

The Implementation of the Final and Legally Binding Court Decision in Civil Matters which Has Not Been Executed by the Provincial Government of DKI Jakarta as the Defendant

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Abstract

This paper provides a template for preparing papers for electronic production of the International Journal of Science and Society. A well-prepared abstract enables the reader to identify the basic content of a document quickly and accurately, to determine its relevance to their interests, and thus to decide whether to read the document in its entirety. The Abstract should be informative and completely self-explanatory, provide a clear statement of the problem, the proposed approach or solution, and point out major findings and conclusions. The Abstract should be 100 to 200 words in length. The abstract should be written in the past tense. Standard nomenclature should be used and abbreviations should be avoided. No literature should be cited. The keyword list provides the opportunity to add keywords, used by the indexing and abstracting services, in addition to those already present in the title. Judicious use of keywords may increase the ease with which interested parties can locate our article.

Keywords: *Civil Court Decisions, Permanent Legal Force, Execution of Court Decisions, DKI Jakarta Provincial Government.*



A. INTRODUCTION

Indonesia is a rule of law country as enshrined inside constitution Article 1 paragraph (3) of the 1945 Constitution In a legal state so existence institution power independent judiciary is condition sinequa non. Other terms are also mentioned for describes the rule of law is the country that made it law as commander highest or country based to sovereignty law. To guarantee sovereignty law the then the state must capable give certainty applicable law through institutions the law like apparatus enforcer law (Police, Prosecutor, Judge). For give certainty law in maintenance power independent judiciary so can seen from existence article 24 paragraph (1) of the 1945 Constitution.

In life society each individual or people have different interests between people with others Sometimes interest between the parties. That each other contradictory so that give rise to something dispute law. Dispute law can interpreted as dispute about all something regulated by law with another word for dispute law is dispute that gives rise consequences law. In carrying out rights and obligations to a connection frequent laws become source emergence dispute law is if right someone given by law material violated interests someone protected by law material denied.

Completion dispute law through procedure general done in 3 (three) stages namely stage introduction stage determination and stages implementation. Stage introduction started from he submitted lawsuit until with he was tried matter Furthermore stage determination that is started from answer answer until with he dropped it decision by the judge. After decision have strength law fixed (in kracht van gewijsde), except disconnected with provision can held moreover formerly although submitted effort law oppose decision (*uit voerbaar bij voorraad*). After That then until the last stage that is stage implementation.

In stages verdict a dispute civil that submitted by the party concerned to court for get solution or solution. Inspection case of course ended with verdict will but with he dropped it decision just not yet of course the problem will finished so just but decision the must can held or executed something decision court. No There is It means if no implemented therefore. That the judge's decision has strength law executorial that is strength for held what to be decision in decision That in a way forced with help tools.

Enforcement laws that are fair and just in principle is as the existence of a country that has the concept of the rule of law (rule of law) as wish his people This thing make institution. Justice have role important and principled simple fast and cost light as has been mandated in Article 4 Paragraph (2) of the Law Number 48 of 2009 concerning Power Justice. In the enforcement process law material No can separated with enforcement law formal because both of them walk with objective For create a sense of justice to society. Whereas in enforcement law in the field civil and civil proceedings execution is effort last to get it taken by the winning party For get fulfillment on his rights as has been written on amar decision powerful court law fixed.

Scope application execution civil can said no easy because execution the nature passive which is execution only can requested by the winning party in decision court and executed by the clerk or interpreter confiscate on order. Chairman District Court Execution can executed if Decision Internal District Court case civil Already No Can submitted appeal or appeal and decision the must nature condemnatoir that is harsh verdict or his dictum slack off element punishment meanwhile judge's decision in nature constitutive or declarator no need facilities coercive for carry it out.

Case civil considered finished without assisted by the court in carry out decision if from losing party already willing operate decision the in a way volunteer. But in reality still often happen that from defeated party. No willing operate decision the so that in matter. This need help from court for carry out decision in a way forced. In essence implementation execution is something realization from obligation defeated party in something decision court but in fact losing party precisely do resistance as well as no there is faith for fulfil achievement.

Das Sollen in study this that is, in principle only the judge 's decision strength law fixed and can executed. Something decision that can said has have strength law still when inside decision contains a meaning form connection fixed and definite law

between litigants because connection law the must obeyed and must fulfilled by the parties defendant.

Muhammad Abdul Kadir argued that decision that has been made have strength law still is appropriate decision provision. Constitution No There is chance again for use effort law normal for oppose decision such medium decision yet have strength law still is appropriate decision provision Constitution Still open chance for use effort law for oppose decision the for example verzet appeal, cassation and review back when the verdict court has powerful law still party plaintiff will strive implementation decision the in a way fast through procedure execution. But often there is difficulties encountered plaintiff while will demand implementation decision court. Because hit a number of provision related state finances case. Case civil where party plaintiff demand fulfillment fill decision in a way volunteer from Regional Government as the losing party that is in case maintenance ethnic group spare Planetarium at Taman Ismail Marzuki.

In 2013 PT Bunga Lestari worked the same with the planetarium and Observatory in Jakarta do system update digitalization tool technique show named Velvet. However, until a number of year intermittent system. Not yet works so that The DKI Jakarta Provincial Government does not willing do payment Dispute the culminating in termination service care and provision ethnic group spare parts by Carl Zeiss, Germany up to moment. This party The DKI Jakarta Provincial Government does not do his obligations although has There is decision court the law has set Over the problem said PT Bunga Lestari has submit lawsuit civil case at the Central Jakarta District Court.

Party The DKI Jakarta Provincial Government has submit effort appeal, cassation and review law return as defeated party on case the as explained in decision Court Decision Supreme Court Review Number 706 PK/Pdt/2019, Decision Cassation Supreme Court Number 385K/PDT/2018, Decision Jakarta High Court Number 42/PDT/2017/PT. DKI, Decision Central Jakarta District Court Number 614/PDT.G/2014/PN.JKT.PST and has get decision execution Number No 09/2021. Ex Jo. No. 614/Pdt.G/2014/PN.Jkt.Pst Jo. No. 42/pdt/2017/PT.DKI jo No. 358 K/Rev/2018 Jo. No. 706 PK/Pdt/2019 which has been powerful law fixed.

From the verdict the court above PT Bunga Lestari is the winning side PT Bunga Lestari has convey letter to DKI Provincial Government to get it obey fill decision the court has own strength law still the that is, to carry it out his obligations pay procurement digital valvet tool to Carl Zeiss. However, until moment This No There is response from DKI Provincial Government.

Regional Government as a legal entity the public has riches alone and separate with entity/legal entity public other have rights and obligations. The same with subject law civil others. In managing assets Local Government often face lawsuit civil from party third fine individual as well as legal entities private. Lawsuit civil the can form related lawsuit with default something agreement/contract or lawsuits based on actions oppose detrimental law interests and rights plaintiff In lawsuit case civil these demands plaintiff sometimes rejected and won by the parties

Local Government however sometimes there are demands plaintiff was granted and the Regional Government was punished for do/stop deed certain and or pay some money. Regional Government as losing party usually will do effort law normal in the form of an Appeal to High Court and Cassation as well as Review of Return to Supreme Court. If Regional Government has submit effort law until level Review come back then decision on Review return the has have strength law fixed Likewise if Local Government does not do effort law after 14 days decision pronounced then decision the will have strength law fixed

Meanwhile das sein is inside study. This is the punished party (party defendant) is required obey and fulfill the obligations listed in amar decision that has been made have strength law still in a way volunteer. Decision volunteer that is if losing party with volunteer fulfil alone with perfect operate fill verdict. However no close possibility decision the no carried out by one party because later day there is one the party who feels no satisfied with decision that then that will be happen is denial or deny decision that something denial is form something actions that are not Want to carry out what it should be did it or being obligation.

Based on background background and formulation the problem above then objective study. This is for know and analyze provision execution in a way forced on decision powerful court law still in case civil based on civil procedural law As well as knowing and analyzing Consideration Panel of Judges in Implementation Execution By Force To Local Government DKI Jakarta on the Decision Central Jakarta District Court No. 09/2021.EKS Jo No. 614/PDT.G/2014/PN.JKTPST Jo No. 42/PDT/2017/ PT. DKI Jo No. 358 K/PDT/2018 Jo No. 706PK/PDT/2019 Jo Application Execution To Local Government DKI Province No 31/SnCo/Eks.Pts/VIII/2021.

Utility theoretical from study that is can give donation thinking for knowledge law in general and in particular problem execution in a way forced on decision the court has own strength law remain (*inkracht*) in case civil. As well as uses practically expected from study can find solution to no desire government area For No carry out decision the court has own strength law fixed.

B. METHODS

Research means search return the search in question is search to true (scientific) knowledge because results from search. This will used for answer problem certain Whereas Study law is one activity scientific which is based on methods purposeful systematics for learn. One or a number of symptom law certain with road analyze it.

Research methods is something method for obtain complete and reliable data accountable so that objective study can achieved with thereby without method or methodology a researcher no will possible capable for discover formulate analyze nor solve problems certain for disclose truth in order study for compile thesis this is the method used for study. This is as following:

Type of research used in preparation thesis. This is study juridical normative that is focused research for study applications rule or internal norms law positive in

effect type of research. This also called Research Libraries (Library Research), is research conducted with method browse or examine and analyze material References or material document ready use. In research law form this known as legal research and the type of data obtained called secondary data.

Type of research done through activities carried out can shaped browse and analyze regulation collecting and analyzing verdict or jurisprudence reading and analysis contract or search read and create summary from book reference type of activity. This common done in study law normative or study law doctrinal form study with research studies literature often also called study literature or studies document like Laws books so- called as legal research.

C. RESULTS AND DISCUSSION

1. Judge's considerations (Ratio Decidendi) in case between PT. Bunga Lestari fights back Local Government DKI Jakarta Province

a. Judge's considerations (Ratio Decidendi) in Decision Central Jakarta District Court 614/PDT.G/2014/PN.PST

The parties has agreed and certain choose place finish dispute usually written words is: "The parties agreed if happen dispute in agreement this then the solution will resolved at the Arbitration Board". based on consideration above then Assembly concluded that SSKK CHAPTER XI was made basis of the Defendants and Co-Defendants Defendant for state The Central Jakarta District Court does not authorized inspect the matter a quo, is No reasonable and proper rejected Because exception about Absolute competence is rejected then inspection must stated continued

b. Judge's considerations (Ratio Decidendi) in Decision Central Jakarta High Court Number 42/PDT/2017/PT.DKI

Appeal filed by the Appellants Originally the Defendants and Co- Defendants Defendant has submitted in grace time and with method as well as condition other things determined by law then the appeal request formally you can accepted Based on considerations the above then decision Central Jakarta District Court Number 614/PDT.G/2014/PN.JKT.PST dated 8 December 2015, can maintained and must be strengthened

Chairman Assembly after learn case this apparently There is exception from the Defendants about No authority Panel of Judges at the Central Jakarta District Court for judge case this Because of the Parties has agreed finish case This through the National Arbitration Board (BANI). Things that become principal problem to exception according to The Panel of Judges at the Central Jakarta District Court that Agreement between the Parties in case this not yet pointing Arbitrage as selected institution for finish dispute between them

According to Chairman, the Panel of High Court Judges examined it case this it should be The Central Jakarta District Court tried case this stated himself No authorized for judge case this Based on consideration the above then should the

defendants' exceptions must be granted with state that The Panel of Judges at the Central Jakarta District Court stated that absolutely no authorized For judge case this

- c. Judge's considerations (Ratio Decidendi) in Decision Cassation Supreme Court Number 385K/PDT/2018

Respondent Cassation has submit counter memory cassation 19 October 2017 in essence reject application cassation from the Petitioners Cassation For reasons cassation. The Supreme Court opined reason cassation the No can justified because after research memory appeal and counter memory cassation connected with Judex Facti considerations in matter This The Jakarta High Court did not apply it incorrectly law with consideration Plaintiff has fulfil his achievements as stated in the Agreement Letter Contracting/Contracts Procurement of Digital Velvet System/10 Channel Power Dome/Hardware Number 1047/2013 dated 20 August 2013 and Contract Addendum Number 1406/2013 dated 12 November 2013 however tool the Not yet operated Because Defendant I has not fulfil his achievements as arranged in letter agreement chartering a quo then Defendant I has default Apart from that reason cassation the about results evidentiary nature award about something reality which is not the case can considered in inspection on level cassation because inspection in level cassation only regarding with exists error application law it is violation applicable law exists negligence in fulfil conditions required by regulations threatening legislation negligence. That with it's cancelled the decision concerned or when Court No authorized or exceeds the limits of his authority as intended in Article 30 Law Invite Number 14 of 1985 concerning Supreme Court as has changed and added with Invite Invite Number 5 of 2004 and amendments second with Invite Invite Number 3 of 2009.

Based on the considerations above it turns out Judex Facti decision/Jakarta High Court in case This No contradictory with law and/ or the law then application cassation filed by the Petitioners Cassation: Head of the Planetarium and Observatory Province Dki Jakarta, and friends the must rejected because application cassation from the Petitioners Cassation rejected and the Petitioners Cassation is on the losing side then the Petitioners Cassation punished For pay cost case in level cassation this

- d. Judge's considerations (Ratio Decidendi) in Decision Supreme Court Review Number 706 /PK/PDT/ 2019

Decision Supreme Court Number 358 K/Pdt/2018 dated 16 May 2018 which has been have strength law still said notified to the Petitioners Judicial Review on 23 October 2018 towards him with intermediary his power of attorney based on the Special Power of Attorney dated 18 January 2019, 31 January 2019 and 16 January 2019 respectively submitted application review returned on February 21 2019 as it turns out from Deed Application Judicial Review Number 19/Srt.Pdt.PK/2019/PN.Jkt.Pst juncto Number 614/Pdt.G/2014/PN.Jkt.Pst, made by the Registrar Central Jakarta District Court petition the followed with memory review return that loads reasons accepted at the Registrar's Office District Court on the date that too. To

memory review return the Respondent Judicial Review has submit counter memory review return dated April 9 2019 who refused application review return from the Petitioners Judicial Review

Plaintiff/Respondent Judicial Review has fulfil his obligations as per the Agreement Letter Contracting/Contracts Procurement of Digital Velvet System/10 Channel Power Dome (Hardware) Number 1047/2013 dated 20 August 2013 and Contract Addendum Number 1406/2013 dated 12 November 2013, tools the has installed with well in place Defendant I, only just Not yet functioned Because Not yet There is certainty payment from Defendant I;

Actions Defendant I did not do payment of implementation money employment/contract to plaintiff and cancellation of Agreement Letter Contracting/Contracts Procurement of Digital Velvet System/10 Channel Power Dome (Hardware) Number 1047/2013 dated 20 August 2013 and Contract Addendum Number 1406/2013 dated 12 November 2013 is deed default that has been give rise to loss for Plaintiff.

Based on considerations above then application review returns submitted by the Petitioners Reconsideration: Head of Planetariums and Observatories Province DKI Jakarta and friends the must rejected

- e. Judge's considerations (Ratio Decidendi) in Determination Execution Chairman Central Jakarta District Court Number 09/2021.Ex

The judge 's consideration is one aspect most importantly in determine realization mark from something the judge's decision contains justice (ex aequo et bono) and contain certainty law aside it also contains benefit for the parties concerned so that judge 's consideration must addressed with thorough kind and careful. If the judge's consideration was not thorough kind and careful then the original judge's decision from the judge's consideration will annulled by the High Court or Supreme Court.

Decision Review of the Supreme Court of the Republic of Indonesia dated 25 August 2017 Number 471 PK/Pdt/2017 has been notified to the parties in the case each to the Petitioners Judicial Review March 26 2020 and to Respondent Judicial Review 278 April 2020. Appropriate with application Applicant implementation Decision Central Jakarta District Court dated 8 December 2015 Number 614/Pdt.G/2014/PN.Jkt.Pst to be implemented with instruct to the Respondents Execution For enter amount obligation payment of the Respondents Execution in Budget Regional Revenue and Expenditures (APBD) for 2022 and/ or Budget Revised Regional Income and Expenditures (APBD-P) for 2022 are appropriate with fill amar Decision Central Jakarta District Court Number: 614/Pdt.G/2014/PN.Jkt.Pst December 8, 2015 which if calculated until with now (August 2021) the total is IDR. 94,712,880,000,- (nine tens four billion seven hundred and twelve million eight hundred and eight tens thousand rupiah) where amount the will Keep going increase until paid with paid off with details as following : Obligations on payment procurement Digital Velvet System/10 Chanel Power Dome (Hardware) equipment Rp 47,800,000,000,- (Four tens seven billion eight hundred million rupiah), interest

determined by the court on lateness payment by 1.08% multiplied obligation principal multiplied by 87 (Eight tens seven) months (countable since June 2014 until with in August 2021) a total of Rp. 44,912,880,000,- (four tens four billion nine hundred and twelve million eight hundred and eight tens of thousands of rupiah), will keep going increase until paid in full by the Respondents and losses potential consequence from outstanding obligations implemented amounting to Rp. 2,000,000,000 (two billion rupiah).

2. Decision Letter and Determination Letter

Decision Orders and Decree Orders Decision in the Central Jakarta District Court 614/PDT.G/2014/PN.PST, Decision in the Jakarta High Court Number 42/PDT/2017/PT.DKI, Decision in the Decision Cassation Supreme Court Number 385K/PDT/2018 and the Decision on Judicial Review of the Supreme Court Number 706/PK/PDT/2019 as following:

- a. Decision of the Central Jakarta District Court 614/PDT.G/2014/PN.PST
 - 1). Refuse exception of the Defendants and Co-Defendants Defendant;
 - 2). Stated the Central Jakarta District Court has authority in a way absolute examine and adjudicate case this;
 - 3). Continuing inspection case this;
 - 4). Suspend loading cost case This until decision end;
- b. Ruling at the Jakarta High Court Number 42/PDT/2017/ PT.DKI
 - 1). Accept appeal from the Appellants Originally the Defendants and Co-Defendants Defendant
 - 2). Strengthen decision Central Jakarta District Court Number 614/PDT.G/2014/PN.JKT.PST dated December 8 2015 which requested the appeal
 - 3). Punish the Appellants again the Defendants For pay cost case in second level Court the deep one level of appeal is determined amounting to Rp. 150,000.00 (one hundred and fifty thousand rupiah).
- c. Announcement of Decision on Decision Cassation Supreme Court Number 385K/PDT/2018
 - 1). Refuse application cassation from the Petitioners Cassation: 1. Head of the Planetarium and Observatory DKI Jakarta Province 2. Provincial Education Office DKI Jakarta, 3. Regional Head / Governor DKI Jakarta Province;
 - 2). Punish the Petitioners Cassation For pay cost case in level cassation This an amount of IDR 500,000.00 (five hundred thousand rupiah);
- d. Ruling on Supreme Court Review Number 706 /PK/PDT/ 2019
 - 1). Refuse application review return from the Petitioners Review: 1). Head of the Planetarium and Observatory Province DKI Jakarta, 2). Education department DKI Jakarta province and 3. Head region/governor the province of DKI Jakarta;

- 2). Punish the Petitioners Judicial Review for pay cost matters on examination review return an amount of IDR 2,500,000.00 (two million five hundred thousand rupiah);

e. Decree of the Central Jakarta District Court Number 09/2021. Ex

Decree of the Central Jakarta District Court Number 09/2021 Ex grant application Petitioner and order Clerk Central Jakarta District Court or if He unable to do so can appoint one Skilled bailiff For That For carry out execution Instruct to the Respondents Execution For enter amount obligation payment of the Respondents Execution in Budget Regional Revenue and Expenditures (APBD) for 2022 and/ or Budget Revised Regional Income and Expenditures (APBD-P) for 2022 are appropriate with fill amar Decision Central Jakarta District Court Number : 614/Pdt.G /2014/ PN.Jkt.Pst December 8, 2015 which if calculated until with now (August 2021) the total is IDR. 94,712,880,000,- (nine tens four billion seven hundred and twelve million eight hundred and eight tens thousand rupiah) where amount the will Keep going increase until paid with paid off with details as following :

- 1). Obligation on payment procurement Digital Velvet System/10 Chanel Power Dome (Hardware) equipment amounting to Rp. 47,800,000,000,- (four tens seven billion eight hundred million rupiah).
- 2). Interest determined by the Court on lateness payment by 1.08% multiplied obligation principal multiplied by 87 (eight tens seven) months (countable since June 2014 until with in August 2021) a total of Rp. 44,912,880,000,- (four tens four billion nine hundred and twelve million eight hundred and eight tens thousand rupiah) will Keep going increase until paid paid off by the Respondents
- 3). Loss potential consequence from outstanding obligations implemented amounting to Rp. 2,000,000,000,- (two billion rupiah).

3. Minutes of Execution

Central Jakarta District Court on the day Monday January 24 2022, based on Letter of Assignment and Appointment Bailiff dated January 19, 2022 No. 09/2021.Ex Jo. No. 614/Pdt.G/2014/PN.Jkt.Pst Jo. No. 42/PDT/2017/PT.DKI Jo. No. 358 k? Rev/2018 Jo. No. 706 PK/Pdt/2019, in matter This For carry out sound determination chairman Central Jakarta Court dated 30 December 2021 No.09/2021.Ex Jo. No.614/Pdt.G/2014/Pn.Jkt.Pst Jo. No. 42/PDT/2017/PT.DKI Jo. No. 358 K/Rev/2018 Jo. No. 706 PK/Pdt/2019, with accompanied by 2 (two) witnesses Both of them Employee Central Jakarta District Court has go to the Planetarium and Observatory DKI Jakarta Province and meet as well as speak with head of UP Jakarta Arts Center Culture Service TEAM DKI Jakarta Province To her Show the Assignment Letter and submit appropriate derivative/photocopy the original Determination Chairman Central Jakarta District Court Court instruct to the Respondents Execution (Respondent Execution II) for enter amount obligation payment of the respondents execution in budget opinions and shopping regional (APBD) 2002 and/ or Budget Revised Regional Income and Expenditures (APBD-P) for 2022 are appropriate with

fill amar decision Central Jakarta District Court Number 614/Pdt.G/2014/PN.Jkt.Pst December 8 2015, which if calculated until with now (August 2021) the total is IDR. 94,712,880,000 where amount the will Keep going increase until paid with paid off Then with helped as well as witnessed by both witness above the court do it as following:

With This instruct to the Respondents Execution (Respondent Execution II) for enter amount obligation payment of the Respondents Execution in Budget Regional Revenue and Expenditures (APBD) for 2022 and/or Budget Revised Regional Income and Expenditures (APBD-P) for 2022 are appropriate with fill amar decision Central Jakarta District Court Number 614/ Pdt.G/2014/PN.Jkt.Pst December 8 2015, which if calculated until with now (August 2021) the total is IDR. 94,712,880,000 where amount the will Keep going increase until paid with paid off

Furthermore, with direction of the State Attorney (JPN) DKI Jakarta High Prosecutor's Office Government DKI Jakarta Province has form a Negotiation Team with PT. Sustainable Flowers. Negotiation currently implemented and in the process of achieving agreement together mediated by the State Attorney Whereas For finance in accordance decision court Still in the process of being entered to balance sheet debt service culture for furthermore submitted as debt area which is budgeted through the 2022 APBD-P.

4. List of Interview Results Source person

Interview results to resource persons conducted writer namely:

- a. Interview results connection with provision execution in a way forced on decision powerful court law still in case civil based on civil procedural law
 - 1). State Attorney
 - 2). Legal power of attorney Plaintiff
 - 3). Director from Plaintiff
- b. Interview results connection with Consideration Panel of Judges in Implementation Execution by Force to Local Government DKI Jakarta on the Decision Supreme Court Number 706/PK/Pdt/2019
 - 1). State Attorney
 - 2). Legal power of attorney Plaintiff
 - 3). Director from Plaintiff

5. Conditions Execution by Force Over Decisions A court with legal force remains in the case Civil Based on Civil Procedure Law

Based on provision Article 196 Herzien Inlandsch Reglement ("HIR") and Article 207 Rechtreglement voor de Buitengewesten ("RBg"), there are two ways finish implementation verdict that is with method voluntary (in matter losing party with volunteer carry out decision) and with method forced through the execution process by the Court

Harahap stated in principle execution as action forced operate decision the court has powerful law still new is choice law if the losing party (defendant) does

not Want to operate or fulfil fill decision in a way volunteer If the party loses willing obey and fulfill decision in a way voluntary action execution must removed Therefore That's a must differentiated between operate decision in a way volunteer and run decision in a way execution Execution is operate decision the court has have strength law permanent (*res judicata/inkracht van gewijsde*) which is of a nature punishment (*condemnatoir*), which is carried out in a way force if need with help strength general

If Head of the Planetarium and Observatory DKI Jakarta Province and the DKI Jakarta Provincial Education Office do not willing operate decision in a way voluntary so implementation decision must done in a way forced. Decision dispute civil between Head of the Planetarium and Observatory DKI Jakarta Province DKI Jakarta Provincial Education Service and Regional Head / Governor DKI Jakarta Province has powerful law still can executed It means is appropriate decision Constitution No There is chance Again For use effort law normal oppose decision that because effort law final form review return the judge has rejected it decision no. 706 PK/Rev/2019.

Characteristic decision *condemnatoir* or of a nature punish who can executed because has attached strength executorial that is can forced with help apparatus security to parties who do not stick to it with volunteer Powerful decision law still is decision district court accepted good by both split litigants decision peace verdict vertek against it, No submitted *verzet* or appeal, decision court accepted height good by both split party or not requested appeal and decision supreme court in matter cassation

The opposite from nature of the decision *condemnatoir* is nature of the decision *declaratoir* (*declaratoir vonnis*). In a decision that is *declaratoir amar* or decision *dictum* only contain statement law just without accompanied with punishment So no can executed or non-executable Decision execution No will There is It means if No can implemented.

Something case civil submitted to trial by the plaintiff for get solution The judge considered know will the law (*Ius Curia Novit*). The judge's job is to provide decision after inspection finished for end something dispute judge first formerly must know about the problem then *hsakim* determine regulation law what controls dispute that. The judge must find the law Inspection case ended with verdict however with he dropped it decision just the problem Not yet finished Decision That must implemented. The judge's decision has strength executorial that is strength for held in a way forced by state instruments Strength executorial the given by the Head The verdict reads "For the sake of justice based on The Almighty Godhead". Therefore, if there is decision no include for the sake of justice Based on The Almighty Godhead No have strength executorial If the verdict has have strength *sjiwa* remains and the defeated side in a way volunteer carry out *amar* verdict then that's it case the without help court for carry out decision that However in the matter was decided with exists the losing party then it is very rare very losing party the will with volunteer want to carry out sound decision that. In such case winning side

must submit application to Chairman Court For carry out sound decision that has been made have strength law that.

For carry out something decision case civil applicant execution must submit application to Chairman District Court After application. That examined by the Chairman District Court and apparently decision case civil suit requested That nature condemnatoir (no declaratory and neither constitutive) then application the can next to applicant execution burdened For pay Voorschot/fees execution If chairman the district court accepted application execution from party the plaintiff won case (applicant execution), action service the law must quick held fulfil application the that is call party defendant (respondent execution) and warning (reprimanding/aanmaning) so that fulfill/execute verdict Reprimand or aanmaning is one condition execution without reprimand more first then execution. No can executed and as it is explained how it works execution in a way effective counted since grace time reprimand exceeded.

At the moment hearing give Warning Chief the District Court set a time limit to respondent execution so that it is within the time limit. That decision executed Warning period deadline in time eight day As in Article 196 HIR: If respondent execution No present based good reason so must done calling repeat But if respondent execution No present without valid reason so according to Article 197 paragraph (1) HIR or Article 201 paragraph (1) RBG party who does not fulfil calling warning the No a trial process is required warning and Chairman District Court ex officio can direct emit letter order execution in execution real or order executorial beslaag in execution payment some money. So execute direct order counted since date his denial fulfil calling warning During the warning period has exceeded and appealed execution No Want to operate fulfillment fill verdict then with the expiry of the warning period order execution Already can issued by the Chairman District Court service law required by Article 197 (1) HIR and not need postponed without reason Messenger For carry out something action if no held in a way voluntary must assessed in a certain amount of money (Article 225 HIR/ Article 259 RBg) and so on will held like decision for pay some money.

Application Article 225 HIR/259 Rbg must moreover formerly it turns out that Respondent No Want to carry out decision and the court No can / can't capable carry it out although with help state tool In case So Petitioner can submit to Chairman District Court for the respondent pay an amount of money, which is worth worth it with necessary actions carried out by the Respondent For obtain commensurate amount Chairman District Court is mandatory call and hear Respondent execution and if required Chairman District Court can request information from a expert in the field that Determination the amount of money required paid by the respondent poured in determination Chairman District Court Decision For pay a certain amount of money, if No held in a way volunteer will held with method auction goods owned by the defeated party the previous one must confiscated (Article 200 HIR, Article 214 to Article 274 RBg).

In implementation execution exists the stages carried out as following: There is an application execution Aanmaning and Request confiscate execution in confiscation execution must done with notice things as following:

- a. Determination execute after exists application confiscate execution so stage furthermore is he took it out Determination A contained execution order Chairman District Court to Clerk and interpreter confiscate for operate execution
- b. Auction after Court emit Determination Execution The following is the Minutes of Execution so stage furthermore is auction Auction is advance sales general treasure riches the respondent has confiscated execution or sell in advance general goods confiscation owned by the respondent carried out in advance interpreter auction or sale auction done with intermediary or help office auctions and methods the sales with road price offer the more increase or the more decrease through offer in a way written (offer with registration).

After exists application confiscate execution so stage furthermore is he took it out Determination A contained execution order Chairman District Court to Clerk and interpreter confiscate for operate execution. After Court emit Determination Execution. The following is the Minutes of Execution so stage furthermore is auction Auction aim for fulfillment obligation si defendant Use office auction intended to obtain a price No harm si defendant and appropriate with reasonable price on the market. Auction results used for pay obligations that have been set in judge's decision.

Warrant execution form letter determination by the Chairman Central Jakarta District Court which contains order operate execution to clerk or bailiff Operate execution real is action real and direct carry out what is punished in the decision dictum Beside letter determination containing order operate execution letter determination. That alone containing appointment name ordered officials If appointed That clerk must called position and name Likewise if appointed operate execution bailiff must called position and name in letter determination

In execution payment of money, during the warning period exceeded still No Want to fulfil payment of the money then chairman the district court did confiscate execution treasure riches respondent execute after done confiscate execution must Again followed with phasing the letter process order sale auction Furthermore followed by a phasing process sale auction That by the office itself auction payment that amount of money Later can fulfilled after confiscated items for sale auction From the results sale auction confiscated items earlier payment new can done If so in every stages execution that fine in execution real nor execution payment some money, if No There is a strong reason then Chairman District Court does not need procrastinate the way execution that After all over author 's procedure explain previously passed then then execution can executed

In every carry out execute always accompanied with making execution minutes. In case, this minutes of execution issued The Central Jakarta District Court has set based on minutes of execution and execution decision No. 09/2021.Ex.Jo.

614/PDT.G/2014/PN.JKT PST JO NO.42/PDT/ 2017/ PT.DKI Jo No 358 K/PDT/2018 Jo No.706 PK/PDT/2019 minutes of execution the is proof that execution That has executed as it should Because load all event that occurred during the execution process executed. Making execution minutes in every implementation execution is something that is very absolute because news of the event is the only one reference authentic about correct or not or about fluent or or not execution that All activities or events that occurred at the time execution noted in execution minutes Implementation execution in the field before clerk as presiding officer the way execution before the parties to the dispute and officials villages in the area concerned tell about implementation execution physique the will took place.

In principle nature of the decision condemnatoir Can done execution by interpreter confiscate from local district court case That checked and decided However in things certain the verdict has been powerful law permanent and permanent condemnatoir the can stated No can executed (non-executable) because a number of reason special Decision execution that does not accomplished is no decision can executed or non-executable There are various type decision frequent nonexecutable found namely on execution real (the land you want executed No clear the limit) and goods object execution is at in hand party the third one doesn't follow sued Non- executable determination must based on the Minutes prepared by the interpreter confiscate as ordered for carry out (execute) the decision that Become chairman court no can state something non- executable decision before the entire process or execution event implemented.

Frequent obstacles found in the field state that : District court as developer not quite enough answer in carry out execution often experience obstacles caused by the losing party No Want to leave object dispute with deploy mass accompanied also because weaknesses and deficiencies officers involved Reluctance losing party For carry out with volunteer object dispute will result execution delayed so that gives rise to a feeling of no satisfied from searcher justice Complaints or don't think so satisfied the often submitted to the Chairman Supreme Court Not rare public or party who has involved execution state that in disconnect case court only defending those who pay thoughts That Can writer say that thoughts already attached strong in brain them Therefore almost every execution to be executed often faced with emerging problems so that hinder smoothness the way execution

The things that cause it obstruction execution That including among others following:

- a. Mandatory fees paid Because big cost Not yet fulfilled by the applicant

The size cost depends to deed execution what will done far away nearby place goods are scattered or not stuff easy or not transportation Emptying though No There is cost advertisement If concerning vast land There is Lots its inhabitants will need sufficient cost a lot automatic. If cost Not yet fulfilled by the applicant so execution not yet can road It's different if execution case criminal. No required costs like in execution case civil.

If executed No Want to fulfil amar decision in a way volunteer so for carry out execution. That required cost execution cost execution. This is continuation from cost examination at trial. Because solution case until decision case executed is unity that is not inseparable

Implementation execution decision there almost. No accomplished caused Because initially applicant execution no willing for pay cost implementation execution Sometimes in cases execution certain required necessary costs issued by the applicant execution enough big.

Payment cost execution must more formerly paid by the applicant execution During Not yet paid executed no can executed. This thing as analogous results from provision Article 121 paragraph (1) HIR where during Plaintiff Not yet pay punjar case so No noted in case register book.

b. There is resistance by other people/ parties third

Basically exists resistance from party third no suspend execution except If resistance party when That submitted on base right property [Article 196 Paragraph (6) HIR/ Article 206 Paragraph (6) R.Bg], or on base holder mortgage / holder right must be borne protected from action confiscation If resistance the according to chairman court (before case set assembly the judge) reasoned based on strong evidence or after get report from panel of judges examining case (Article 208 HIR/228 R.Bg), then execution suspended and vice versa If resistance the rejected then execution continued

For the respondent execute after exists reprimand (aanmaning) is accepted if grace warning that has been determined No fulfil sound decision so execution will quick done At the moment that's usually resistance proposed otherwise for party third in general past letter news or on time implementation in the field then party third will submit verzet after. There is resistance.

So, the reasons put forward by the parties third for argue or oppose execution minutes That must be Because exists violation rights exercised by the litigants to himself So that need to also protect right for party third that. So, party third as si applicant for oppose the judge 's decision accepted then the judge will do inspection and research return the decision he issued is correct right from party the true, true violated or no. If at the end of the process the opposition is submitted by the party third the is right then the judge will repair previous decision to use protect right from party third that. On the contrary If opposition submitted by the parties third That is No right then previous decision still maintained and implemented ASAP.

c. There is a request review return

As effort law outside normal then PK is not obstruct execution however thereby in case certain can just execution suspended if truly with support strong evidence such as arranged in Article 67 and Article 69 of the Law Number 14 of 1985 as changed with Constitution Number 5 of 2004 last with Constitution Number 3 of 2009, which is estimated PK 's request will granted by the Supreme Court then on permission chairman court appeal level execution the can suspended because with granted the PK request meanwhile goods/objects accused. Already executed then

very difficult for restore goods/objects the like always If it arrives matter sort of This happens then party respondent execution only can submit lawsuit new to applicant execution with petitum as well as immediately

d. Respondent deploy thugs/masses on the spot items that will executed

There is resistance in a way physique or with deployment force / mass from party respondent execution with great emotion and atmosphere the more critical when party applicant execution also does the same thing that can be give rise to conflict. Usually, respondent execution collect paid people to use hinder officer execution in operate execution. If the bailiff is on duty execute and apparatus accompanying security bailiff the No succeed cope act from thugs/mob so execution the fail implemented. To incident like this need exists take firm action against obstructers execution the with threatened Contempt of Court with criminal prison. This thing need done For guard authority law especially enforcer law.

Services performed District Court to searcher justice in matter implementation/execution decision case civil Not yet fully satisfying Execution especially in case civil it's quite a process exhausting the parties to the lawsuit apart from confiscate time energy costs energy and thoughts.

Decision Not yet meaningful anything when the result limited decision black on white just Victory is ahead eye sometimes Still requires a long process for Can get it in a way real/concrete. This thing happen, because in the practice implementation execution no seldom meet. Lots obstacles esp caused by the losing party generally difficult for accept defeat and inclination reject the decision has been made braced law still with various type way so sometimes Chairman Court must unload hand for expedite the way execution. In things certain Still faced to obstacles in implementation decision case civil. Therefore, seen need for quick look for breakthroughs to use remove obstacles that

In line with desire for repair existing weaknesses then Supreme Court in do update has set vision mission his organization. As for vision the is manifesting supremacy law through power independent effective efficient judiciary as well as get trust public professionals and service members quality law ethical affordable and cost low for public as well as capable answer calling public for reach vision the set mission Supreme Court as following:

- a. Create a sense of justice in accordance with laws and regulations as well fulfill a sense of justice society
- b. Make it happen independent and independent judiciary Free from mix other people's hands
- c. Repair access service in the field Justice to society
- d. Repair quality of internal input to the judicial process
- e. Make it happen institution judiciary that is effective efficient useful and respected
- f. Implement power independent judiciary no impartiality and transparency

For reach vision and mission the Supreme Court required exists something deep understanding on problems faced. Likewise, the District Court can in line with

vision and mission the Supreme Court in carry out/execute decision case civil also need to understand and deepen problem execution obtained in the field.

6. Consideration Internal Panel of Judges Implementation Execution in a Way Forced to Upper DKI Jakarta Regional Government decision Central Jakarta District Court No. 09/2021.EKS Jo No 614/PDT.G/2014/PN.JKTPST Jo No. 42/PDT/2017/PT. DKI Jo No 358 K/PDT/2018 Jo No. 706PK/PDT/2019 Jo Application Execution to Local Government DKI Province No. 31/SnCo/Eks.PTS/VIII/2021

Decision is very relevant with how judge in put forward opinion or his considerations based on facts as well as tool proof at trial as well as the judge's confidence in the decision on something matter. Because that the judge has role central in drop decision court. In the decision court must there is considerations about aggravating and mitigating factors decision consideration the made reasons by the judge in drop the verdict

As enforcer law the judge has task in the field judicial that is receive check decide and complete every case filed to him. Searchers justice of course I really want it the cases submitted to court can decided by a professional and competent judge high moral integrity so can give birth to appropriate decisions with rule legislation.

Something the judge's decision has a number of section among others part consideration law or known with considerations and sections amar verdict. Necessary thing noticed is part consideration the law becomes base judge 's consideration decide case also amar containing decision judge's decision. Decision court no can free from position an internal judge judge something cases and considerations used by him inside make something internal verdict the matter being judged that consideration is base Judge's decision or Judge's argument in decide something matter. If argument law that no true or not appropriate (proper), then people later can evaluate that decision That No true or not fair that is seen as base decision is considerations.

Strong reasons in consideration as base decision make the judge's decision was made objective and authoritative So that can said base consideration is, the argument becomes base/ingredients for compile consideration panel of judges before the panel of judges made analysis later law used For drop decision to Defendant, base the judge's consideration Alone own important position within something the decision made by the judge causes the more good and correct considerations used by the judge in A verdict, will reflect the extent of the sense of justice that exists within self the judge makes it decision that

Apart from that related with justice That Alone position a judge who has task judge and decide case must be truly trustworthy fair or not siding inside judge and decide something matter Because That So the judge's objectivity is in judge case bear it the judge replied to the verdict as well freedom of the judge in judge and decide case become necessary factors noticed no way.

Rejection Decision Supreme Court Review Number 706 /PK/PDT/2019 has been completed right Basic consideration internal panel of judges reject application review returns submitted by the Petitioners that is Head of the Planetarium and Observatory DKI Jakarta Province and friends is reason application review return about exists Judge's error or a real mistake no can justified because only repeat facts that have been submitted and considered with precise and correct in Judex Juris verdict

Internal judges scope Justice general is an independent judge to decision the court did not held so will applies provision execution Therefore that if there is things that don't fulfilled from things that have been outlined above then provision execution become No can become certainty law This thing caused Because in the practice can 2 possibilities occur namely:

- a. Provision execution Already can ensure certainty law if decision competent district court law still implemented by the defendant. Therefore, exists sanctions that will be dropped to defendant if No carry out decision district court that has own strength law still cause defendant become obedient for carry out decision court that
- b. Provision execution become No can ensure certainty law if decision competent district court law still No implemented by the defendant Authorized officials apply provision execution for example like Clerk announced in the mass media print if defendant No carry out decision that has been made powerful law permanent (article 116 paragraph (5) Law 51 of 2009). Bailiff through clerk for tell to President as holder power government supreme and to institution representatives of the people through letter recorded to the defendant did not carry out decision that has been made powerful law permanent (article 116 paragraph (6) Law 51 of 2009). The judge can give advice about the amount of compensation money in something determination with considerations if matter the No agreed then Chairman emit Accompanied determination consideration Enough determine amount of money or other compensation referred to (article 117 paragraph (4)).

In accordance with article 93 paragraph (1) letter b Government Number 70 of 2012 concerning Change Second on Regulation Government Number 54 of 2010 concerning Procurement of Government Goods/Services sounds as following: (1) PPK can decide contract in a way unilateral if; b. Provider of goods/services is negligent/injured promise in carry out obligations or not repair his negligence in period time that has been set;

After there is a Minutes of Goods Inspection and Minutes of Goods Handover and Acceptance Certificate DKIJND Number 156 dated 15 April 2014 then Plaintiff has finished carry out work Procurement of Digital Velvet System/10 Chanel Power (Hardware). With has finished procurement Procurement of Digital Velvet System/10 Chanel Power (Hardware) and that's it works with OK then Defendant obliged for pay performance Work from Plaintiff

As for the method payment performance work done with method simultaneously and the Plaintiff has submit application to Defendant on May 23 2014. And above letter application Plaintiff said the Defendant on May 28 2014 replied in essence state that the Planetarium and Observatory will pay work procurement of Digital Velvet System 10 Chanel Power Dome if tool the Already can works Good in accordance with contracts and letters statement from PT Bunga Lestari Number: 081/BVL/XII/2013 dated 19 December 2013.

As outlined above that tool the has works with OK then No There is reason Defendant For No pay performance Work from Plaintiff as mandated by article 89 paragraph (1) letter c of the Regulations President Number 70 of 2012 concerning Change Second on Regulation President Number 54 of 2010 concerning Procurement of Government Goods/Services which reads as following: (1) Payment performance work can given in form: (c) Payment in a way at a time after solution job Between the Plaintiff and the Defendant has create and sign a Letter of Agreement Procurement of Digital Velvet System/10 Chanel Power Dome (Hardware) Number 1047/2013 dated 20 August 2013.

Actions Defendant I did not do payment of implementation money employment / contract to Plaintiff and cancellation of Agreement Letter Contracting / Contracts Procurement of Digital Velvet System/10 Channel Power Dome (Hardware) Number 1047/2013 dated 20 August 2013 and Contract Addendum Number 1406/2013 dated 12 November 2013 is deed default that has been give rise to loss for Plaintiff so with thereby consideration assembly Already right

Rejection Decision Supreme Court Review Number 706 /PK/PDT/2019 has been completed right Basic considerations internal panel of judges reject application review returns submitted by the Petitioners that is Head of the Planetarium and Observatory DKI Jakarta Province and friends is reason application review return about exists Judge's error or a real mistake no can justified because only repeat facts that have been submitted and considered with precise and correct in Judex Juris verdict.

Consideration Panel of Judges in Implementation Execution By Force To Local Government DKI Jakarta on the Decision Supreme Court Number 706/PK/Pdt/2019 already Correct with reason Plaintiff/Respondent Judicial Review has fulfil his obligations as per the Agreement Letter Contracting/Contracts Procurement of Digital Velvet System/10 Channel Power Dome (Hardware) Number 1047/2013 dated 20 August 2013 and Contract Addendum Number 1406/2013 dated 12 November 2013, tools the has installed with well in place Defendant I, only just Not yet functioned Because Not yet There is certainty payment from Defendant I. Party The DKI Jakarta Provincial Government does not responsible answer on held velvet digital tools so tool the No works and doesn't walk as it should be.

In accordance with provision article 1338 of the Civil Code that Letter of Agreement Procurement of Digital Velvet System/10 Chanel Power Dome (Hardware) Number 1047/2013 dated 20 August 2013 is as Constitution for those who made it and the agreement the no can withdrawn return besides with

agreement second split parties and must carry it out with faith good In Agreement Procurement of Digital Velvet System/10 Chanel Power Dome (Hardware) Number 1047/2013 dated 20 August 2013 signed by the Plaintiff and Defendant has arrange about the rights and obligations of each of which one obligation from Arranged defendant in agreement the is Pay Work in accordance with price listed in contract that has been determined by the Provider.

Obligation Plaintiff is deliver results work in accordance with timetable submission work that has been done set in contract because Plaintiff has carry out his obligations that is deliver results work in accordance with timetable submission work that has been done set in contract So it is obligation Defendant for pay work in accordance with price listed in contract that has been determined by the Provider However until lawsuit This filed at the Jakarta State Administrative Court Defendant not yet pay performance work carried out by the Plaintiff Defendant's Actions the is action default or injury promise With that's what did it action default is Defendant yourself.

Based on article 1338 of the Civil Code state something agreement No can with drawn return besides with agreed to both sides party With thereby action Defendant cancels Agreement Procurement of Digital Velvet System/10 Chanel Power Dome (Hardware) Number 1047/2013 dated 20 August 2013 is contradictory with article 1338 of the Civil Code Agreement Letter Number 1047/2013 dated 20 August 2013 between Plaintiff and Defendant is is Constitution for Plaintiff and Defendant and mandatory implemented with faith good (vide article 1338 of the Civil Code).

Defendant's decision to do so termination contract letter agreement with Plaintiff is also contradictory with the General Principles of Good Government include:

a. Principle of Certainty law

Principle of Certainty law where principle This want respected him rights that have been obtained somebody based on something decision government although decision that's wrong. So, for the sake of certainty law every decisions issued by the government No For revoked back Plaintiff has finish work before dated May 17, 2014 however Defendant still do termination contract without basic With action Defendant the prove No exists certainty law for company provider goods / services government Because PPK at any time can do termination contract

b. Principles of action carefully or principle thoroughness

Principles of action carefully or principle thoroughness Where principle This requires that government agencies before take decision research all facts that are relevant and satisfying to all relevant interests in consideration In Defendant in take decision form termination contract letter agreement No research relevant facts in procurement of Digital Velvet System/10m Chanel Power Dome (Hardware). As for the facts in question These include Goods Inspection Minutes Goods Handover Minutes and also Acceptance Certificates

c. Principles of justice and fairness

Principles of justice and fairness where principle. This want every bodily action or official State Administration always notice aspect justice and fairness The Defendant 's actions arbitrary do termination contract letter agreement has result loss for Plaintiff with ignore aspects of a sense of justice and fairness.

Based on all over description above then the Defendant 's Decision Number: 657/077 regarding: Termination Contract Agreement dated May 28, 2014 is contradictory with:

- a. Regulations Applicable legislation namely : Regulations President of the Republic of Indonesia No. 54 of 2010 concerning Procurement Government goods /services regulations President of the Republic of Indonesia No. 70 of 2012 Concerning Change Second on regulation President of the Republic of Indonesia No. 54 of 2010 concerning procurement goods / services government Letter of Agreement Procurement of Digital Velvet System/10 Channel Power Dome (Hardware) No. 1047/2013 dated 20 August 2013 which applies as Constitution for Plaintiff and Defendant ;
- b. Violates the General Principles of Good Government namely: The principle of certainty law principle of action carefully or the principle of accuracy the principle of justice and fairness as intended in Article 53 paragraph 2 letters (a) and (b) Law no. 9 of 2004 concerning change on Law no. 5 of 1986 concerning State Administrative Court

Basic judge in drop decision court need based to theory and results mutual research related so that obtained results maximum and balanced research in level theory and practice One business for reach certainty law judiciary of which the judge constitutes apparatus enforcer law through the verdict can become reject measuring achieved something certainty law

Freedom in carry out authority judicial nature No absolute Because it's the judge's job straighten up law and justice based on Pancasila, so the verdict reflects the sense of justice of the Indonesian people. Then Article 24 paragraph (2) confirms that: power judiciary done by a The Supreme Court and the judicial bodies subordinate to it. The freedom of judges also needs to be explained the judge's position is not impartial judge Article 5 paragraph (1) Law no 48 of 2009. Term no taking sides here must be no literally because in drop the judge must decide side with what is right. In this case no interpreted No heavy adjacent in consideration and assessment. More he said formulation of Law no. 48 of 2009 Article 5 paragraph (1): "Court judge according to law with no differentiate between people."

Judge inside drop decision must in frame ensure upright truth justice and certainty law for someone So, no only reply revenge routine work or nature formality Indeed if We back to civil procedural law in fact simple is for find truth material Judge as enforcer law and justice are also mandatory explore follow and understand values living law in society the judge is formulator and digger from values living law among the people, for That's a must plunge in the middle public for know feel and be able undergo feeling law and a living sense of justice in society

With So judge in give appropriate decision with law and a sense of justice society This also refers to the Law Number 48 of 2009 concerning power judiciary in Article 50 paragraph (1) is stated decision court besides must load reasons and grounds the decision also contains chapter from regulation relevant legislation or source law not written that was made base For judge

A judge is required for straighten up law and justice with No taking sides Judge inside give something justice must examine moreover formerly about truth proposed event to her Then give evaluation to incident them and connect them with applicable law. After that's the new judge can drop decision to incident that

Certainty law is one objective for realize justice and also as guarantee that law executed who has the right according to law can obtain his rights and that decision can implemented According to Jan Michiel Otto, certainty real law of course more dimensions juridical However Otto wanted to give limitation certainty more laws far away For That He define certainty law as possibility that in situation certain:

- a. Available clear consistent and easy rules obtained (accessible), published by and acknowledged because of (the power of) the state;
- b. agencies the ruler (government) implements rules law the in a way consistent and also submissive and obedient to him;
- c. Residents in general principle adapt behavior they to rules said;
- d. Judges (judiciary) who are independent and who are not siding apply rules law the in a way consistent when they finish dispute law and;
- e. Judicial decision in a way concrete implemented

D. CONCLUSIONS

Execution is the implementation of a decision that has permanent or definite legal force (*inkracht van gewijsde*). This means that the decision is final because there is no legal action from the opposing party in the case so that what is executed can be a decision: District Court, High Court, Cassation and/or Judicial Review. Referring to the provisions in the Explanation to Article 195 HIR, decisions that can be executed are basically only decisions that have permanent legal force because in these decisions a permanent and definite legal relationship (*res judicata*) is established between the parties to the case. The consequences of the existence of this legal relationship are fixed and certain so that this legal relationship must be obeyed and must be fulfilled by the losing party, either voluntarily or by force due to a Court order. However, in practice, if the losing party tends to be unwilling to implement the court's decision voluntarily or has failed to implement the court's decision, this can be done with forced action in the form of execution, which is an action taken by the state through court officials at the request of the party who wins in a decision. There are several main causes of obstacles to the execution of court decisions that already have permanent legal force, including limited execution implementers, limited budget, resistance by other people or third parties and judicial review.

In civil procedural law there are 3 types of execution, namely real execution, execution for payment of a sum of money, and execution for committing an act. The

execution will be initiated by the winning party to the competent district court and then the Chairman of the District Court will summon the defeated party to be warned (*aanmaning*) to carry out the decision within 8 days, if the losing party does not comply with the summons and does not carry out the decision voluntarily then the chairman of the District Court issues a legal product in the form of confiscation of execution of the losing object. Then confiscated items will auctioned and proceeds from auction the will given to the submitting party In party agency government Lots found obstacle in its implementation include: if concerning obligation payment based on decision powerful court law still so government No estimate top amount of money decision powerful court law fixed

Efforts towards application implementation execution in a way forced to The DKI Jakarta Regional Government has fulfil provision civil procedural law because The DKI Jakarta Regional Government does not carry out in a way Sucauna fill decision the court has powerful law still as intended in determination execution Central Jakarta District Court No. 09/2021.EKS Jo No 614/PDT.G/2014/PN.JKTPST Jo No. 42/PDT/2017/PT.DKI Jo No. 358 K/PDT/2018 Jo No. 706PK/PDT/2019 Jo Application Execution to Local Government DKI Province No. 31/SnCo/Eks.PTS/VIII/2021 and therefore asset The DKI Regional Government does not can confiscated and sold auction so mechanism execution carried out by the District Court so that payment that amount of money can done through Income Budget mechanism Regional Expenditures (APBD); through letter Determination Execution No. 09/2021 Chairman The Central Jakarta District Court ordered Chairman Clerk District Court for carry out execution in a way forced to the Respondents Execution

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