate level.

Article 129

Prior to the imposition of judgement by the State Administrative High Court, the request for appeal may be withdrawn by the requesting party and in such a case no request for appeal may be lodged again, even if the time limit for appeal has not expired yet.

Article 130

Where one of the parties has accepted the judgement of the State Administrative Court he may not withdraw his statement, although the time for an appeal application has not elapsed yet.

PART NINE
EXAMINATION IN CASSATION

Article 131

(1) Against a final judgement by the court, an examination in cassation may be lodged to the Supreme Court.

(2) The procedure of the examination in cassation as intended by section (1) is exercised according to the provisions as intended by Article 55 section (1) of Law number 14 Year 1985 concon-cerning the Supreme Court.

PART TEN
EXAMINATION IN RECONSIDERATION

Article 132

(1) Against a judgement which has become final and binding a request for reconsideration may be lodged to the Supreme Court.

(2) The procedure of the examination in reconsideration as intended by Article 77 section (1) of Law number 14 year 1985 concerning the Supreme Court.

CHAPTER V
OTHER PROVISIONS

Article 133

The Head of the Court arranges the distribution of duties of the judges.

Article 134

The Head of the Court distributes all the dossiers and or other documents relating to the disputes which have been submitted to the court to the Collegiate Judges to be settled.

Article 135

(1) In case the court examines and decides a certain State Administrative case which needs specific expertise, the Head of the Court may assign an Ad Hoc Judge as a member of the Collegiate Judges.
(2) To be assigned as an Ad Hoc Judge one shall meet the requirements as intended by Article 14 section (1) except for points e and f.
(3) Prohibitions as intended by Article 18 section (1) point c does not apply to an Ad Hoc Judge.
(4) The procedure of assignment of the Ad Hoc Judge as intended section (1) shall be regulated in a Government Regulation.

Article 136

The Head of the Court determines the case to be examined and decided based on the sequent number, but if there is a particular case which relates to public interest and which ought to be examined immediately, the examination of that case shall be given priority.

Article 137

The Court Clerk administers the administration of cases and regulates the task of the Deputy Clerk, Junior Clerk, and Substitute Clerk.

Article 138

The Clerk, Deputy Clerk, Junior and Substitute Clerk have the task to assist the Judge to attend and make record of the session.

Article 139

(1) The Court Clerk shall keep a register for all cases received by the secretariat.
(2) In the register of cases each case shall be given a sequent number and a brief note of its content,

Article 140

The Court Clerk makes a copy of the court judgment according to the effective legislation.

Article 141

(1) The Court Clerk is responsible for the administration of the dossiers, judgments, documents, deeds, register, costs of the case, deposit money from third person, securities, physical evidence and other documents stored in the secretariat.
(2) All registers, notes, briefs, minutes, and court dossiers shall not be taken outside the secretariat room, except by the consent of the Head of the Court based on the effective legislation.

CHAPTER VI
TRANSITIONAL PROVISIONS

Article 142

(1) State Administrative Disputes which have not been decided by the court within the branch of the General Judicial System at the time of the establishment of the court in accordance with this law, shall be examined and decided by the court within the branch of the General Judicial System.

(2) State Administrative disputes which at the time of the establishment of the court pursuant to this Law have been submitted to the court within the branch of the General Judicial System but are not examined yet, shall be brought to trial before the court of the branch of the State Administrative Judicial System.

Article 143

(1) For the first time this Law comes into force, the Minister of Justice after hearing the opinion of the Chief Justice of the Supreme Court, regulates the appointment of the Head of Court, Deputy Head of Court, Judges, Court Clerk, Deputy Clerk, Junior Clerk, Substitute Clerk, and Deputy Secretary of the court within the branch of the State Administrative Judicial System.

(2) The appointment of the Head of Court, Deputy Head of Court, Judges, Court Clerk, Deputy Clerk, Junior Clerk, Substitute Clerk and Deputy Secretary as intended by section (1) may deviate from the requirements stipulated in this Law.

CHAPTER VII
CONCLUDING PROVISIONS

Article 144

This law shall be called The Law of the State Administrative Judicial System

Article 145

This Law shall take effect on the date it is promulgated and its implementation shall be regulated by Government Regulation five years at the lates after its promulgation.

In order that every person may be informed thereof, promulgation of this Law is ordered through placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta
on 29 December 1986
PRESIDEN OF THE
REPUBLIC OF INDONESIA
sgd
S O E H A R T O

Promulgated in Jakarta
on 29 December 1986
MINISTER/STATE SECRETARY
REPUBLIC OF INDONESIA
sgd

SUDARMONO, SH

STATE GAZETTE OF REPUBLIC OF INDONESIA
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ELUCIDATION OF LAW OF THE REPUBLIC OF INDONESIA NUMBER 5 YEAR 1986 CONCERNING THE STATE ADMINISTRATIVE JUDICIAL SYSTEM

I. GENERAL

1. The Republic of Indonesia as a state governed by law based on Pancasila and the Constitution of 1945 aims at the realization of a system of the state and the nation which is prosperous, peaceful, orderly and secure. In such a system the equal status of all members of the society is secured before the law. But the exercise of various to secure the equal status and human rights in society, should be adjusted to state and nation's character and philosophy based on Pancasila, in order to obtain harmony, balance and synchronization between private's interest and nation's well-being.

   In the Broad Outlines of State's Policy (GBHN) it states that in creating such a desired system it has to be done through national development, phase by phase, constantly and continously.

   In its efforts to reach said purpose, in accordance with the system set forth in the Constitution of 1945 and the Broad Outlines of State's Policy, the Government through its apparatus in the State Administration, have to take a positive and active role in society.

   In exercising those duties, the Government is obliged to

respect society's honor dignity in general, basic human rights and duties in particular. Therefore, the Government is obliged to continously guide, complete, and control the apparatus in the State Administrative field in order to make it efficient, effective, clean and of great integrity, and in carrying out its duty it should always be based on law with the spirit and dedication for the society.

Being aware of the Government's positive and active role in society, the Government has to prepare steps in facing the possibilities when conflicts of interests and disputes emerge between the State Administratie Agencies or State Administrative Official and the members of the society.

In settling such disputes from the legal point of view, a State Administrative Judicial System should be established in accordance with the Decree of the People's Consultative Assembly of the Republic of Indonesia No. IV/MPR/1978 in conjunction with the Decree of the People's Consultative Assembly of the Republic of Indonesia No. II/MPR/1983 on the Broad Outlines of State's Policy.

Since the establishment of the State Administrative Judicial System as a part of the legal development forms a part of national development having an integral character and is carried out phase by phase and continously, therefore the establishment of the State Administrative Judicial System also has to be done phase by phase, constantly and continously. This Law is meant to be an extension to law no. 14 Year 1970 on the Basic Provisions on the Judicial Power.

Thus, the State Administrative Judicial System is one of the executors of the judicial power who bears the duty to examine, decide and settle all disputes in the State Administrative field, except administrative disputes in the Armed Forces and military affairs, which by Law no 16 Year 1953 and no. 19 Year 1958 are examined, decided and settled by the Military Administrative Judicial System; while other State Administrative disputes shall be settled by General Judicial System which according to this Law do not fall under the State Administrative Judicial Syatem competence.

In conformity thereof, the dispute should be a dispute arising in the State Administrative field between a person or corporate body and the State Administrative Agency or State Administrative Official, as a consequence, after a State Administrative Dicision being issued considered as violating the rights of a person or corporate body.

Thus the State Administrative Judicial System is established within the frame to protect people seeking justice, who feel themselves harmed as a consequence of a State Administrative Decision.

However, in this relation is should be borne in mind that besides personal rights, society also has certain rights. Society rights are based on the common interest of the people living in society. Those interests do not always go harmoniously together, in fact, sometimes they collide with each other. In guaranteeing the most fair settlement in a collision between such different interests, a legal settlement is one of the best solutions in accordance with the State's philosophy, Pancasila, where human rights and obligations are laid down in harmony, balance and order between private and public interests Therefore, the aim of the State Administrative Judicial System is not only to protect private rights, but simultaneously society rights.

2. The judicial power in the field of the State Administrative Judicial System in this Law is exercised by the State Administrative Court and the State Administrative High Court and is vested at the Supreme Court, in Accordance with the principles stipulated in Law no. 14 Year 1970 on the Basic Provisions on the Judicial Power and Law no. 14 Year 1985 on the Supreme Court.

   In this Law the stucture, competence, procedure and the status of a judge is regulated as well as the administrative work procedure of the State Administrative Court and the State Administrative High Court. In each Regency a State Administrative Court is established in the municipality or in the capital of a Regency, the establishment of which is done by a Presidential Decree.

In each Province a State Administrative High Court is established in the capital of a province, the establishment of which is done by law.

The establishment of a State Administrative Court and a State Administrative High Court will be done phase by phase while taking several factors into cosideration, either technically or non-technically. The State Administrative Court is the Court of first instance to examine, decide and settle State Administrative disputes for people seeking justice.

The State Administrative High Court basically, is an appellate Court for disputes, which are settled by the State Administrative Court, except :

a. disputes concerning competence among several State Administrative Courts in their respective territorial jurisdiction; here the State Administrative High Court acts as the first and last instance court.

b. a dispute to which administrative means are already exercised, here the State Administrative High Court acts as the first instant Court.

It is acknowledged that in our legal system State Administrative disputes will be settled through administrative means. After this Law, it is possible to bring case to the State Administrative High Court.

The Supreme Court as the highest executor of the judicial power and judicial cassation is regulated in a separate Law, i.e. Law no. 14 year 1985 on the Supreme Court.

3. In accordance with the regulation as stated in Article. 24 and Article 25 of the Constitution of 1945 and its Elucidation, and Law no. 14 Year 1970 on the Basic Provisions of the Judicial Power, the judiciary is an independent power of the State in administering justice to maintain law and justice based on Pancasila, in order to exercise the Republic of Indonesia as a state governed by law.

   In order that Court can impartially decide in conformity with the free and independent judicial power, there should be a guarantee that both the Court and Judge in exercising their

duties are free from Government's influence and other influences.

Therefore, a judge is appointed and discharged by the President as Head of State, on the proposal of the Minister of the Justice and based on the approval of the Chief Justice of the Supreme Court. Where the Court needs expertise in settling certain cases, the Head of the Court can appoint a person out of Court as an Ad Hoc Judge to sit in the Collegiate Judge who will settle the dispute. Specific requirements for a judge of the State Administrative Court are not required for this Ad Hoc Judge.

In each assignment, discharge, transfer, promotion, or any administrative sanction to a judge of the Court, a coordination and consultation is needed between the Spreme Court and the Government.

Besides, a separate arrangement concerning extra allowance and other regulations has to be made for the judicial officials especially for the judge (s), whereas the rank and salaries will be separately regulated based on the existing regulations, so that the officials of the judicial System cannot easily be influenced, neither morally nor materially.

In order to more strengthen the Judge and Court's honor and authority, their knowledge/expertise have to be maintained by demanding certain requirements to become a judge, which will be regulated in this Law.

Therefore, an additional course is needed to increase their knowledgw/expertise.

Besides, an ultimate fostering is also necessary but not declinery though/but the judge's freedom in examining and deciding a case. Further, it is prohibited for a judge to act concurrently as legal counsel, executor of a Court's judgment, curator, businessman, or being involved in any activity that can be related with the case he handles.

This prohibition for concurrent offices is also applicable to the Clerk.

4. In order for the judicial System to function effectively, the State Administrative High Court is given the authority to supervise the State Administrative Court in its territorial jurisdication. This will increase the co-ordination between State Administrative Courts in the territorial jurisdiction of a State Administrative High Court which will be an advantage for the people seeking justice, because the State Administrative High Court in exercising its supervision can give directives, warning or remarks.

   Besides, the judge's duties and obligations can be directly supervised so that the administration of justice will be exercised simply, speedily, just, and low trialcosts are more guaranteed.

   An indication that results strong suspicion that a judge has committed a disgraceful act from the decency and moral point of view or having committed a crime or having neglected his job repeatedly, can result a dishonorable discharge by the President as Head of the State, after given the opportunity to defend himself. This is firmly stated in this Law, considering the noble and resfectful act assignment of a judge, so that if he commits a disgraceful act in his position as a government official, the Goverenment Decree no.30 Year 1980 on the Dicipline of a Government Official can be applied.

5. In this Law, the Law of the procedural law concerning the process of the State Administrative Judicial System is also regulated, which includes the law of procedure in the first and appelate level.

   The law of procedure used in the State Administrative Judicial System has a similarity with the law of procedure used in the General Judicial System for civil cases, with a few differences, among others :

   a. at the State Administrative Judicial System the judge plays a more active role in a court's in a session in order to obtain the truth and therefore this Law is directed towards the "free evidence" theory;

   b. a State Administrative complaint basically does not postpone the execution of a State Administrative Decision of the case in dispute.

   Further, in accordance with the function of the State Administrative Judicial System to protect the society, this Law encourages people seeking justice, among others :

   a. those who cannot read nor write will be assisted by the Court Clerk to formulate their complaint;
   b. those seeking justice who are indigent, are given the opportunity to have a free of charge process;
   c. Where the plaintiff's interest is sufficiently pressing, upon his request, the Head Judge of the Court can decide to have a quick procedure examination;
   d. the plaintiff can lodge his complaint to the nearest State Administrative Court within his domicile to be futher forwarded to a competent State Court;
   e. in certain conditions the complaint can be judged by a Court in the territorial jurisdiction of the plaintiff's domicile;
   f. the State Administrative Agency or State Administrative Official who are summoned to testify are obliged to come by themselves.

6. In view of the extent and weight of the Court's workload, great attention should be given to the mechanism and functionning of the Court's administration, which consists of the administration of cases and general administration. This is very important, because it not only touches the aspect of order in exercising the administration, either the administration, either the administration of cases as well the administration of personnel, equipments and supply, finance, etcetera, but also influences the fluent exercise of the Judicial System itself.

   Similar to the principles of the exercise of administration at the Court followed by the General Judicial System, regulated in Law no. 2 Year 1986 on the General Judicial System, the responsibility of the Court's administration in this Law is

also borne by the official, i.e. the Court Clerk who also functions as Secretary each with their respective duties.

In exercising his duty as a Court, he is assisted by a Deputy Court Clerk and several Junior Court Clerks, while in exercising his duty as a Secretary he is assisted by a Deputy Secretary.

Thus, the court clerk's staff can concentrate themselves more in their duties and functions to assist the judge in the field of the judiciary, while other administrative duties can be carried out by the secretary's staff.

Since there is a difference between the administration of cases and the administration of personnel, equipment and supply, finance etcetera, fostering also differ.

Fostering on the administration of cases is exercised by the Supreme Court, while fostering in the general administration is exercised by the Ministry of Justice.

II. ARTICLE BY ARTICLE

Article 1

Point 1 :

What is mean by "Government-affairs" are all activities which have an executive nature.

Point 2:

What is meant by "legislations" in this Law are all the regulations which are binding in general issued by the DPR (People's Representative Assembly) and the Government, both at the national as well as at the regional level, and all the State Administrative Agency or State Administrative Official decisions, both at the national as well as regional levels which are also binding in general.

Point 3:

A "written ruling" primarily refers to the substance and not to the form of the decision issued by the State Administrative Agency or State Administrative Official. The decision must be written, but the written requirement does not concern the official form such as a letter of assignment electera.

The written requirement is obligatory to simplify evidence. Therefore a memorandum or note can meet the formal requirements and become a State Administrative Agency or State Administrative Official's decision according to this Law, if the following is clear:

a. the State Administrative Agency or State Administrative Official who has issued it;
b. the meaning and the substance of the note;
c. to whom the note is addressed to and what it states.

The State Administrative Agency or State Administrative Official is a body or person at the national and regional level who are exercising activities having an executive nature. A legal act by the State Administration is a legal act by the State Administrative Agency or State Administrative Official based on a State Admi-

nistrative regulation which can lead the rights and obligation of other persons. Being concrete means that the object decided in a State Administrative Decision is not but real, abstract, particular or definite, f.e. a decision concerning A's house, a working license for B, a discharge for a as a civil servant.
Being individual means that the State Administrative Decision is not meant for public, but it specifically concerns both the address and its aim. If it is meant for more than one person, each of the names has to be mentioned. For example, a decision concerning the construction or extension of a road is enclosed with the names of the people affected by the decision.
Being final means it is already definite, and therefore can lead to a legal consequence. A decision which still needs a superior or other institution's approval, is not final yet, therefore it cannot lead the rights or obligations of the parties involved. For example a decision on F.e.: assignment as a civil servant needs approval from the National Personal Administration Agency.

Point 4:

The word "dispute" here has a specific meaning in accordance with the State Administrative Judicial System, to value judge the different views concerning the implementation of laws. The State Administrative Agency or State Administrative Official in each of their decision basically considers the public and society interests', but in certain cases it could be that the decision is felt as harming a certain person or private enterprise; in the principle of the Administrative Law such a person must have the opportunity to lodge a complaint to the Court.

Point 5:

The word "complaint" here has a specific meaning in accordance with the function of the State Administrative Judicial System. In the State Administration, the Government much regulates matters related to society's interest. It not seldom happens that in a certain case a State Administrative Decision canses loss to a person or private enterprise and therefore correction and straightening are needed in implementing the law. For this

purpose a board for "complaints" is established against the State Administrative Agency or State Administrative Official.

Point 6: Sufficiently lucid

Point 7: Sufficiently lucid

Point 8: Sufficiently lucid

Article 2.

This article regulates the restriction concerning the meaning of a State Administrative Decision, which falls under the competence of the State Administrative Judicial System. This restriction is made, because there are some decisions which by nature or meaning cannot be classified into a State Administrative Decision according to this Law.

Point a. State Administrative Decisions which are legal acts of civil nature f.e. like a decision concerning the trade between a government institution and a private enterprise based on the Civil Law.

Point b. "regulations of general nature" means regulation including legal norms formed into legistations which legal force is binding everyone.

Point c. "State Administrative Decisions which still need approval" means that to carry out the decision it still needs the approval from a higher or other institution. In the frame of the administrative supervision which has a preventive and uniform policy, the regulation on which the decision is based, priorly needs a higher institution's approval before its effectiveness.
Sometimes the basic norm determines the need of an other institution's approval, since it will be involved in the legal consequences of that decision. A decision who still needs approval but already causes harm, can be filed in the District Court.

Point d. A State Administrative Decision based on the Indonesian Penal Code is for example in casesof trafic violations, where the defendant is punished with a conditional

sentence, where he is obliged to pay the medical treatment of the victim during his stay at the hospital. Since this obligation is to be borne by the defendant, the prosecutor according to Article 14 d, of the Indonesian Penal Code who is in charge to supervise whether the execution of the court judgement is well carried out, will order the convicted person to submit the receipt of the hospital bill.

A State Administrative Decision based on the Law of Criminal Procedure, for example: when the prosecutor issues a warrant to arrest a suspect. State Administrative Decisions based on other regulations having a criminal character are for example when the prosecutor for economic crimes orders to scize the suspect's goods in an economic crime.

Judgement from the view of law implementation of the three types of the above State Administrative Decisions only can be done by the Court in the General Judicial System.

Point e. A State Administrative Decision in this point is for example:

1. A Decision by the Director General for Agrarian affairs who issues a land certificate on behalf of someone, based on a Civil Court decision, which is final and binding stating that the land in dispute is owned by the state and not a here ditary land in dispute by the parties involved.
2. A similar decision as no. 1 but based on a dictum of a Civil Court decision which is final and binding.
3. A Decision by the Minister of Justice to discharge a notary, after receiving the Head decision by the Minister of Justice to discharge a notary, after receiving the Head of the Court's proposal based on its competence in accordance with Article 54 Law no. 2 Year 1986 concerning the General Judicial System.

Point f. Sufficiently lucid

Point g. Sufficiently lucid

Article 3 section 1.

Sufficiently lucid

Article 3 section 2.

The State Administrative Agency or State Administrative Official who has received an application is deement to have rejected the petition, if a certain time limit has passed and the State Administrative Agency or State Administrative Official did not react and did not respond to the application.

Section 3.

Sufficiently lucid

Article 4

"People seeking justice" means every Indonesian national non national and or private enterprises who seek justice at the State Administrative Judicial System.

Article 5

Sufficiently lucid

Article 6

Sufficiently lucid

Article 7 section 1.

Sufficiently lucid

Section 2

Fostering as intended by this section is the exercise of Article 11 section 1 Law no. 14 Year 1970 concerning Basic Provisions on the Judicial Power in accordance with the expanding conditions.

Section 3

Sufficiently lucid

Article 8

Sufficiently lucid

Article 9

The proposal to establish a State Administrative Court is submitted by the Minister of Justice based on the approval of the Chief Justice of the Supreme Court.

Article 10

Sufficiently lucid

Article 11

Sufficiently lucid

Article 12

Sufficiently lucid

Article 13 section 1

A judge is a civil servant, thus suject to Law no. 8 Year 1974 concerning the Principles concerning Civil Servant.

Article 13 section 2

Sufficiently lucid

Point a

Sufficiently lucid

Point b

Sufficiently lucid

Point c

Sufficiently lucid

Point d

Sufficiently lucid

Point e

Before person is appointed as a judge by the President, according

to the valid procedure, he has to become a candidate civil servant first. After he has been appointed as a civil servant through a certain education, he will be proposed to the President to be appointed as a Judge.

Point f

The university graduates should not necessarily be experts in the field of Administrative Law, but they have to be an expert in a certain field of the state administration, f.e. the field of government service, social affairs, agrarian affairs, or tax regulations.

Point g

Sufficiently lucid

Point h

Sufficiently lucid

Article 14 section 2

Sufficiently lucid

Article 15 section 1

Sufficiently lucid

Article 15 section 2

"experience" covers two thing :

first, a working "experience" to settle a certain amount of cases with various legal problems.

second, the expected leadership has to reflect a wise and intelligent attitude and behaviour because everyday difficult and sensitive cases have to be examined.

His work experience and leadership as Head of the State Administrative Court and as Judge of the State Administrative High Court in various judicial stages, will be a basic factor to be considered.

Article 15 section 3

Sufficiently lucid

Article 16

Sufficiently lucid

Article 17 section 1

At the time of taking the oath or affirmation certain words are pronounced according to their respective religion or belief, f.e. for the Moslems "in the name of Allah" prior and for the Christian/Catholics the words "so God help me" after the oath or affirmation is taken.

Section 2

Sufficiently lucid

Section 3

Sufficiently lucid

Section 4

Sufficiently lucid

Article 18 section 1

Point a

Sufficiently lucid

Point b

Sufficiently lucid

Point c

The prohibition for a judge to act concurrently as a businessman is similar to the regulation applicale to a civil servant.

Section 2

Sufficiently lucid

Section 3

Sufficiently lucid

Article 19 section 1

The honorable discharge of a judge due to his own request bears

the meaning that his resignation is based on his failure to uphold the law in his own household.

In principle, the situation, condition, atmosphere and order in every household of a Judge plays a dominant factor to promate the Judge's image and dignity. What is meant by "Continous physical or mental illness" is a sickness that causes the bearer not to be able to do or fulfill his job properly anymore.

What is meant by "Incapable" is if f.e. the judge often makes considerable errors while fulylling his duties.

Sectioan 2

Since the Head Jufge and the Deputy Head Judge are also judges appointed by the President as Head of State, in case of death the discharge will also be done by the President as Head of State.

Article 20 section 1

What is meant by beens "Punished" is a punishment by a minimum imprisonment of 3 months.

What is meant by "improper behavior" is that said Judge, by way of his attitude, acts and deeds either within or outside the Court, has degraded the Judge's dignity.

What is meant by "Duty" is all the duties burdened to him.

Section 2

In case of a dishonorable discharge on grounds of punishment for having committed a crime, the person concerned will not be given the opportunity to defend himself.

Section 3

Sufficiently lucid

Article 21

A Judge may be discharged from his status as civil servant before he is discharged from his assignment as a judge, because the assignment of a judge is not an assignment is the executive field.

Article 22

Sufficiently lucid

Article 23

Sufficiently lucit

Article 24

Sufficiently lucid

Article 25 section 1

Sufficiently lucid

Section 2

The rank and the Judge's salary is separately regulated based on valid regulations.
What is meant by other regulations is f.e. matters which involve welfare, like official recidences or cars.

Article 26

Sufficiently lucid

Article 27

Sufficiently lucid

Article 28

The meaning of "bachelor of law" here also include persons who have obtained a similar law degree and deemed capable for the job.

Article 29

Sufficiently lucid

Article 30

Sufficently lucid

Article 31

Sufficiently lucid

Article 32

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Article 33

Sufficiently lucid

Article 34

Sufficiently lucid

Article 35

Sufficiently lucid

Article 36

This provision is also applicable to the Deputy Clerk, Junior Clerk, and Substitute Clerk.

Article 37

The Minister of Justice appoints or discharges the Court Clerk, Deputy Clerk, Junior Clerk and Substitute Clerk with or without the Head of the Court's proposal.

Article 38

At the time of taking the oath or affirmation, certain words are pronounced according to their repective religion or belief, f.e. for the Moslems "in the name of Allah" prior and for the Christian / Catholics the words "so God help me" after the oath or affirmation is taken.

Article 39

Sufficiently lucid

Article 40

Sufficiently lucid

Article 41

At the time a person is appointed as Clerk of the Court he is simultaneously appointed as Secretary of the Court.

Article 42

The meaning of a "Bachelor" here also include persons who have obtained law or administration degrees similar to a bachelor-decree and deemed capable for the job.

Article 43

Sufficiently lucid

Article 44

Sufficiently lucid

Article 45

At the time of taking the oath or affirmation, certain words are pronounced according to their respective religion or belief, f.e. for the Moslem "in the name of Allah" prior and for the Christians/Catholics the words "so God helps me" after the oath or affirmation is taken.

Article 46

Sufficiently lucid

Article 47

Sufficiently lucid

Article 48 section 1

An administrative remendy is a procedure a person or private interprese can take if he is not satisfied with a State Administrative Decision. Said procedure is exercised in the sphere of the government and consists of two types.
In case settlement has to be done by a higher or other institution than the one who has issued the decision, then the procedure is called an "administrative appeal".
Example of an administrative appeal:
A decision the Council by Tax Review's based on the provisions in the State Ganevo 1912 no. 29 (Regulation concerning the profession of tax matters) juncto Law no. 5 Year 1959 concerning the alteration of the "Regulation concerning the profession of tax matters".
A Decision by the board of personnel consideration of Personnel Consideration based on the Government Regulation no. 30 Year 1980 concerning Dicipline Regulations for Civil Servants.
The decision by the central Committee on the Settlement of Disputes based on Law no. 22 Year 1957 concerning the Settlement of Labour Disputes and Law no. 12 Year 1964 concerning the Dismissal of Personnel in private enterprises.
The Governor's decision based on Art. 10 para (2) of Law

concerning Disturbances State Ganevo 1926 no. 226.
In case the State Administrative Decision has to be settled by the State Administrative Agency or State Administrative Official, who has issued said decision, then the procedure is called an "objection".
Example of Art. 25 Law no. 6 Year 1983 on the General Provisions on Taxation.
Different from the procedure in the State Administrative Court, in the administrative appeal procedure or objection procedure evaluation is made a complete, both from the side of law implementation as well as from the institution's policy.
From the provisions in the legislations which forms the ground for issuing the State Administrative Decision concerned, one can see whether towards a State Administrative Decision there is or there is not a possibility to take an administrative remedy.

Article 48 section 2

If all procedures and opportunies as mentioned in the elucidation of section 1 have been carried out and the party concerned still is not satisfied, then the complaint can be lodged to the Court.

Article 49

What is meant by "Public interest" is the interest and well-being of the nation and people and/or common society's well being and/or the of development interest, in accordance with the valid legislations.

Article 50

Sufficiently lucid

Article 51

Sufficiently lucid

Article 52

Sufficiently lucid

Article 53 section 1

In accordance to Article 1 point 4, only a person or civil corporation in his position as a legal subject can lodge a complaint to

the State Administrative Court in claiming a State Administrative Decision.

A State Administrative Agency or State Administrative Official cannot lodge a complaint to the State Administrative Court to claim a State Administrative Decision.

Furthermore only a person or civil corporation whose interest is affected by the legal consequent of a State Administrative Decision issued and therefore the party who has been harmed, may claim the State Administrative Decision.

The complaint must be in a written form because it shall be used as a (basic document) of the Court and the parties during the examination.

Those who cannot read nor write can express their wish to file a complaint to the Court Clerk who will assist to draft the complaint into a written form.

Different from a complaint in a Civil Court, at the State Administrative Court it is limited to the main complaint, which is a clain to annul the Administrative Court decision which has harmed the plaintiff's interest.

Additional complaints are possible only in the form of complaints for compensation and only in disputes concerning personnel matters additional complaints for rehabilitation permiteed.

Section 2

The stipulations in this section are :

1. to give directives to the plaintiff in drafting his complaint so that the grounds of the complaint directs to the reasons as intended by points a, b, and c.
2. as a ground for the Court to test and annul a decision, in judging whether the State Administrative Decision is against the law or not, and whether the decision should be declared null and void.

   The reasons as meant in point 1 are :

   a. A State Administrative Decision can be Judged as "contradictive to the valid regulations" if it is :

      1. in contradiction with the provisions in the procedural/formal legislations.

   Example: prior to a decision of discharge, the employee should be given the opportunity to defend himself.

   2. in contradiction with the provisions in the material substantial legislation.
      example: a decision at the appellate administrative Court who wrongly declares the plaintiff's complaint to be accepted or rejected.
   3. issued by the State Administrative Agency or State Administrative Official who is incompetent.
      example: the basic regulation has appointed another official who has the competence to decide.

   b. The ground this annulment often is called abuse of power. Each legal norm and regulation must have its particular objective and meaning. Therefore, the implementation of such a regulation must always be in accordance with the particular objective and meaning of said regulation. So, said regulation cannot be approved to be implemented to achieve matters other than it's objective. Accordyly the real competence of the State Administrative Agency or State Administrative Official of issuing a State Administrative Decision also has its limits at the scope of the by the objective of its particular field set forth in the basic regulation.
      Example: A State Administrative Decision issues a licence to build on a piece of land, while in the basic regulation the land is meant for a green belt.

   c. The ground for this annulment often is called the prohibition to act arbitrarily. A basic regulation giving the authority to the State Administrative Agency or State Administrative Official sometimes very clearly and precisely stipulates what should be done and binds the State Administrative Agency or State Administrative Official in exercising their government duties.
      Such regulation binds the State Administrative Agency or State Administrative Official, so that the State Administrative Agency or State Administrative Official has

only to carry it out literally. In such a Government, the State Administrative Agency or State Administrative Official duties are :

1. to compile relevant facts, and
2. to implement the respective laws and regulations automatically.

In such a case the Court can more easily test the decision from the legal point of view, by way of:

1. observing the relevant facts already compiled, and
2. to adjust them to the wordings in the basic regulation.

It seldom happens that the implementation of these regulations is viewed from the point of the unwritten law. In the provision concerning the duties and rights which have to be carried out it has been so stipulated in its basic regulation, to be interpreted that in its exercise the State Administrative Agency or State Administrative Official still has the freedom to decide its policy, therefore the Court's competence in legally testing the State Administrative Decisions which have been issued based on said basic norms are marginally done, meaning it is exercised to a certain extent.

Whatever is decided in a State Administrative Decision has to be considered as in accordance to the law (not against the law), as long as it is not a arbitrary decision. Although the Court may not agree with the policy in said decision, as long as it cannot be judged as a arbitrary decision, the Court has to accept and consider it legal to the law.

In an free Government, the State Administrative Agency or State Administrative Official duties:

1. to compile relevant facts,
2. to prepare, to take and exercise the respective decisions while taking into consideration the principles of the unwritten law, and

3. to decide freely the substance, how to draft and the time to issue the decision.

An examination from the legal point of view by the Court of a State Administrative Decision is limited to examine;

1. Whether all the relevant facts have been compiled for consideration in said State Administrative Decision.
   Example: If the sued decision in complaint is issued based on incomplete facts, then such a decision is made at its own free will, and not based on law, so that it is an arbitrary decision.
2. Whether the State Administrative Agency or State Administrative Official who has issued said State Administrative Decision, at the time of its preparation, decision and exercise, they have already considered the valid principles.
   Example: A decision of pension for a civil servant based on health reasons of health, which is not completed with the opinion of the Board of Consideration for the Health Employee's.
3. Whether the decision taken will also be similar to the decision in complaint, after the matters in points 1 and 2 are being considered.
   Example: According to Article 7 section (2) Law No. 22 Year 1957 on Settlement of Labour Dispute; the Committee for Regional Dispute Settlement is obliged to act as an intermediary towards a peaceful settlement in a labour dispute by way of negotiating with both parties in dispute.
   Afterwards, a decision is made which binds both parties. If the intermediary of the Committee for Regional Dispute Settlement is unfairly or dishonestly done, the decision on the dispute is considered as arbitrary.

Article 54 Section 1

What is meant by "the defendant's domicile" is the real domicile or where he legally resides.

Section 2

Sufficiently lucid

Section 3

If the defendant's domicile is outside the Court's territorial jurisdiction of the plaintiff's domicile, the complaint can be lodged to the State Administrative Court of the plaintiff's domicile to be forwarded to the Court concerned.

Date of receipt of the complaint by the Court Clerk is considered as the date the Plaintiff has lodged the complaint.

The Court Clerk is obliged to give the necessary directives to the plaintiff about the complaint. After the plaintiff or his attorney has signed the complaint, or thumb printed by the plaintiff who cannot read nor write, and an advance payment, already paid the Clerk has:

1. to register the complaint in a special case register;
2. to submit the receipt of the advance payment of the trial cost and write down the number of the registered case;
3. to forward the complaint to the Court concerned.

The procedure of lodging a complaint does not lessen the Court's relative competence to examine, decide and settle said complaint.

Section 4

Sufficiently lucid

Section 5

The plaintiff who is abroad can lodge his complaint by correspondence or someone appoint a person in Indonesia, who is given the authority.

Section 6

Sufficiently lucid

Article 55

For the parties whose names are stated in the State Administrative Decision complaint, the time limit of ninety days starts from the date of receipt of said State Administrative Decision complaint. In case the complaint is a decision according to:

a. Article 3 section 2, the lapse of time limit of ninety days is counted after the lapse of time mentioned in the basic provision has passed, starting from the date of receipt of the respective application;
b. Article 3 section 3, the lapse of time limit of ninety days is counted after the lapse of time of four months starting from the date of receipt of the provision application.

In case the basic norm determines that a decision should be made public, the of time limit of ninety days starts from the date of announcement.

Article 56 Section 1

Sufficiently lucid

Section 2

Sufficiently lucid

Section 3

In fact the State Administrative Decision which will be disputed might not in the plaintiff's hands. In case it is he has to enclose it in the complaint he lodges, for purpose evidence. But neither the plaintiff, who does not possess said State Administrative Decision nor the third party who is harmed by its legal consequence, possibly can enclose it in the complaint against the decision to be disputed.

In the preliminary examination, the Judge always can request the State Administrative Agency or State Administrative Official to send the State Administrative Decision in dispute to the Court.

The words "in the event possible" means all possibilites, including if no decision is issued according to Article 3.

Article 57 Section 1

Sufficiently lucid

Section 2

Sufficiently lucid

Section 3

The Proxy in this section is made in accordance with the valid legislations of the country in which it is drawn.

Article 58

Sufficiently lucid

Article 59 Section 1

What is meant by "advance payment for the trialcost" means the costs paid in advance by the plaintiff as a cash advance of the approximate cost of the case, needed during the process such as clerk administrative costs, stamp duties, witnesses, experts, translators, examination costs in other places than the court room and all other costs necessary for the settlement of the case.
The advance payment will be re-calculated after the case is settled. If the plaintiff loses the case and there still is a surplus of the cash advance, it will be returned to him, but if it is insufficient, he is obliged to pay the amount lacking.
On the contrary, if the plaintiff wins the case, the whole amount of the advance payment will be returned to him.
The advance payment borne by the plaintiff has to be determined as low as possible, so it can be paid by the plaintiff as the party seeking justice.
This regulation concerning the advance payment in this article can also be applied into a claim lodged according to Article 54 section 3.

Section 2

After the advance payment of the trialcost is paid, a receipt will be given to the plaintiff in which the number of registration and amount of the advance payment for said case is stated.
The trialcost is obligatory to persons who can afford to pay.

Section 3

Sufficiently lucid

Section 4

Sufficiently lucid

Article 60

Sufficiently lucid

Section 2

According to this law, a person is "considered indigent" "incligent" when his income is very small, so that he cannot pay the trialcosts and the lawyers fee at the Court. This inability is determined by the Head of the Court based on an objective judgement.

Section 3

Sufficiently lucid

Article 61 section 1

Sufficiently lucid

Section 2

In case free-of-charge application is granted, the Court issues a decision, a copy of which will be sent to the applicant and the cost will be borne by the state.

Section 3

Sufficiently lucid

Article 62 section 1

Point a

"Subject of the complaint" means the fact which becomes the ground of the complaint. Based thereon, the plaintiff determines a certain legal connection and therefore lodges his claim.

Point b

Sufficiently lucid

Point c

Sufficiently lucid

Point d

Sufficiently lucid

Point e

Sufficiently lucid

Section 2

Sufficiently lucid

Section 3

Sufficiently lucid

Section 4

Sufficiently lucid

Section 5

Sufficiently lucid

Section 6

Sufficiently lucid

Article 63 Section 1

This stipulation is a specification in the examination process of a State Administrative dispute. The Judge can conduct a preliminary examination prior to the main dispute investigation. Here the Judge can ask the State Administrative Agency or State Administrative Official for clarification to complete the datas needed for the complaint.
The Judge's competence here is to equalize and overcome the plaintiff's difficulties in obtaining information or datas needed from the State Administrative Agency or State Administrative Official considering the inequal status between the plaintiff and the State Administrative Agency or State Administrative Official.

Section 2

Sufficiently lucid

Section 3

Since the of time limit as meant in section 2 point a is not imparative, the Judge certainly will act wisely by not merely saying that the plaintiff's complaint is rejected, if the plaintiff has been given just one opportunity to revise it.

Section 4

Sufficiently lucid

Article 64

Sufficiently lucid

Article 65

Sufficiently lucid

Article 66

Sufficiently lucid

Article 67

Different from the Civil Law of Procedure, in the State Administrative Law of Procedure the State Administrative Agency or State Administrative Official is always in the position to defend the issued decision against the plaintiff's complaint, which states that the decision is against the law.
But as long as it is not yet decided by the Court, the State Administrative Decision is considered in accordance with the law.

And a process at the State Administrative Court actually is meant to test whether the presumption that the State Administrative Decision in dispute is founded or not. This is the principle of the State Administrative Law of Procedure which starts form the point that a State Administrative Decision is always in accordance with the law. From the point of legal protection, the State Administrative Law of Procedure is a legal means, where in a concrete condition, it nullifies such an asumption. According, inprinciple, as long as it is not yet decided by the Court, the State Administrative Decision in dispute remains to be considered as in accordance with the law and can be executed.

But in certain conditions, the plaintiff can submit an application that during the process the State Administrative Decision in dispute be delayed for its execution. The Court only will grant the application for delay of execution, only:

a. in very urgent, situations, that is if the loss suffered by the plaintiff is not equal in comparison with the benefit of the interest which will be protected by the execution of the State Administrative Decision concerned; or
b. the exercise of the State Administrative Decision has no connection whatsoever with the public's interest in the frame work of development.

Article 68

Sufficiently lucid

Article 69

Sufficiently lucid

Article 70

Sufficiently lucid

Article 71

Sufficiently lucid

Article 72

Sufficiently lucid

Article 73

Sufficiently lucid

Article 74

Sufficiently lucid

Article 75

Alterations in the complaint is possible only in the sense of to adding the reasons which form the grounds of the complaint up to the replay. The plaintiff may not add to his claim reasons that may inflict loss to the defendant in his defense. So a modification is permitted rules in the sense of lessening the former

complaint. As in the case of the plaintiff, the defendant also can alter the reasons which form the grounds of his reply only up to the duply. This restriction is meant to have a clear view on the main dispute among the parties.

Article 76

Sufficiently lucid

Article 77

Sufficiently lucid

Article 78

Sufficiently lucid

Article 79 section 1

Sufficiently lucid

Section 2

Sufficiently lucid

Section 3

What is meant by the "competent court official" is an official who recording to hierarchy is senior to the Judge concered, f.e. Head of the State Administrative Court for a dispute examined by a Judge of the State Administrative Court, while of the dispute is examined by the Head of the State Administrative Court, his senior will be the Head of the State Administrative High Court.

Section 4

Sufficiently lucid

Article 80

This regulation shows that the role of presiding Judge in the examination process of a State Administrative actif, is decisive and presides over the sessions in order that it won't take a long time.

Therefore, the speed of the settlement of a case does not depend entirely on the parties, but the judge always has to consider the

publicy interest for not being unnecessary delayed by the dispute.

Article 81

The parties involved can study the dossiers before, during and after the examination and the judgement of the case.

Article 82

Sufficiently lucid

Article 83 section 1 and 2

This article enables a person or a civil corporation outside the parties involved to participate or get involved into examination's process of the case.

The involvement of third parties is as follows:

1. the third party on his own free will maintain or defend his rights and/or interests in order not loss to harmed the Court's decision over the case in dispute.
   There free he has to file an application in which he sets forth his reasons and claims. The Court's interlocutoir decision for the application will be announced in the minutes.

   If the application is granted, as a third party he will be an independent party in the process and is called the intervention plaintiff.
   If the application is rejected, an appeal is not possible against the Court's interlocutoir decision. The third party certainly can still lodge a new complaint outside the case in process, as long as he can show that he has an interest to lodge the complaint and that the complaint meets the requirements.

   Example:

   A certain A, files a complaint against a decision by the Director General of the Agrarian Affairs that a land certificate in his name is said to be void. The annulment is done because the certificate was not in accordance with the prevailing laws.
   B, knowing of A's complaint, defends his rights and interests, since he considers having the major rights upon that piece of land as the sole heir of the person who formerly owned it.

2. Sometimes the involvement of a third party in the process is upon request of one of the parties (plaintiff or defendant). Here the applicant requesting the third party being involved hopes that the third party will be associated to him for strengthening his leyas position in the dispute.

   Example:

   a. a certain A, files a complaint against a decision by the Director General of the Agrarian affairs that a land certificate in his name is declared void. A got the certificate by way of buying the land from C. Therefore he files an application to request C to join him for strengthening his claim position to claim. C's position in the process is second plaintiff II intervention.
   b. a certain A files a complaint against a decision by the Director General of Agrarian affairs that a land certificate in his name is declared void.
      If the defendant wants to prove the reasons of the certificate withdrawal in the name of A that the withdrawal was based on the report of C who stated that he has the right on that piece of land, so the defendant can file an application to involve C in the process and join him as second defendant II intervention.

3. The involvement of a third party in the process could be on the judge's initiative, who is examining the case.

   Example:

   a certain A files a complaint to the Muncipality to annul the Building License (IMB) of B. The decision will certainly affect B, although in the process he is not a party.
   If B is not involved in the case to defend his rights, it will harm his interests. Although B joins the process not on his own freeimtiatife the Judge who examines the case, upon his initiative can decide to involve B to participate in the process. B who does not want the annulment of his license obviously will join the defendant as second defendant II intervention.

Article 93

The travel expenses of an official who is summoned as a [illegible] will not be burdened as trialcosts.

Article 83 section 3

Sufficiently lucid

Article 84

Sufficiently lucid

Article 85

Sufficiently lucid

Article 86 section 1

Sufficiently lucid

Section 2

To become a witness is a legal obligation for every person. Someone who is summoned to Court to testify but refuses to do so, can be forced to appear in session with police assistance.

Section 3

This regulation stipulates the delegation of powers in examining witnesses. The Head of the Court who distributes the powers, clearly states in his decision what should be asked to the witnesses by the Court to whom the delegated of powers to given.
A report will be made of the minutes which will be signed by the Judge and the Court Clerk, to be forwarded afterwards to the Court who has delegated the powers mentioned above.

Article 87 section 1

The witnesses are summoned to appear one after the other successively according to the best consideration of the presiding Head Judge.
The witness who has been examined remains in the Court room, except if the presiding Head Judge considers it necessary to hear other witnesses than the ones already heard in absence of the prior ones, when these witnesses object to give any information if former witnesses remain in the court room.

Section 8

The obligation as mentioned in this section will be connected with the substance of the plaintiff's complaint.

Section 2

Sufficiently lucid

Section 3

If there is a strong reason which is acceptable by the Judge, the parties in dispute can request the oath to be taken according to local customs, f.e. in a religious place, the oath be taken according to their religion or belief.

Article 88

Sufficiently lucid

Article 89 section 1

Point a

Sufficiently lucid

Point b

A job or position where it is obligated to keep secrets is determined by regulations.
Dignity with the obligation to keep secrets is f.e. a priest who receives confessions, the position of a leading figure in society who has great knowledge about the secrets the members in his society.

Section 2

If there are no regulations who stipulate said functions or duties, the Judge will decide whether the reason for resignation in this section is valid or not. The Judge too will decide whether the reason for resignation in connection with its dignity is valid or not.

Article 90

Sufficiently lucid

Article 91

Sufficiently lucid

Article 92

Sufficiently lucid

Article 93

The travel expenses of an official who is summoned as a witness in Court will not be burdened as trialcosts.

Article 94 section 1

Sufficiently lucid

Section 2

Sufficiently lucid

Section 3

"legally acceptable grounds" means f.e. that the witness is of very old age, or suffers from a disease which makes him impossible to appear in Court.

Article 95

Sufficiently lucid

Article 96

Sufficiently lucid

Article 97 section 1

Sufficiently lucid

Section 2

Sufficiently lucid

Section 3

Sufficiently lucid

Section 4

Sufficiently lucid

Section 5

Sufficiently lucid

Section 6

Sufficiently lucid

Section 7

Sufficiently lucid

Section 8

The obligation as mentioned in this section will be connected with the substance of the plaintiff's complaint.

Section 9

Point a

Sufficiently lucid

Point b

Sufficiently lucid

Point c

The State Administrative Decision is issued based on the valid laws and regulations at that time.

Article 98 section 1

Point a

The planitiff's interest is considered sufficiently urgent, if it affects the State Administrative Decision concerning f.e. the instruction to demolish a building/house inhabilited by the plaintiff.
As a criteria, the applicant's reasons can be used, which in deed acceptable.

Point b

Sufficiently lucid

Section 2

Sufficiently lucid

Section 3

Sufficiently lucid

Article 99

Sufficiently lucid

Article 100

Sufficiently lucid

Article 101

Sufficiently lucid

Article 102 section 1

An expert's statement included informations given by an appraiser.

Article 102 section 2

Self explanation

Article 103

Sufficiently lucid

Article 104

Sufficiently lucid

Article 105

Sufficiently lucid

Article 106

Sufficiently lucid

Article 107

This Article stipulated the regulations in finding essential the truth. Different from the law of evidence in the Civil Law, and in view of the examination during the process, not dependention the facts forwarded by the parties, a Judge in the State Administration Judicial System can decide;

a. what matters have to be proved.
b. who shall bear the burden of proof, what the parties are obliged to proof and what matters are for the judge to proof.
c. what kind of proofs will be given priority to be used in the evidence;
d. the force of evidence which has been lodged.

Article 108

Sufficiently lucid

Article 109 section 1

Point a

Sufficiently lucid

Point b

Sufficiently lucid

Point c

Sufficiently lucid

Point d

Sufficiently lucid

Point e

Sufficiently lucid

Point f

Sufficiently lucid

Point g

The meaning of a Court Clerk also includes the Deputy Clerk, Junior Clerk and Substitute Clerk, who are assisting the Judge in the sessions.

Section 2

Sufficiently lucid

Section 3

Sufficiently lucid

Section 4

Sufficiently lucid

Section 5

Sufficiently lucid

Article 110

Sufficiently lucid

Article 111

Sufficiently lucid

Article 112

In case there is a Court judgement which is not final, determination of the trialcost will be postponed and put into the dectum of Court judgement.

Article 113 section 1

Sufficiently lucid

Section 2

The court clerk only can give a copy of the Court judgement if the judgement is final and binding. In case a copy of a Court judgement is needed which is not yet final and binding, an explanation should be added that "it is not yet final and binding".

Article 114

Sufficiently lucid

Article 115

Sufficiently lucid

Article 116 section 1

Although a Court judgement is not final and binding yet, the parties involved can obtain a copy of the judgement with the Clerk's modes that the judgement is not yet final and binding.
The of time limit of fourteen days will be as from the time of the Court's judgement and bindning.

Section 2

Sufficiently lucid

Section 3

The of time limit of three months is not compulsory; the Head Judge of the High Court will be certainly most prudent before writing the superior State Administrative Official of what the meaning of this section is.

Section 4

Sufficiently lucid

Section 5

Sufficiently lucid

Section 6

Sufficiently lucid

Article 117

Sufficiently lucid

Article 118

Sufficiently lucid

Article 119

Sufficiently lucid

Article 120

Sufficiently lucid

Article 121 section 1

Sufficiently lucid

Section 2

A Court judgement which contains an obligation for rehabilitation can only be found in a State Administrative dispute concerning personnel matters.
This rehabilitation is a restoration of the plaintiff's rights in his position, dignity and honour as a former civil servant, before the judgment of in the dispute. In the restoration of his rights is also included his rights as a consequence of his position, dignity and honour as a civil servant.

If his right is connected with a position and at the time of the Court judgment, said position is replaced by another official, he can be assigned to another function with the same level as the former one. But if it is not possible, he will be re-assigned on the first occasion, after a formation in the function on the same level or taking the procedure according to Article 117.

Section 3

The amount of compensation will be determined in consideration

to real facts.

Article 122

Sufficiently lucid

Article 123 section 1

"Fourteen days" in this section means fourteen calendar days.

Section 2

The elucidation of Article 59 section 1 with the necessary adjustments is as an elucidation for this section.

Article 124

In accordance with the principle that the judicial system must be exercised efficiently, speedily and inexpensively, against a Court judgement not which is not final, an application for a appeal cannot be filed.
This principle is to avoid Court decisions is imposed which are not final.

Article 125

Sufficiently lucid

Article 126

Sufficiently lucid

Article 127

Sufficiently lucid

Article 128

Sufficiently lucid

Article 129

Sufficiently lucid

Article 130

Sufficiently lucid

Article 131

Sufficiently lucid

Article 132

Sufficiently lucid

Article 133

Sufficiently lucid

Article 134

Sufficiently lucid

Article 135

Sufficiently lucid

Article 136

The meaning of "public interest" in this Article is merely to know whether it is necessary or not to give priority to examine a case, f.e. where a case attracts much public interest or, if conceled to another case, will be immediately examined.
The judge who is anatheneed to decide whether a case as connection to public interest and therefore given the priority to be examnined is the Head Judge of the Court.

Article 137

To exercise the administration of cases means to regulate and foster the cooperation, to integrate and to synchronize the duties and activities of the Deputy Clerk, Junior Clerk and Substitute Clerk in administering the entire administration of cases in Court.

Article 138

Sufficiently lucid

Article 139

Sufficiently lucid

Article 140

Sufficiently lucid

Article 141 section 1

Sufficiently lucid

Section 2

"the prohibition to take outside" includes all forms and or of moving out the contered of there registers, notes, briefs, minutes and court dossiers of the Clerk's office, including the office of the Deputy Clerk, Junior Clerk an Substitute Clerk.

Article 142

Sufficiently lucid

Article 143

Before to a State Administrative Court can be established in oach place as meant in Article 6, the Minister of Justice with the approval of the Chief Justice of the Supreme Court have the policy to take the necessary steps to guarantee the best service for people seeking justice in the field of the State Administrative Judicial System in places, which do not have a State of the State Administrative Court yet.

Article 144

Sufficiently lucid

Article 145

The sphere of the State Administrative Judicial System is a new one, of which the establishment needs a thorough and careful planning and preparation by the Government concerning the utilities and means, both in the field of material and personnel. Therefore, the establishment of a Court in the State Administrative Judicial System cannot be done simultaneously, but phase by phase,. After this Law is enacted, the Government should make the necessary preparation. In order to accomodate it, the implementation of this Law will be done phase by phase at the latest of five years after the enactment of this Law by a Government Regulation (P.P).