THE EXISTENCE AND URGENCY OF ADMINISTRATIVE EFFORTS IN THE ADMINISTRATIVE JUSTICE AND REGULATION

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Abstract

One of the elements in a legal state is the separation or division of power (*machtenscheiding*), in the sense that each state institution is formed with separate functions and powers or is divided independently and does not interfere with each other (van der Burg et al., 1985). One of the characteristics of the concept of the welfare state is the government's obligation to seek the general welfare, or *bestuurszorg* (Utrecht, 1985). Along with the government's obligation to strive for the welfare of the community, the goal is that the government not only implements the legal provisions that have been made by the legislature but is also attached with authority to make laws and regulations, especially in the form of implementing regulations, policy regulations, and various decisions. The method used in this research is to use a descriptive-analytical approach, which is used to examine the provisions of the relevant legislation and literature. In accordance with the doctrine of Administrative Law, administrative efforts are part of the government's task. The importance of administrative efforts, among others, lies in their complete examination, which includes policy and legal aspects and can immediately change, correct, or even revoke disputed decisions.

Keywords: Judges, Administrative Efforts, Administrative Justice System, Indonesia

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1. INTRODUCTION

The idea or concept of a modern rule of law that emerged before World War II apparently also influenced The Founding Fathers' thinking when formulating the building of the Indonesian state. It can be seen from the thoughts that emerged at the time of the formulation of the 1945 Constitution. According to Attamimi (1994), since its establishment, Indonesia has been determined to establish itself as a state based on law, as a *Rechtsstaat*. Even the Indonesian *Rechtsstaat* is the *Rechtsstaat* which advances general welfare, educates the nation's life, and creates social justice for all Indonesian people. *Rechtsstaat* is a material, social *Rechtsstaat*, which Bung Hatta calls the state management, a *verzorgingsstaat* translation.

One of the characteristics of the concept of the welfare state is the obligation of the government to strive for the general welfare, or *bestuurszorg*. According to Utrecht (1985), the existence of this *bestuurszorg* is a sign that states the existence of a welfare state. By referring to these characteristics, Indonesia is classified as a welfare state because the government's task is not solely in the field of government but must also carry out social welfare to

achieve the goals of the state, which is carried out through national development, namely in the context of realizing the goals of the state (Basah, 1997; Soehartono et al., 2021; Syarifuddin, 2019; Syarifuddin, 2021).

The adoption of the current *verzorgings* concept has consequences for government involvement in the lives of citizens. This state concept places an obligation on the government to provide public services and tries to provide various facilities in several fields, besides having to rely on legal norms (*legaliteitsbeginsel*) as a consequence of the rule of law (Hartwell & Urban, 2021; Burkens et al., 2017).

In everyday life, almost all aspects of citizen activities touch the government. Government intervention is desired to meet various facilities and needs of citizens (Donner, 1987). Various fields of community life, such as economy, education, health, work, the environment, and even marriage, have government elements in them, either directly or indirectly. On the other hand, it also brings implications in the field of legislation for the government. In other words, along with the government's obligation to strive for public welfare, which encourages the government to be actively involved in social activities, the government not only implements the legal provisions that have been made by the legislature but are also attached to the authority to make its own laws and regulations (*gedelegeerde wetgeving*), particularly in the form of implementing regulations, policy regulations (*beleidsregel*), and various decrees.

Inevitably, in the current *verzorgingsstaat* concept, the intensity of the relationship between the government and citizens is so broad and varied that it covers almost all aspects of city life. The other side of the intensity of this kind of relationship is the possibility of a conflict of interest that is increasingly open. Violations of citizens' rights are often unavoidable, especially because the relationship between the government and citizens, especially in the public sector, is one-sided (*enzijdige*), without requiring or requiring an agreement with other parties (Huisman, 1983). According to Indroharto (1993), the state administrative legal action is said to be unilateral because whether or not a Government Administration Law action has legal force and is carried out, in the end, depends on the unilateral will of the state administrative body or position that has the governmental authority to do so (Zadyraka, 2018).

When there is a violation of citizens' rights by government organs, the citizen is given the right to file an objection (*bezwaar*), appeal (*beroep*), or lawsuit (*eisen*) through administrative efforts or administrative courts. An administrative judiciary is an institution specifically formed to resolve disputes between citizens and government organs (*bestuursorgaan*) as a result of a decision or based on Law No. 30 of 2014 concerning government administration also as a result of government actions.

If we read the provisions of Article 75 para. (1) and Article 76 para. (2) of the Government Administration Law by using the law interpretation method noscitur a sociis from McLeod (1996): "*a literal translation of which might be a thing is known by its associates*" (p. 20), in the sense that an editorial or sentence must be interpreted in or according to the context, it appears that the provisions of Article 75 para. (1) and Article 76 para. (2) of the Government Administration Law do not matter whether administrative efforts are optional or mandatory, because the context of these two articles is very important to clear namely: "Community members who are disadvantaged by decisions and/or actions". With reference to this context, it is clear that Article 75 para. (1) and Article 76 para. (2) of the Government Administration Law give citizens the right to object (*bezwaar*) and/or appeal (*beroep*) to government agencies when receiving decisions and/or get government action against them. Thus, the use of the word "can" in Article 75 para. (1) and Article 76 para. (2) of the Government Administration Act is already correct and becomes irrelevant and inappropriate if in Article 75 para. (1) and Article 76 para. (2) This Government Administration Law uses the word "must". When the citizens accept decisions and/or get detrimental government actions, the concerned community citizens can use or not use these rights.

It has been argued that in the *verzorgingsstaat* concept, there is a proposition that "every right owned by citizens will become the obligation of the state or government to fulfil it". Article 75 para. (1) and Article 76 para. (2) of the Government Administration Law have granted rights to citizens, and when these rights are to be exercised by those concerned, the government is obliged to serve them. The government's obligation to fulfil the citizens' rights has been provided through the provisions of Article 76 para. (1) of the Government Administration Law: "Government agencies and/or officials have the authority to resolve objections to decisions and/or actions that are determined and/or carried out by the community citizens". It is necessary to pay close attention to the sentence "authorized" mentioned in Article 76, para. (1) of this Government Administration Law. The sentence which comes from the wenang root (*bevoegd*) and the abstract authority (*bevoegdheid*) in legal language qualifies as a genus, with species; duties (*taak*), rights (*recht*), obligations (*plicht*), and responsibilities (*verantwoordelijk*), so that their use and meaning depends on the context.

In this case, how exactly is the existence of this administrative effort in the state administrative court system, and does administrative effort still have an important meaning, a judicial institution specifically formed to resolve administrative disputes? Based on the description above, it appears that the context of this article relates to the right of citizens to submit or not file an objection (*bezwaar*) and/or appeal (*beroep*) when receiving a decision and/or receiving an adverse government action, so that the meaning of "authority" in the article it means "obliged" (*plichten*). In a country, the government must strive for the general welfare of the people. Therefore, to examine the extent to which the provisions of laws and regulations and related literature are in an effort to improve the welfare of the community, the research method chosen to be applied in conducting research is a descriptive-analytical approach. This research has the aim that the government not only implements the legal provisions that the legislature has made

but also must be attached to the authority to make laws and regulations, especially in the form of laws and regulations, implementing regulations, policy regulations, and various decisions.

The structure of this paper is as follows: Section 2 reviews the relevant literature. Section 3 analyses the methodology that has been used to conduct the research. Section 4 deals with the results and discussion of research on supervision and judiciary through administrative efforts and the significance of administrative efforts in the administrative justice system. Section 5 consists of the conclusion of the research.

2. LITERATURE REVIEW

Government is an institution authorized by law to carry out government tasks. Meanwhile, the government's tasks are more oriented toward the welfare and prosperity of the people. Therefore, if a search is carried out through the Legal dictionary, it can be seen that the word government has two meanings, namely government in a broad sense and government in a narrow sense (Ismail, 2019). In carrying out good government administration tasks involving external affairs (public services) and those relating to internal affairs (such as personnel affairs), a government agency (State Administration Agency/Official) cannot be separated from the task of making decisions on state administration (Ismail, 2019; Cahyono, 2018).

The existence of the Government Administration Law is very necessary and urgent to be enacted immediately because, since Indonesia's independence, our state has not had an umbrella law (umbrella act) or a law that generally regulates the system of government administration, thus resulting in the non-optimal judicial control function carried out by the State Administrative Court, less guaranteeing legal certainty and legal protection for people seeking justice and also on the other hand not being able to optimally protect the interests of the community (Effendi, 2014).

Law No. 30 of 2014 concerning government administration, regulates administrative efforts in a separate chapter, namely Chapter X starting from Article 75 to Article 78. Article 75 para. (1) of Law No. 30 of 2014 concerning government administration states that citizens who are harmed by the decision and/or action may submit administrative measures to the official who stipulates and/or carries out the decision and/or action. Furthermore, para. (2) states that the administrative effort consists of object and appeal. The provisions contained in Article 75 para. (1) and (2) of Law No. 30 of 2014 concerning government administration is in accordance with the provisions contained in Article 48 para. (1) and the explanation of Article 48 of Law No. 5 of 1986 about the State Administrative Court. Then the State Administrative Court obtained a new authority, namely the Administrative Court dispute with the object of the dispute in the form of government administrative actions (Heriyanto, 2018).

The administrative effort is a procedure that can be taken in solving a problem related to a civil legal entity, and this is done if the person or individual feels less/dissatisfied with a State Administrative Decision (*KTUN*) that is within the scope of administration or the existing government itself (Prahastapa et al., 2017).

Referring to the provisions of Article 1 point (16). Article 75, Article 76, Article 77, and Article 78 in the Government Administration Law, there are a number of fundamental changes related to the administrative effort process in the Government Administration Law, namely first, there is a desire to unite the Administrative Court system with administrative efforts, with the existence of the requirement that the final process of administrative efforts is a lawsuit to the Administrative Court. This means that the administrative process, namely both the objection procedure and the administrative appeal, is an effort that is premium remedium (primary choice) which is implied in Article 75 of the Government Administration Law. This is a different paradigm from the Administrative Court Law, which requires administrative efforts to State Administrative Decisions whose settlement processes have been regulated by certain laws through internal mechanisms. Second, there is a requirement that all cases questioning State Administrative Decisions issued by state administrative officials must go through an administrative objection and appeal procedure mechanism or, in short, through an internal mechanism, thus encouraging efforts to resolve disputes through non-judicial mechanisms state administrative officials or state administrative bodies that already have an internal administrative objection and appeal mechanism (Hermanto & Sudiarawan, 2019).

As a Pancasila legal state that places Pancasila as an ideology and a way of thinking and acting in all actions, administrative efforts should be mandatory as legal protection for the people in state administrative disputes; administrative efforts must be taken by individuals or civil legal entities first before settlement through the State Administrative Court (Rizki et al., 2019).

The provisions in the Supreme Court Regulation seem to be influenced by or follow the model prevailing in the Netherlands and Germany, which places administrative efforts or administrative reviews as a prerequisite for filing a lawsuit to the administrative court. Demanding every government agency to provide administrative review has consequences in the form of an obligation for the government to provide human resources who have expertise in legal settlement related to administrative disputes or form special institutions in internal governance to carry out administrative efforts (Cobbe, 2019; Liutikov, 2019; Antwi et al., 2021).

A constitutional state, a state in which there is the rule of law, wants every government action to be based on the principle of legality, in the sense that it is based on legal provisions or statutory regulations, so that these actions have juridical legitimacy and have validity (*rechtmatigheid*). Legal norms or statutory regulations are formed in the framework of or to protect the rights and interests of all parties. It's just that along with the dynamics and the many affairs faced by the government and the demands of the *verzorgingsstaat* concept on the government to provide public services, this legality aspect is often

neglected, especially when the government is required to provide immediate services to the needs of citizens which are very complex and varied. In the event that there is a government decision or action that causes losses to citizens, it is possible that this will occur because of a violation of the principle of legality or neglect of related legal norms.

When a citizen has objections to government decisions and/or actions, then he submits an objection letter with copies to the relevant government agencies as is often found. Can the actions were taken by this citizen qualify as having taken administrative efforts? If a government official has responded to a citizen's complaint or objection, but the response does not satisfy the citizen concerned, or even a government official does not respond at all, can the citizen of that country file a lawsuit in the administrative court? This is specified in Article 2 para. (1) of the Supreme Court Regulation (Perma) No. 6 of 2018 and stipulated in Article 77 para. (5) and Article 78 para. (5) of the Government Administration Law.

Based on the State Administrative Court Law, these administrative measures consist of administrative objections and appeals. In the elucidation of Article 48 of the State Administrative Court Law, among others, it states: "In the event that the settlement must be carried out by a superior agency or agency other than the one issuing the decision concerned, the procedure is called" administrative appeal and in the event that the State Administration Decree (*KTUN*) must be resolved by the State Administrative Agency or Official who issued the decision, the procedure used is called an objection". The sense of application of legal norms for concrete events was usually related to legal disputes, or related to law enforcement, or legal dispute resolution processes to provide justice in the framework of upholding the law, or *het rechtspeken* (Mbikiwa, 2021; van Praag, 1950; Fachruddin, 2004). The judiciary is part of law enforcement, especially when conflicts or disputes occur (*geschil*). One of the elements in the rule of law is separation or division of power (*machtenscheiding*), in the sense that each state institution is formed with separate or divided functions and powers independently and does not intervene with each other. Judges may not sit on government seats and vice versa (van der Burg et al., 1985).

3. RESEARCH METHODOLOGY

Referring to the context of the provisions of Article 75 para. (1) and Article 76 para. (2) of the Government Administration Law previously described, it can be concluded that the article gives citizens the right to object (*bezwaar*) and/or appeal (*beroep*) to a government agency when receiving a decision and/or receiving government action against it. Therefore, this research is doctrinal legal research that mainly relies on statutes and court cases of illegal acts by the government in the administrative justice system as its primary sources of information. It is supported by opinions by legal scholars as secondary data to justify the analysis. The method used in this research is to use a descriptive-analytical approach, which is used to examine the relevant provisions of the law and literature. As well as to analyze several court cases regarding the concept of unlawful acts in the administrative justice system in Indonesia.

4. RESULT AND DISCUSSION

4.1. Supervision and judiciary through administrative efforts

As a modern rule of law, like *verzorgingsstaat* in general, Indonesia places an obligation on the government to provide public services (*bestuurszorg*), which brings consequences for the government's active involvement in the lives of its citizens. The government is required to pay attention to various aspects of the welfare of citizens, both individually and collectively, to fulfil their rights (Jones & Thompson, 1996; Wijk & Konijnenbelt, 1994). On the other hand, the life activities of citizens also depend on government decisions, from personal matters such as birth certificates, identity cards, driving licenses, and passports to company management and international relations. The activities of government organs in public services and the dependence of citizens on government decisions and policies, in turn, give rise to legal relations.

The relationship between government organs and citizens, especially in the public sector, is regulated by written (*geschreven recht*) and unwritten (*ongeschreven recht*) legal norms and therefore qualifies as a legal relationship of a public nature (*publiek rechtsbetrekking*). The law that regulates the relationship between government organs and citizens is Administrative Law. Through legal arrangements, each party can carry out its obligations properly and obtain its rights fairly (Mbikiwa, 2021).

The legal relationship between government organs and citizens is not in an equal position, and the relationship is one-sided or one-sided (*enzijdige*). Government organs are adhered to by public power or authority, which is organized by a complex bureaucratic system, while citizens do not have authority, but have constitutional rights that cannot be violated. Administrative law which regulates this legal relationship was created with the main objective of protecting citizens from the actions of deviant government organs, and in that it not only regulates how government organs carry out their functions and authorities (*bestuursnormen*) but also regulates the behavior of the apparatus (*gedragsnormen*) so that they act in accordance with legal norms and avoid actions that are deviant or despicable (Wade & Forsyth, 2004; Cobbe, 2019).

Even though there are governmental norms and norms of behavior of government officials, it does not automatically mean that the administration of government is always in accordance with legal norms and citizens are protected from actions by government organs that deviate and harm the citizens concerned. It has been argued that the functionaries of government positions are humans as beings who are spiritual and physical in nature (*geestelijk tevens stoffelijk wezen*), which in interpreting regulatory norms and taking action or using authority is influenced by various factors and interests or there is an element of subjective

officials and employees who concerned so that it is possible that the decisions they make are not in accordance with or deviate from legal norms, especially when the government organ must act quickly to serve the needs of very dynamic citizens. Therefore, monitoring and law enforcement institutions are needed (Ballas et al., 2019; Wood & Small, 2019).

Based on the law, supervision is the process of monitoring, examining, and evaluating the authorized body or institution against legal actions taken by legal subjects with the intention of preventing legal violations. In theory and practice, this supervision consists of several aspects such as internal-external control, *a priori* and *a posteriori* control, supervision of legal aspects (*rechtmatigheid*) and *doelmatigheid*, supervision by the government (*toezicht door de overheid*), supervision of government (*toezicht tegen het besturen*), and so on. Initially, supervision was intended as a preventive measure to prevent violations of legal norms.

With regard to government actions in the form of decisions, in accordance with the characteristics of decisions that are one-sided and become the full authority of government organs, supervision can only be carried out *a posteriori*, namely, supervision is carried out after the issuance of a decision, while at the time of its formation external supervision is not permitted and may not there is intervention. Supervision during decision-making can only be done internally, usually in the form of *goedkeuring* or approval (*toestemming*) from superiors or other relevant government organs. As something that is unilateral in nature, government organs can determine their own decisions about the decisions they make. However, government organs do not mean they can make decisions at will. In making decisions, government organs must pay attention to written and unwritten law (*AUPB*), act carefully, consider all interests associated with the decision, and collect and consider relevant facts.

When the decision is issued, external supervision can be exercised especially by the party subject to the decision or other related parties. If the results of the supervision indicate violations of law, the follow-up is in the form of law enforcement (*handhaving*) through the judicial process, namely everything related to the state's duty to uphold law and justice, including through administrative efforts (Subekti & Tjitrosoedibio, 1986).

Administrative efforts are and are intended as internal and repressive controls or supervision within the state administration for decisions issued by state administrative bodies or officials (Wiyono, 2016). Internal control through this administrative effort is necessary, except to prevent the power and freedom given to the state administration from being misused and provide legal protection. Legal protection through administrative measures is intended to provide legal protection for citizens who are disadvantaged by the actions of the state administration, as well as for the state administration itself in carrying out its duties and functions properly in accordance with the law (Marbun, 2011).

Based on this information, it appears that in the administrative effort, there is an element of internal control, namely the supervision is carried out by an agency that is organizational/structurally still included in the government itself or supervision by and against the government organs itself (*toezicht door en tegen de overheid*), *a posteriori* because it is implemented after the issuance of a government decision. Its supervision includes legal aspects (*rechtmatigheid*) and policy aspects (*doelmatigheid*). On the other hand, in administrative efforts, there is also an element of justice, namely the existence of an abstract legal rule that is publicly binding, which can be applied to an issue, there is a concrete legal dispute, and there are at least two parties. However, this administrative effort cannot qualify as a court in the true sense of a pure court. Administrative efforts are called administrative justice impure (*quasi rechtsspraak or peradilan semu*) because of its judicial function (*rechterlijk*) not run by a judge (*rechter*) but by government organs (*ambtsdrager*) and examine not only legal aspects but also policy aspects. Thus, the administrative effort is a function and task of government supervision and part of a judicial function (*rechtspraak*) that is not pure or quasi-judicial.

4.2. The significance of administrative efforts in the administrative justice system

Starting from the idea of the rule of law, it has been stated that the measure or indication of the rule of law is the function of Administrative Law in the administration of government and public services. Administrative courts are part of the functioning of the Administrative Law, especially when there is a violation of the norm or there are parties who are aggrieved (Cobbe, 2019). The law will be meaningful if it can be enforced (*zinvol wanneer ze worden nageleefd*), and vice versa; it is of no value and only becomes a mere formulation of norms if it cannot be enforced. Administrative efforts and administrative courts are formed to enforce Administrative Law. So, important is the existence of this administrative judiciary that it is made one of the elements of a legal state, especially in countries with a Continental European legal system or countries that are affected by the legal system.

Indonesia is one of the countries affected by the Continental European legal system through the Netherlands and, since 1991, has had an Administrative Court so that the elements of a Continental European model of legal state have been fulfiled. In fact, the existence of administrative efforts and administrative courts is still necessary for a legal state without adhering to or without the influence of any Continental European legal system. As essential elements of a country, the government and citizens will inevitably have a relationship based on certain legal rules. In terms of relations in the public sector, the rule of law is in the form of Administrative Law, which is scattered in various laws and regulations. Laws or statutory regulations are made, of course, to be implemented or enforced, and in the event of a violation of legal norms or disputes, it is necessary to have channels or means of settlement, namely administrative efforts and Administrative Courts or whatever they are called.

Judging from the judicial system in Indonesia, the administrative courts are classified as special courts, in addition to the general courts, religious courts, and military courts. It is called a special

court in the sense of a court that is only given the authority to resolve disputes that arise in the administrative and personnel sector or disputes that occur between administrative officials and a person or civil legal entity as a result of the issuance or non-issuance of a decision.

Now with the enactment of the Government Administration Law, the absolute competence of administrative courts is expanded; namely, in addition to testing decisions, also examining and assessing factual actions of government organs, examining whether there are elements of abuse of power by government officials, testing and assessing the validity of decisions of legislative, judicial, and state administrators other, as well as deciding the application of a person or civil legal entity in connection with a fictitious-positive decision. However, this expansion of absolute competence has a juridical problem. On the other hand, testing through administrative courts is limited, only testing legal aspects. Therefore, administrative measures are still needed.

In line with the existence of legislative authority for the government, namely the authority to make laws and regulations by themselves (*gedelegeerde wetgeving*), especially in the form of implementing regulations, almost every aspect of the actions of government organs has policies in it. Through administrative efforts, examination of the policy aspects (*doelmatigheid*) of a decision and/or action of government organs is possible and widely open. According to ten Berge (2001), the government makes government regulations, and law enforcement is considered part of the task of implementing those regulations. Administrative efforts are included as part of the law enforcement media or contain elements of justice (*rechtspraak*), although not in the real sense (*quasi rechtsspraak*).

The Administrative Law doctrine that places administrative efforts as part of governmental duties, on the one hand, will become a medium of accountability for government organs for decisions and/or actions they take. On the other hand, it will encourage government organs to act carefully and accurately in decisions and/or public action. In simple terms, it can be said that the number or number of objections submitted to the administrative efforts will be a description of decisions and/or actions taken by government organs. Fewer individuals or civil legal entities filed objections, indicating that government organs had acted carefully and accurately. On the other hand, if many objections are submitted to the administrative efforts, it shows that the government organs are not accurate and accurate in making decisions.

If there is an opinion that the doctrine of separation of state powers brings consequences, the judge cannot sit on the seat of government, so administrative court judges are not allowed to examine government policies, administrative efforts can be a solution. Circulars, instructions, implementation instructions, and the like that arise from the discretion of government organs and cause harm to citizens can be tested through administrative measures.

Decisions that are deemed inappropriate or deviating from legal norms or contain legal flaws, either with defects in form (*vormgebreken*), defects in content (*inhoudsgebreken*), or defects of will (*wilsgebreken*), and detrimental to the intended party or other parties related to the decision, then an objection is filed through an administrative measure, in accordance with the principle of *contrarius actus*, the government organ concerned can directly correct and eliminate this legal flaw, in contrast to an administrative court judge who can only declare a decision invalid or null and void (van der Burg et al., 1985).

It has been argued that the decision is part of the legal system or a concrete legal instrument of an abstract general norm of legislation. It has been stated that the decision is part of the legal system or a concrete legal instrument from the general norms of abstract laws and regulations. A decision that contains legal defects and harms the intended party or other parties related to the decision will also interfere with or damage the legal system. On the other hand, the decisions that have been issued adhere to the principle of *rechtmatig* presumption that State Administrative Decisions (*KTUN*) must be considered legally valid and, for the sake of legal certainty, basically cannot be separated except after going through a judicial process. Therefore, the existence of this administrative effort can be used as a basis for changing decisions that contain legal defects.

Thus, administrative efforts are still needed even though there is a State Administrative Court. Judgment testing carried out through administrative efforts is obtained more fully, which includes policy and legal aspects, and can immediately change, correct, or even revoke the disputed decision.

Based on Supreme Court Regulation (Perma) No. 6 of 2018, this state administrative effort must be taken before filing a lawsuit to the administrative court. It is based on three paradigms of Government Administration Law, namely:

1. Government Administration Act requires the integration of the state administrative court system with the state administration. The Government Administration Law requires that the final process of state administrative efforts is a lawsuit to the State Administrative Court. This means that all decisions of the government official that are disputed or detrimental to citizens can be sued to the State Administrative Court by first going through state administrative efforts.

2. By requiring all cases that question the State Administrative Decree (*KTUN*), the internal apparatus must be able to clean up and prepare a set of rules and structures for the internal settlement of each institution.

3. By first having to be resolved internally, the Government Administration Law further encourages dispute resolution efforts through non-judicial internal mechanisms (Al-Ibbini & Shaban, 2021; Almaqtari et al., 2021). Thus, the most basic paradigm regarding administrative efforts in the Government Administration Law is the existence of a unified system that is integrated and becomes an inseparable part of administrative efforts in internal government and pure justice in the State Administrative Court.

5. CONCLUSION

A court decision is said to have legal force when the decision already has permanent legal force or a final decision (*eind vonnis*) against which legal remedies are not filed by the party who objected and/or the decision of cassation at the Supreme Court as the highest judicial institution tasked with correcting/evaluate the legal considerations (*judex juris*) of court decisions below it. The administrative effort is a procedure that can be taken by a person or civil law entity when he is not satisfied with a State Administrative Decision, in which case the procedure is carried out within the government itself. The flow of state administrative dispute settlement itself is pursued in two ways: through the judiciary and through administrative efforts, in which administrative objections and appeals can be made. Judicial efforts are a way of resolving state administrative disputes through the judiciary. The State Administrative Court only has the authority to examine, decide, and resolve state administrative disputes if all the relevant administrative efforts have been taken. The path taken is to file a lawsuit in the State Administrative Court on the pretext of obtaining a decision with permanent legal force.

On the one hand, in the administrative effort, there is an element of internal control, namely the supervision is carried out by an organization that is organizational/structurally still included in the government itself or supervision by and against the governmental organs itself, *a posteriori* because it is implemented after the issuance of a government decision and its supervision covers legal aspects and policy aspects. On the other hand, in administrative efforts, there is also an element of justice, namely the existence of an abstract legal rule that is publicly binding, which can be applied to an issue, there is a concrete legal dispute, and there are at least two parties. However, this administrative effort cannot qualify as a court in the true sense of a pure court. Administrative efforts are called impure administrative justice because their judicial functions are not carried out by judges but by the government and examining legal and policy aspects. Administrative efforts are included as part of the law enforcement media or contain elements of justice (*rechtspraak*), although not in the real sense (*quasi rechtspraak*). In accordance with the doctrine of Administrative Law, administrative efforts are part of government duties.

The importance of administrative efforts, among others, lies in their complete examination, which includes policy aspects (*doelmatigheid*) and legal aspects (*rechtmatigheid*) and can immediately change, correct, or even revoke disputed decisions. The implication of this research is that the research used as a comparison of research is still small. More in-depth research needs to be done with different views and problem solvers in order to be a benchmark for the government in making decisions because, in making decisions, the government must also consider the welfare of its people.

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