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REVIEW ARTICLE

THE MEANING OF THE EXPANSION OF ADMINISTRATIVE COURT THAT COVERS FACTUAL ACTIONS

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ABSTRACT

The Administrative Court and Law No. 5 of 1986 on State Administrative Justice have been provided facilities for the public to sue the government and ask to cancel the decision made by the government. Law No. 30 of 2014 on Government Administration has been stipulated that Government Administration Act more or less supersedes the provisions contained in the Law of the State administrative justice. Especially in this Law which attracts attention is the expansion of object disputes state Administration. The object of the state Administration dispute in this Act is different from its elements to the Law of the State administrative justice. One of these is a written stipulation that includes factual action. There is no explanation for the meaning of factual acts in this Administrative Administration Act. Therefore, further research is needed in this regard. This study aims to find out and understand the meaning of factual actions in Article 87 letter (a) of Law Number 30 of 2014. This study uses a qualitative approach to the type of research Normative Juridical. Data collection techniques are Library study is to collect data conducted by reading, quoting, recording and understanding various literature that have to do with research material. The object of the state Administration disputed in Law Number 5 of 1986 and its amendment has expanded on Law Number 30 Year 2014 on Government Administration. When the object of the dispute expands, it will affect the decision taken by the legal practitioner in this case is the state Administration judge.

Keywords: *State Administration Dispute Objects; Written Determination; Factual Action*

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INTRODUCTION

The existence of law in the rule of law is used as an instrument in managing the life of the state, government, and society. The implementation of governmental and state tasks in a rule of law state that there are legal rules written in the constitution or regulations that are compiled in state constitutional law (Ridwan HR, 2013). However, constitutional law cannot stand alone. In carrying out tasks that are technical in nature, require legal assistance from the state administration. The government in carrying out its duties is not merely in the domain of public law, it does not rule out the possibility of being involved in the realm of civilization (Bogdanova, 2018).

Government or state administration is as a legal subject, as a *drager van de rechten en plichten* or a supporter of rights and obligations. As a legal subject, the government as other legal subjects perform various actions both real actions (*feitelijkehandelingen*) and legal actions (*rechtshandelingen*). Actual actions (feitelijkehandelingen) are actions that have no relevance to the law and therefore do not cause legal consequences, whereas legal actions according to R.J.H.M Huisman in Ridwan HR's book, actions based on their nature can lead to certain legal consequences (Ridwan HR, 2013).

The government as a state equipment, has the authority in carrying out state affairs in the form of government administrative actions or actions. Actions taken by governments that violate the law can lead to state administrative disputes, involving civil persons or business entities with state or regional administrative bodies or

officials, both as a result of issuing state administrative decisions, including civil service disputes based on regulations current regulation.

State administrative decisions or state administrative decisions issued by the government, are used as objects of state administration disputes. With the issuance of state administrative decisions, it binds the intended person. Because, the state administrative decisions element is also a characteristic, namely the written determination that is concrete, individual, final. In other words, the state administrative decisions issued is addressed to someone and does not need approval anymore. However, when the state administrative decisions has been deemed detrimental to related parties (civil persons or legal entities), then the state administrative decisions can be sued in the state administration court. The State Administrative Court includes the settlement of a state administration act at issue by the community, community agencies, or government agencies. In general, the act in question is a legal act or legal action (*administrative rechtshandelig*) or administrative law (*adminstrastiefrechtelijk*) (Prajudi, 1983).

The formal and material law of State Administrative Court is regulated in Act Number 5 of 1986 concerning State Administrative Court and its amendments. In the Act, it is clearly explained about the Administrative Court and the Court. One of them concerns the object of the state administration dispute. There is no article that specifically addresses the object of the state administration dispute, but if understood, the object of the state administration dispute is the State Administration Decree. as stated in Article 1 number (9), that, "State Administration Decree is a written stipulation issued by a state administration body or official containing legal action on state administration based on applicable legislation, which is concrete. , individual, and final, which cause legal consequences for a person or private legal entity. "This is the criterion that something can be said to be the state administration dispute that was the object of the state administration dispute, prior to Law Number 30 of 2014 concerning Government Administration.

In Law number 30 of 2014 concerning Government Administration, there is an expansion of the meaning of the object of the state administration dispute. In this Law also explained about the state administrative decisions, Article 1 Number 7 which says that, "Government Administration Decisions which are also referred to as State Administration Decisions or State Administrative Decisions, hereinafter referred to as Decisions are written decrees issued by Government Agencies and / or Officials. in the administration of government". It is said that there has been an expansion of the meaning of the object of the state administration dispute because in Article 87 of Law Number 30 Year 2014 concerning Government Administration, the elements of the state administrative decisions must be interpreted,

1. Written stipulation which also includes factual action;
2. Decisions of State Administration Agencies and/or Officers in the executive, legislative, judicial, and other state administration circles;
3. based on statutory provisions and AUPB;
4. final in the broader sense;
5. Decisions that have the potential to cause legal consequences; and / or
6. Decisions that apply to Citizens.

The lements of the object of this dispute have expanded when compared to the state administrative decisions in Law Number 5 of 1986 concerning State Administrative Court and its amendments. The state administrative decisions element in letter (a) of this article adds "*factual actions*" to it. This becomes interesting to be discussed more deeply.

As explained above, factual actions are government actions that have no legal consequences. While government actions in HAN are legal actions that have legal consequences. this will certainly raise questions as to what government actions are intended. It is often misinterpreted that factual action here is legal action, which is equated with *onrechmatige overheidsdaad*. With the above problems, the author has an interest to examine more deeply through this article with the title, "The Meaning of the Expansion of the Objects of State Administration Disputes which Covers Factual Actions".

Based on the above background, the formulation of the problem discussed in this study is, how is the expansion of state administration dispute objects according to Law number 5 of 1986 concerning State Administrative Court and Law number 30 of 2014 Government Administration and how the meaning of factual actions in Article 87 letter (a) of Law Number 30 Year 2014. Based on the formulation of the problem, the purpose of this study is to find out and understand the expansion of state administration dispute objects according to Law number 5 of 1986 concerning State Administrative Court and Law number 30 years 2014 Government Administration and to know and understand the meaning of factual acts in Article 87 letter (a) of Law Number 30 of 2014.

METHOD

This study uses a qualitative approach in order to know firsthand how the current expansion of state administration objects and the meaning of factual actions in the expansion of state administration dispute object in Law Number 30 of 2014 concerning Government Administration. This research will be prepared using a type of normative juridical research, which is research focused on examining the application of the rules or norms in positive law. This study uses a statutory approach (statute approach) and a case approach (case approach). The statutory approach is used to find out all the legal regulations. In research generally distinguished between data obtained directly from the community and from library materials. The types of data sources for this research include: Primary Legal Materials, namely the 1945 Constitution of the Republic of Indonesia; Law Number 30 of 2014 concerning Government Administration; Law Number 5 of 1986 concerning State Administrative Court; Supreme Court Circular Letter Number 4 Year 2016 concerning Enforcement; Formulation of 2016 Supreme Court Chamber Plenary Meeting Results as Guidelines for Implementing Duties for the Court. Secondary Legal Materials including Thesis, thesis and Legal Dissertation; Legal journals; Books and Papers relating to State Administrative Court Law; Internet. To obtain true and accurate data in this study the following procedure was taken, literature study.

EXPANSION OF OBJECTS OF DISPUTE IN ADMINISTRATIVE JUSTICE BASED ON LAW NUMBER 5 OF 1986 CONCERNING ADMINISTRATIVE JUSTICE AND AMENDMENTS TO LAW NUMBER 30 OF 2014 CONCERNING GOVERNMENT ADMINISTRATION

The object of the state administration dispute according to article 1 number (9) of Law Number 51 Year 2009 concerning Second Amendment to Law Number 5 of 1986 concerning State Administrative Court is the State Administrative Decree is a written stipulation issued by an administrative body or official a state that contains state administrative legal actions based on applicable legislation, which are concrete, individual, and final, which cause legal consequences for a person or a private legal entity.

If the article is elaborated, then the elements of state administrative decisions are seen according to the Law on State administrative justice as follows:

1. Written Designation;
2. Issued by a state administration agency or official;
3. Contains legal actions of state administration;
4. Are concrete, individual, and final; and
5. Causing legal consequences for a person or private legal entity.

Unlike the case with Law Number 30 Year 2014 concerning Government Administration. Wherein this Law also regulates state administration dispute, which is contained in Article 87 that, with the enactment of this Law, the State Administration Decree as referred to in Law Number 5 of 1986 concerning State Administrative Court as amended by Law Number 9 of 2004 and Law Number 51 of 2009 must be interpreted as:

1. Written stipulation which also includes factual action;
2. Decisions of State Administration Agencies and / or Officers in the executive, legislative, judicial, and other state administration circles;
3. Based on the provisions of the Invitation and AUPB;
4. Is final in a broader sense;
5. Decisions that have the potential to cause legal consequences; and / or
6. Decisions that apply to Citizens.

Judging from the points contained in Article 87, it is seen that there are expansion of state administration dispute elements as objects of state administration dispute. The letters a, d, e, and f are the most attention-grabbing for further discussion. Because of these letters, it is very noticeable the difference between the state administrative decisions State Administrative Justice Act and the Government Administration Act.

I. WRITTEN DETERMINATION WHICH ALSO INCLUDES FACTUAL ACTIONS

According to Priyatmanto Abdoellah, the object of the dispute needs to be expanded to a written and unwritten determination. This is due to several reasons, including, if seen in practice, it is not uncommon for the government to issue decisions and or take actions that are not written. Another reason is also because if only a written decision is the object of a state administration dispute, it is felt that it does not provide legal protection guarantees to the people for unlawful acts by the government. (Abdoellah, 2016: 268)

In point a, the extension is factual action in the state administrative decisions. Factual action is actually not new in a state administration dispute. Many cases of factual action have been subject to state administrative disputes, for example demolition cases. But what often becomes a misinterpretation is which court is authorized to adjudicate the dispute.

Some say factual acts as OOD (*onrechtmatige overheidsdaad*) so that they must be tried in general court under article 1365 of the Indonesian Criminal Code, others say that these factual actions will remain the domain of the PTUN if they meet the criteria to be regarded as objects of state administration dispute. Depending on the government violates the realm of private law or public law. However, there is no further explanation regarding the separation of judicial competence which is authorized.

a) Is final in broad sense

The elements of the state administrative decisions in the state administrative justice Law say that state administrative decisions "... is concrete, individual, and final ...", different from the Government Administration Law which in its state administrative decisions element says "is final in the broad sense". According to the explanation in article 87 letter d, what is meant by "final in the broadest sense" includes Decisions taken over by the authorized official's superior. According to Tri Cahya Indra Permana, in practice rarely found decisions taken by superiors of officials are made as the object of dispute, instead it is often encountered is a chain decision where a decision is still followed up and is a condition for the issuance of other decisions (Permana, 2016)

b) Decisions that Potentially Cause Legal Results

In the state administrative justice Law it is said that state administrative decisions "has legal consequences". In contrast to the state administrative decisions element in the Government Administration Law which is still "potentially" causing legal consequences it is included in the state administrative decisions element.

The meaning "potential" means that it hasn't caused legal consequences. This can lead to legal uncertainty, because it is not certain whether it will really happen or

not. In addition, many people will sue the government because they feel that the government's decision has the potential to cause legal consequences. According to Tri Cahya Indra Permana, casuistically, a decision could potentially lead to legal consequences that could be ascertained due to the law. So that the legal standing can still be accepted by the Judge as long as the impact can be confirmed scientifically (Permana, 2016)

II. INTERPRETATION OF FACTUAL ACTIONS IN ARTICLE 87 LETTER (A) OF LAW NUMBER 30 OF 2014

State administrative decisions issued by the government to individuals or members of the community has legal force. So, with this state administrative decisions, individuals or community members can be subject to direct sanctions for violations. However, state administrative decisions can also be used by individuals or members of the public as objects of state administrative disputes if the government carries out maladministration related to the state administrative decisions. Because when viewed from its nature, state administrative decisions is one-way. Ridwan HR said, legal actions that occur in public law are always one-sided or one-sided legal relations (*eenzijdige*) (Ridwan, 2013).

The object of the state administration dispute is now expanded with the Government Administration Act. Before the Government Administration Act was passed, in the Government Administration Bill there are several factors that influence the emergence of this Act, namely, First, the tasks of government today are becoming increasingly complex, both regarding the nature of their work, types of duties and concerning people those who carry it out. Secondly, so far the administrators of the state carry out their duties and authorities with standards that are not yet the same, which often results in disputes and overlapping of authorities between them. Third, the legal relationship between the administrators of the state and the public needs to be strictly regulated so that each party knows the rights and obligations of each in interacting between themselves. Fourth, there is a need to set minimum service standards in the daily administration of the country and the need to provide legal protection to the public as users of the services provided by the executors of the state administration. Fifth, advances in science and technology have influenced the way of thinking and working procedures of state administration providers in many countries, including Indonesia. Sixth, to create legal certainty for the implementation of the daily tasks of the state administration organizers.

After the emergence of the Government Administration Act, several provisions in the state administrative justice Law and its amendments also experienced changes, one of which was the object of the state administration dispute contained in Article 87 which reads, "With the enactment of this Law, the State Administration Decree as referred to in Law Number 5 of 1986 concerning State Administrative Court as amended by Law Number 9 of 2004 and Law Number 51 of 2009 must be interpreted as:

1. written stipulations which also include factual actions;

2. Decisions of State Administration Agencies and / or Officers in the executive, legislative, judicial, and other state administration circles;
3. based on statutory provisions and AUPB;
4. final in the broader sense;
5. Decisions that have the potential to cause legal consequences; and / or
6. Decisions that apply to Citizens. "

Of the several objects of dispute that have expanded, in this thesis the writer limits will discuss the meaning of Article 87 letter (a) which in the article reads, "a. written stipulations which also include factual actions "

a) State Administrative Decrees that Cover Factual Actions

In the Government Administration Law, the object of the state administration dispute that is experiencing expansion is one of which is a written stipulation that includes factual actions. This becomes something interesting to discuss. The reason is, not a few ordinary people, even legal practitioners, who in this case are PTUN judges themselves sometimes have their own interpretations regarding the expansion of the object of this TUN dispute. This is triggered because with the Government Administration Act, the state administrative justice Law will more or less be replaced. The legal practitioners (Judges of the Administrative Court) who are already familiar with the Law on state administrative justice, and now must use the Government Administration Law which is actually a new Act and must be applied, of course there will be difficulties in handling cases included in the PTUN.

The reason is that in the Government Administration Law there is an expansion which includes factual actions of the government to be an element of state administrative decisions. state administrative decisions which includes factual actions is actually not new in state administrative justice. It's just not listed in the Act. According to Indroharto, before factual action was often preceded by a written decree. When the written stipulation has legal consequences, then it is included in the state administration dispute (in accordance with the state administrative decisions element in the state administrative justice Law). For example, such as demolition. When a government agency and / or official orders his subordinates to carry out the demolition and demolition it is likely to harm the community (not in accordance with applicable Laws), then the decree issued by the government is a written stipulation and the act of demolition is a factual action by the government.

With the Government Administration Act, clarifying the factual actions that are elements of state administrative decisions. However, written stipulations which include factual actions are often interpreted as government actions that have no legal consequences. In fact, factual actions are not without any legal consequences. But it must be distinguished, factual actions here are factual actions that exist in the state administrative decisions. Where factual action here becomes one with the state administrative decisions issued by the government. In addition, with the position or position of the government that can enter the realm of public law and private law, which becomes the domain of state administrative law is the government's actions in public law (*publiekrechtshandelingen*).

Related to government administrative actions, it has been explained by itself in article 1 number (8) of Law Number 30 Year 2014 concerning Government Administration that, Government administrative actions, hereinafter referred to as actions, are acts of government officials or other state administrators to commit and / or not carrying out concrete actions in the framework of government administration. Regarding government action which is now also an extension of state administration dispute objects, these government factual actions are often equated with illegal actions by the authorities (*onrechtmatige overheidsdaad*). So, when there are cases related to government actions, they are automatically considered as OOD and use Article 1365 of the Civil Code as the basis of their demands and become the domain of general justice. Meanwhile, since the Government Administration Act, government actions can become the competence of the state administration Justice. The same thing was conveyed by Imam Soebechi in his book, that "All factual actions are tested by courts in the general court environment through Acts against the Law by Officials (P.M.H.P) by using Article 1365 of the Civil Code. After the promulgation of Law No. 30 of 2014, testing of decisions and / or actions of government administration becomes jurisdiction of state administrative justice. "

b) Factual Actions after the Government Administration Act

State administration dispute which has been the object of state administration dispute so far has been regulated in Law number 5 of 1986. The object of state administration dispute so far has been that it does not recognize the object of dispute in the form of factual actions, so it needs to be accommodated and formulated as state administration dispute objects. After the Government Administrative Law was passed, factual action became one of the elements of the object of the state administration dispute. Seen from article 1 number 8 of Law Number 30 of 2014 concerning Government Administration, "Government Administration Acts, hereinafter referred to as Acts, shall be the actions of Government Officials or other state administrators to carry out and / or not carry out concrete actions in the context of administering government." from that article, government actions are associated with factual acts. However, there is no further explanation and this has sparked a lot of debate about the meaning of factual actions referred to in article 87 letter (a) of Law number 30 of 2014. Thus, even in practice the practitioners (PTUN judges) found it difficult to interpret the intentions of factual action itself that makes every judge has his own meaning and will certainly have an impact on the decisions that will be given.

Government actions are grouped into government actions in the field of public law and civil law. During this time, what is generally known is the government's actions in public law, namely issuing decisions (*Beschikking*), issuing regulations (regulation), and carrying out material actions (*materiele daad*). (Zhou, Peng, & Bao, 2017)Actually, in addition to legal action, the government also takes concrete or factual actions (*feitelijke handelingen*). But not much is discussed about factual actions of the government. Whereas factual action is also as important as government legal action to be discussed more deeply. Especially when factual action is included in the

expansion of state administration dispute objects in Law number 30 of 2014 concerning government administration.

Factual action is often interpreted as a government action against people who have no legal consequences. The simple actions of the authorities must be in line with the Act so that the real actions become legal. The consequences of an illegal real action are not so important because the Real Action has no legal effect, but it often buries the real consequences. First, the authorized Administrative Officer must override or move the facts produced by an illegal act and restore it to its previous status as long as it is possible and reasonable (Cook, 1981). Affected citizens can file claims before entering administrative justice. In addition, the public can submit claims for compensation or damage for any losses suffered as a result of illegal actions before entering civil justice. According to Lutfi Effendi in his book, does it need an authority for the authorities (government) to perform actions that are not considered legal actions? because the act is not in carrying out a main task and no legal sanctions are required (Effendi: 2003).

The factual action of the government is indeed not in a state of carrying out its main tasks. However, when the act ultimately causes harm to a person or private legal entity, then it can be subject to legal sanctions. As long as the actions result in losses, both the main task and not, there will be legal sanctions that must be given. Then, when the government's actions have resulted in losses on the civil subject, then the action can be sued in court. Then, is every action carried out by the government always a competence of PTUN?

The factual action of the government has indeed become one of the elements of the object of the state administration dispute since the enactment of Law number 30 of 2014 concerning government administration. However, it should be noted, factual actions in this Law are factual actions that have been preceded by the issuance of state administrative decisions (written stipulation).

When factual actions are not preceded by state administrative decisions, then government factual actions will remain the competence of the General Court and be sued for acts against the law by the authorities (*onrechtmatige overheidsdaad*). Factual government action has actually been around for a long time, but it is not PTUN's competence to decide and resolve disputes. For example, the jurisprudence of the Republic of Indonesia's Supreme Court's decision No. 144 K / TUN / 1999 dated September 29, 1999 which stated that the demolition was carried out without a warrant, but the demolition had been carried out, then the case became the competence of the State District Court with claims of acts against the law by the authorities (*onrechtmatige overheidsdaad*).

It is true, factual action is included in the expansion of state administration dispute objects. However, according to Tri Cahya Indra Permana in his book, PTUN is only authorized to examine decisions that include factual actions. But not to decide and resolve disputes. Factual actions are still the authority of the general court (Permana, 2016) however, not merely factual actions are equated with acts against the law by the authorities.

Philipus M. Hadjon and Tatiek Sri Djatmiati in the book Teguh Satya Bhakti, et al, including the jurists who disagree with growing the term *onrechtmatige overheidsdaad* with state administrative disputes in the form of factual actions, because there are

striking differences between *onrechtmatige overheidsdaad* and administrative disputes *overheidsdaad* with state administrative disputes in the form of factual actions, because there are striking differences between onrechtmatige overheidsdaad and administrative disputes overheidsdaad a state in the form of a factual act, and a contradiction will occur because the dispute is a state administrative dispute but the material law is Article 1365 Burgelijk Wetboek (BW).

According to Philipus M. Hadjon the differences between *onrechtmatige overheidsdaad* and state administrative disputes in the form of factual actions are as follows: (Susilo, 2013: 300).

Tabel 1 The difference between *onrechtmatige overheidsdaad* and state administrative disputes in the form of factual actions

No	Issue	Distinction and Factual Actions	*onrechtmatige overheidsdaad*
1	Basic court competence	Act (now still a bill)	Jurisprudence: Analogy Article 1365 BW
2	Legal issues violate the law	• legality (legality) of the rule of law • losses incurred	principle: *neminem laedere*
3	Benchmarks	Legality: Regulatory Regulations and AUPB	Formal Regulations and compliance in force in society
4	Legal framework of dispute	Public law dispute	Civil law dispute
5	The competent court	PTUN	General Courts

This opinion of Philipus M. Hadjon certainly raises a lot of pros and cons because it is felt that there are still two jurisdictions that adjudicate, the state administration snegketa factual action becomes the realm of administrative justice and OOD becomes the general court house. One of them is Enrico Simanjuntak in his writings, he considers that it is fitting for all government public legal actions to be tried in administrative justice.

Reinforced with the existence of Article 85 of the Government Administration Act. Article 85 of the Government Administration Act states that:

1) "Submitting a lawsuit on Government Administration disputes that have been registered at a general court but have not yet been examined, with the coming into effect of this Law the case is transferred and resolved by the Court.
2) Filing a lawsuit on Government Administration disputes that have been registered at a general court and have been examined, with the enactment of this Law, it will still be settled and decided by a court in the general court environment.
3) The court's decision as referred to in paragraph (2) shall be carried out by the general court which decides. "

In addition, the existence of SEMA Number 4 of 2016 concerning the Enforcement of the Results of the Plenary Meeting of the 2016 Supreme Court as a Guideline for the Implementation of Tasks for the Court also clarifies the competence of the Administrative Court that the Administrative Court has the authority to prosecute unlawful acts by the government (*onrechmatige overheidsdaad*). So that the authority of PTUN has expanded as well.

However, the authors themselves agree with the opinion of Philipus M. Hadjon. Where should be distinguished between TUN dispute factual action with acts against the law by the authorities. Because supposed to be the realm of administrative justice is the action of the government in the realm of public law. When the government commits violations in the civil sphere, of course it becomes the authority of the general court to prosecute. As said by Sudikno Mertokusumo (2014: 6-7), which in essence he classifies acts against the law by the authorities (*onrechmatige overheidsdaad*) as teachings on civil law rather than state administrative law. Even though the government is one of the parties, it cannot be focused on the "government". But from the point of view of individuals who sued because they felt their rights and interests were violated; or feel his wealth has diminished or disappeared by the actions of the authorities. So seen from the point of view of individuals and as a violation of the rights or interests of individuals (Ierro, 2015).

According to the author, the factual action of the government compared to being equated with unlawful acts by the government, the author is more likely to interpret factual actions here as government coercion (berstuurdwang). Based on the Dutch Law in Ridwan HR's book, "*Onder bestuurdwang wordt verstaan, het feitelijk handelen door of vanwege een bestuurorgaan wegnemen, ontruimen, beletten, in de vorige toestand herstellen of verrichten van hetgeen metri ether wichnen wegnemen wegnemen, ontruimen, beletten, in de vorige toestand herstellen of verrichten van hetgeen metri de chichen wegnen. is of wordt gangguan, gehouden of nagelaten* "(government coercion is a real action taken by a government organ or on behalf of the government to move, empty, obstruct, improve in its original state what has been done or is being done that is contrary to the obligations specified in the legislation) (Ridwan HR, 2013).

Government coercion is included in various types of sanctions in state administrative law. The government has the right to use its authority in applying government sanctions when there are violations, both substantial and non-substantial(Amir, 2009). Because, when it violates the existing legal provisions, by using its authority, the government applies the principles of good governance (*aldemeen beginselen van behoorlijk bestuur*) (Cook, 1981).

With Article 85, PTUN competencies have indeed become widespread, they should. However, Paragraphs (2) and (3) show that it does not transfer full competence to PTUN to examine, hear and decide disputes conducted by the government. So there will still be two jurisdictions that will adjudicate. In other words, when a dispute involving the government as one of its parties, can still be resolved in the general court, is not absolutely a competence of PTUN.

For example, in the case of the demolition of Bukit Duri in Jakarta, the object of the state administration dispute was indeed state administrative decisions in the form

of a Satpol PP (*Civil Service Police Unit*) warning letter. But there are factual government actions in it, where the government continues to demolish while the Warning Letter is being sued by representatives of the citizens of Bukit Duri. It can be said that the demolition case is one example of the object of the state administration dispute which includes factual actions.

Then the plaintiff also filed a lawsuit in civil law to the District Court in order to obtain compensation due to material and immaterial losses they received. Of the cases included in this District Court, one of the parties involved was the government, which in this case was also a defendant, as in the PTUN.

If it is related to the previous discussion, here proves that although the defendant is in the government, it can still be brought before a civil court in a civil manner against the law by the authorities. Because in this case, the government has carried out demolition while some residents still live there and cause residents to suffer both material and immaterial losses. So, in asking for accountability by getting compensation, residents submit to the District Court.

Because the government does not always carry out public law, the government can also take private legal action. Thus, in his duty when the violated is included in public law, it should be submitted to an administrative court and when it is entered into private law, it will still be processed in a civil court in civil.

CONCLUSION

Based on the results of research and discussion raised by the author on "Comparative Study of the Extension of state administration Dispute Objects Under Law Number 5 of 1986 concerning State Administrative Court and Law Number 30 of 2014 Concerning Government Administration", it can be concluded that, a government decree or decree The State Administration (state administrative decisions) is indeed the object of PTUN and is regulated in Law Number 5 of 1986 concerning State administrative justice and its amendments. In 2014, Law No. 30 of 2014 concerning Government Administration was issued. With the issuance of this Government Administration Act, PTUN's authority expanded, including the object of the state administration dispute which also expanded. In the Transitional Provisions in Article 87 of Law Number 30 Year 2014 it is stated that the disputed objects are expanded and in terms of different elements from those contained in the State administrative justice Law and its amendments. Expansion of the object of the dispute, among others, a written determination which also includes factual action; Decisions of State Administration Agencies and / or Officers in the executive, legislative, judicial, and other state administration circles; Based on the provisions of the Invitation and AUPB; Is final in a broader sense; Decisions that have the potential to cause legal consequences; and / or decisions that apply to the community. In the Government Administration Law which is quite interesting is Article 87 letter (a) which is a written stipulation which also includes factual actions. In this Government Administration Act, it is not explained in detail the meaning of factual actions. While this can lead to multiple interpretations among the judges in giving decisions. In

addition, this also relates to the delegation of PTUN competencies in handling cases where one of the parties is the Government. often with the existence of factual actions which have now become the expansion of TUN dispute objects, it is equated with onrechmatige overheidsdaad, so that the case against the law must also be decided in the PTUN where in this thesis, the writer is of the view that the factual action of the government is not the same as onrechmatige overheidsdaad, as a government coercion (bestuurdwang). Because the government has the authority to force people when deemed not in accordance with existing legal provisions and also constitutes the application of the principles of good governance. The author also provides suggestions for State Administration Officers to be more careful in making and issuing decisions and adjusting them to applicable laws. So that later it will not cause harm to the community and also no lawsuit for decisions issued so that the result is canceled simply because it does not comply with existing regulations. For the government, so that in making the next Act there is a clear explanation so as not to cause multiple interpretations among law enforcement. Because it will affect all decisions taken by law enforcement.

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QUOTE

There is no crueler tyranny than that which is perpetuated under the shield of law and in the name of justice

Montesquieu