Alternative Scenarios for The Quasi-Judicial Administration to Provide Access to Justice under Public Health Emergencies

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ABSTRACT
Public health emergency has had a significant impact, especially in the administration of quasi-judicial institutions in Indonesia. Due to Covid-19, which requires social restrictions, it will impact the process of examining various lawsuits that have been registered. Policies to respond to health emergencies should be developed so as not to reduce access to justice. This research is normative methods. The object of this research is the policy of a quasi-judicial agency in a public health emergency condition. The Indonesian Central Information Commission is the object of the analysis research unit and becomes main focused on what policy to resolve, how to organize and implement them. The research results show that the implementation of duties and functions can be done by issuing or revising procedural law arrangements in an emergency. Regulations can be made by self-regulation, considering that the Indonesian information commission is a self-regulating body. The exercise of authority can be carried out by using the information system by conducting electronic checks, except in some instances, it can be held by standard procedure.

Keywords: *Quasi-judicial administration, access to justice, Covid-19*

1. INTRODUCTION

Declaration public health emergency has significant affects how the state operates its administration[1], not only in the executive, legislative and judiciary but also in the quasi-judicial agency. The determination of a crisis for the 2019 Corona Virus Disease (Covid-19) Pandemic has a direct or indirect effect on quasi-judicial agency in carrying out their duties and functions. Several commissions with powers "like the judiciary" need to respond to this condition given these institutions' presence to maintain public confidence in implementing the rule of law. Adriaan Bedner said that the roots of the birth of a quasi-judicial institution in Indonesia were intended to improve judicial services' performance, which had a bad image since the New Order. Simultaneously, the politics of law and legislation after the reforms often "spread" the power to adjudicate disputes in certain areas rather than concentrate on judiciary alone.[2] Therefore, this article would like to build policies design how the exercise of the authority to judge in a quasi-judicial institution in a health emergency is essential and protect certain constitutional rights or legal rights owned by citizens and ensure that justice seekers still have access to justice. This article is intended to outline how quasi-judicial institutions should respond to Public Health Emergencies due to Covid-19.

1.1. Our Contribution

The research findings show that by issuing or revising procedural law due to a public health crisis, the execution of duties and functions can be achieved. Regulations can be rendered by self-regulation, in the fact that the Indonesian Information Commission is a body which regulates itself (self-regulating). The exercise of authority may be carried out using indirect proceeding using the information system, except in some situations, of standard procedures.

1.2. Paper Structure

The remainder of the paper is structured as follows. Section 2 explains how this research is conducted by what sample to analyze for representing quasi-judicial agency, how it compares to judicial emergency policy and what to expect in this paper. How judicial emergency administration described in Section 3. By explains how the supreme court and constitutional court works under public health emergencies. Section 4 analyses what quasi-judicial agency could do, to maintain the right access to justice and compare how it works for several agencies and cases. Finally, Section 5 The paper ends and provides recommendations for future study.

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2. METHODS

This research uses normative research methods. One of the Objectives uses legal research to determineding out whether the law regulates a matter and how the rule is applied [3]. Secondary data sources consisting of primary legal materials, secondary legal materials and tertiary legal materials. The research was conducted using literature studies on three indicators: quasi-judicial agency, access to justice and health emergencies. This research was conducted by examining judicial policies and especially quasi-judicial agency in public health emergencies. The quasi-judicial agency referred to is the central Indonesian information commission. The study was conducted by analyzing the legal basis, the direction of policy adjustments in public health emergencies, administering authority, and protecting the rights access to justice. In this study, a comparative approach was also used to expand the analysis in dealing with public health emergencies

3. HOW JUDICIARY EXERCISING THEIR POWER IN PUBLIC EMERGENCIES

The President uses his constitutional declaration of public health emergency in reacting to the Covid-19 [4]. On March 17, 2020, the Supreme Court issued a circular to the Supreme Court Secretary to prevent Covid-19 from spreading within the Supreme Court and its lower judicial bodies. However, some parties contend the policy does not reflect the resolve to prevent the spread of Covid-19. The discretion governs that trials continue to be organize as usual for military crimes case, criminal cases, Islamic crimes case. Many opinion consider the Supreme Court did not concern the fact that the Covid-19 was rapid. This will pose a risk of transmitting the disease to law enforcement officers such as magistrates, judges, attorneys and those with intense close-up interaction and physical contact with detainees.

Finally, the Supreme Court responding to the situation by issuing Guidelines for Implementing Tasks During the Prevention Period. In a way, this circular can become a basis for the judiciary concerning the criminal law enforcement process. In Indonesia's history of justice, this has never happened before, where the judicial and trial procedures are filled with such worry and fear. Law enforcers began to see that the trial was about enforcing the law and how to protect themselves and the public from diseases that were enemies of humanity. Invisible enemies are easily transmitted and have not found a cure or vaccine to prevent it. That worry cannot be called groundless. Isn't it meaningless if we apply and enforce the law in ways that invite threats and dangers to the safety of souls? The Constitutional Court announced the building's closure since March 17 by implementing work from home (WFH) policy and optimalization of online court management of Constitutional Court.

Regardless of the response to Covid-19, there are obvious weaknesses. *First*, Indeed, the reaction of the Supreme Court and the Constitutional Court was swift. Still, more detailed data on access to justice has not been given. Instead, as in the United States, it would add confusion because, for instance, they apply policies that are legally governed to the Supreme Court when referring to the Circular of the Secretary Letter of the Supreme Court and the Circular Letter of the Supreme Court. The potential for this non-uniformity would contradict the vision of uniformity law of the Supreme Court. Second, if the situation has improved, our procedural law books must regulate the procedural law in a state of danger. we are Referring to Germany, through Germany Civil Code of Procedure. In an emergency, the procedural law has been governed on Interruption and Suspension of Proceedings Chapter, as provided in Articles 239-252 of the Germany Civil Code of Procedure. [5]. Assume that it is related to the condition of Covid-19. In that case, Article 245 Germany Civil Code of Procedure specifies that, should the court suspend its operations due to war or any other incident, the proceedings shall be interrupted for the duration of that situation. This situation offers firmness due to the suspension of law administration in the form of procedural law at the state of interruption.

This situation illustrates the need to accelerate information technology to facilitate and ensure good court administration [6]. The dark period of the Indonesia court administration, where nepotism, collusion and corruption undermine the judiciary's authority [7], must not be repeated. Information technology is also needed via video, audio in trial sessions, electronic reporting, and video conferences for witnesses. In short, all court decision-making procedures require information technology [8]. The Constitutional Court and Supreme Court have accommodated this by using technology to overhaul court administration. The Constitutional Court formally launched Online application and Case Management, Annotation of Court Decision, e-Minutation, Court Visits, Live Streaming and Remote Court Services, and on the other hand, the Supreme Court with the issuance of Regulation No. 3 of 2018 of the Supreme Court on Electronic Case Administration in e-Courts [9].

4. HOW SHOULD IT BE FOR A QUASI-JUDICIAL INSTITUTION?

The 1998 reformation has given birth to several new independent institutions. New institutions are formed based on the Constitution, based on Law or based on Presidential Decrees. These autonomous institutions' existence marks a theoretical development in the Indonesian state administration, using a new term to describe its position and function in the Indonesian constitutional structure. Generally, these independent institutions are referred to as "the state auxiliary organ" which is comparatively distinguished from "the state main organ" or the main state organ.[10]

The term "state auxiliary organ" is only known in Indonesia. This term appeared in the discussion of the amendments to the 1945 Constitution which was later used in Indonesian

constitutional law. Universally in constitutional law studies, there are better-known terms as 'Independent Regulatory Agencies' (IRAs) or 'independent regulatory commissions' (IRCs)[11], [12]. Constitutional law studies in Europe mostly use the term IRAs, while for a long time in the US the term IRCs has been used more[13]–[15]. John Alder uses another term as Non-departmental public bodies (NDPBs) or 'Quangos' (quasi-autonomous non-governmental organizations), which refers to independent bodies outside the government structure[16]. Independent state institutions in Europe are often referred to as a "regulatory state" distinguished from a "positive state". The term' regulatory state' refers to state institutions that have autonomy and are independent of 'the elected politicians' or elected officials (both in the executive and legislative branches).

In contrast, 'positive state' refers to the Government and its bureaucracy. These independent state institutions are generally institutions with the executive authority that carries out administrative or Government functions[17]. However, these independent state institutions also have powers in the legislative (forming laws and regulations) and judicial (interpreting laws and deciding cases), quasi-legislative and quasi-judicial. These institutions are independent because they cannot be dismissed by the President and have the autonomy to form laws and regulations (rulemaking) and even independently carry out the dispute resolution process (adjudication)[18]. Therefore, independent institutions are often positioned as 'the fourth branch' or the fourth branch of power, in addition to the legislative, executive and judicial branches of power[19].

According to Datla & Revesz there are at least 7 (seven) characteristics of state auxiliary organ, among other [19]:

1. Removal protection. Independent institutions cannot be dismissed by the President in the middle of a term of office, except when they violate the law stipulated by statutory regulations. For example, a member of the general election commission is dishonourably discharged if he is sentenced to imprisonment based on a court decision that has obtained permanent legal force for committing a crime punishable by imprisonment of 5 (five) years or more;
2. Specified tenure. Members of independent institutions have a specific term of office not to be dismissed in the middle of their office term unless they violate the law according to statutory regulations. For example, the term of office of Judicial Commission members lasts for five years;
3. Multimember structure. The composition of an independent institution's membership consists of several people who are jointly selected by the selection committee or the House. For example, the General Election Commission members consist of 7 (seven) people.
4. Partisan balance requirements. Recruitment for membership of independent institutions is taken from parties who are not involved in political parties and represent the community or stakeholders' interests in a balanced or proportionate manner. Recruitment of General Election Commission members may not come from political parties.
5. Litigation authority. Public independent institutions can litigate in court on their behalf, without being represented by the Government. For example, the Judicial Commission can be involved in disputes between state institutions and other institutions in the Constitutional Court;
6. Congressional comments, legislative proposals, and budget authority. Independent institutions have control over the budget independently, make laws and regulations alone and conduct hearings/consultations with the House without being represented by the Government. For example, the General Election Commission has its budget and can draft General Election Commission regulations and conduct consultations with the House without being represented by the Government.
7. Adjudication authority. Independent institutions have the authority to resolve disputes related to the powers they have. For example, the Public Information Commission has the authority to receive, examine, and decide upon requests for resolution of Public Information Disputes through mediation and/or non-litigation adjudication submitted by each Petitioner.

Doctrinally two theories underlie an independent state agency, the principal-agent theory and the theory of isomorphism. *First*, the principal-agent theory developed in the United States and then influenced government development in Europe in the 1980-1990s. This theory presupposes the model of a delegation of authority from elected politicians/officials, The House and the Government as principals to independent institutions as agents to fulfil specific goals that require individual expertise, competence, or resources [14]. Because of the need for specific expertise, competence or resources, independence is needed to avoid or prevent political influence or pressure that will affect the exercise of authority by the agent who gets the delegation[6], [20].

This principal-agent model was developed in Indonesian constitutional law in forming relationships between institutions (principal state, principal state organs, or main state organs) and auxiliary state organs. The main state institution (principal state organ, main state organ) reflects "the institutionalization of the main functions of state power which is closely related to the separation of powers doctrine between the legislative, executive and judiciary [21]. Concerning the separation of powers doctrine, a distinction must be made between power (*macht*) held by principal/main state institutions in the legislative, executive and judicial of and the authority (*gezag*) which owned by independent state institutions as agents/supporters obtained from delegations by principal/main state institutions. Thus, the main/principal state institutions hold the power (*macht*), while the independent state institutions as agents/supporters have the authority (*gezag*). For example, Art 24 paragraph (2) of the 1945 Constitution states that "Judiciary is exercised by a Supreme Court and judicial bodies under it in the general court, religious court, military court, state

administrative court, and by a Constitutional Court." Meanwhile, Art 24B paragraph (1) of the 1945 Constitution states that "the Judicial Commission is independent and has the authority to propose the appointment of supreme judges and has other powers to maintain and uphold the honour, dignity and behaviour of judges." So, the Supreme Court and the Constitutional Court hold judicial power, while the judicial commission has the authority whose function is only related to judicial power.

Second, isomorphism is a form of likeness or imitation in one organization's process or structure to another. This isomorphism is generally accompanied by a diffusion process, namely the transfer of values or structure from a more dominant/strong organization to a weaker organization. With independent state institutions, isomorphism occurs in the context of globalization when a 'dominant organization' is an economically stronger country, an international organization such as the International Monetary Funds or World Bank, or an investor who exerts direct or indirect pressure on a country to form an institution. An independent state prevents political or Government influence on an activity or interest financed or supported by a 'dominant organization'. This theory is often referred to as diffusion theory to show the diffusion of rules or structures from a country into the global economic system. [22] isomorphism theory developed in Europe in the 1980s when the current of economic liberalization and privatization (or commonly called neo-liberalism) began to spread in the European region. In Indonesia, this theory of isomorphism mainly occurs in the formation of independent state institutions linked to various foreign aid programs or donor agencies as a condition for providing loans or assistance to Indonesia.

In addition to the Special Courts which in the law are explicitly and officially referred to as courts, after the Reformation, there have been many growth and development of institutions that, although not explicitly called courts, have the authority and work mechanism also judicial [23]. Therefore, institutions that have a 'judicial' nature but are not referred to as courts are a form of quasi-judicial or semi-judiciary [23]. Some of these take the form of state commissions, but some use the terms body or council. Apart from being judicial, these institutions often have functions mixed with regulatory and/or administrative functions [23].

Some examples include (1) Business Competition Supervisory Commission (*Komisi Pengawas Persaingan Usaha*) [24]; (2) Indonesian Broadcasting Commission (*Komisi Penyiaran Indonesia*);[25] (3) Central Information Commission (*Komisi Informasi Indonesia Pusat*) and Regional Information Commission (*Komisi Informasi Indonesia Daerah*) [26]; (4) General Election Supervisory Agency (Badan Pengawas Pemilihan Umum) [27]; (5) Ombudsman of the Republic of Indonesia [15, 16]. Apart from the quasi court institutions mentioned above, many other institutions can be viewed as semi or quasi-judicial institutions. These quasi-judicial institutions are sometimes seen as institutions in the executive realm, not as a judiciary. However, the way it works and its impact must still be viewed as related to the judicial function. When it is related to the need to build an integrated justice and judicial system, inevitably, these quasi-judicial institutions' role cannot be separated from the judiciary. It can also be said that these quasi-judicial institutions are generally mixed in that they have mixed powers between administrative or executive functions, regulatory or legislative functions, and judicial functions [15, 16]. All of these institutions in practice in different countries have varying powers [15, 16]. When simplified, it can be concluded that there are six kinds of powers that determine whether a state institution can be said to be a quasi-judicial institution or not. The six types of power are (1) Power to give judgment and punishment; (2) The power to hear and determine or confirm facts and to make decisions; (3) The power to make decisions and considerations that bind a legal subject to the verdict and the considerations it makes.; (4) The power to influence individual rights or property rights of individuals; (5) The power to test witnesses, to force witnesses to attend, and to hear the statements of the parties at trial. and (6) Power to enforce decisions or impose punitive sanctions. [30]

When reviewing the conception of an independent body with a form of the quasi-judicial has some unique characteristics: first, have the regulatory authority, the authority to make laws and regulations, recommendations, guidelines on safety and quality, codes of ethics and codes of conduct, standards service; second, has supervisory authority, which is the authority to supervise the implementation of laws and other regulations related to the authority, issuing rules and instructions as well as recommendation or warning, authorization and approval of an object under its authority; Judicial-investigative authority and sanctions, namely the authority to request all information and establish procedures for dispute resolution, administrative violations, stipulating procedures for imposing sanctions in disputes or administrative violations related to their respective powers, reporting to other competent authorities regarding violations whose penalties are not included in the authority. So, with the urgency of these quasi-judicial institutions' authority, to guarantee the rights of access to justice, such institutions must continue to operate even though they face public health emergencies such as Covid-19.

If we use an example such how Central Information Commission responds to public health emergencies according to Art 1 (4) Public Information Disclosure Law of 2008 is an independent institution that functions to implement this Law and its implementing regulations, establish standard technical guidelines for public information services and resolve public information disputes through mediation and/or non-litigation adjudication. Meanwhile, Art 1 (5) Public Information Disclosure Law of 2008 explains that information disputes are interpreted as Public Information Disputes, which are disputes between public agencies and public information users relating to the right to obtain and use information based on legislation.

The problem that is currently happening is the existence of a public health emergency, in which the medical response is to prohibit large numbers of social activities from warding off Covid-19. This condition is similar to the

judiciary, how a quasi-judicial institution such as Central Information Commission responds. If we review the entire Central Information Commission regulations, it should quickly implement a remote trial process, as applied to the Supreme Court. However, it seems that regulation becomes an immensely complicated issue. This is due to the Central Information Commission Regulation, which applies direct and indirect trial nomenclature. The meaning of a direct trial itself is a direct encounter, while the meaning of an indirect trial is delegated back to the Chairman of the Central Information Commission [31]. Such construction of norms is rugged. First, direct-indirect terminology is not commonly found in the world of justice. When referring to the state administrative court's procedural law, the known nomenclature is a trial examination with regular events, fast events, and short procedures [32]. In examining disputes with the regular procedures state administration, the stages of dispute handling are (1) dismissal procedures, (2) preparatory examinations. (3) Examination in court proceedings [33]. Meanwhile, an examination by the quick procedure is carried out if there is a sufficient urgent interest of the plaintiff, which must be deduced from the reasons for his petition [34]. Meanwhile, the examination was a brief carried out against the resistance [35]. Is an indirect trial the same as the meaning of a remote trial? Referring to Article 28 of Central Information Commission Regulation No. 1 of 2013, it states that "it can be held in direct meetings, it can be held in (a) one of the rooms in the Central Information Commission office; or (b) one of the rooms in another Public Agency office which is not related with disputes or other places determined by the Central Information Commission. "this contains the meaning of direct trial it contains the definition of remote trial. Suppose the Central Information Commission interprets the remote trial as indirect or the administration of information disputes using an electronic request letter is indirect. In that case, the decision in question is not regulating trials but administration. Meanwhile, indirect nomenclature is more meaningful in a trial without the need for the parties' presence.

Second, suppose later the Head of the Central Information Commission issues a decision referred to in Article 28 paragraph (3) of Central Information Commission Regulation No. 1 of 2013 in response to a public health emergency. In that case, the decision will tend to be *einmalig*. The decision in a narrow sense (*beschikking*) is none other than decisions with administrative dimensions and one-time completion (*einmalig*). The one-time decisions are generally decisions concerning a specific individual who is concretely named in the decisions. For example, a decision regarding the formation of an activity committee with the committee members' names stated in the decision regarding a person's appointment as an official.

Meanwhile, the decision referred to in Article 28 paragraph (3) of Central Information Commission Regulation No. 1 of 2013 cannot be interpreted as such. It shows that Article 28 of the Central Information Commission Regulation No. 1 of 2013 impedes the exercise of authority in adjudicating information disputes. In Cicero's canonic text can be found the statement: *huic legi nec obrogari fas est, neque derogari aliquid ex hac licet, neque tota abrogari potest,* which means, it is permissible to replace the law with another new law, either with how to cancel a part thereof (*derogatory*) or by withdrawing (*abrogate*) the whole [36]. Using this maxim, and the authority given by Public Information Disclosure Law of 2008, the Information Commission is better off revising Central Information Commission Regulation No. 1 of 2013 and regulating matters and mechanisms needed to exercise its judicial authority. In essence, quasi-judicial institutions are always understood as self-regulating bodies.

5. CONCLUSION

Emergencies often concentrate on executive power. However, one thing that needs to be understood is that the rule of law is still running and the function of judicial power needs to have its existence. Its function is so that emergencies do not hinder the achievement of openness of access to justice in exercising constitutional and legal rights. This condition needs to get attention for Indonesia in the future so that the independence of the judiciary and its judges will continue to diminish, at the same time so that the fulfilment of constitutional rights and legal action rights through the judiciary can continue to function correctly.

The issue that needs attention in the future is how the judiciary and quasi-judicial institutions need to develop strategies to exercise their power if the Covid-19 pandemic lasts for a long time. The implementation of remote court and case management systems ultimately needs to be regulated in the procedural law and quasi-judicial institutions or reforming it into one procedural law simultaneously. This need is needed to answer similar challenges in the future.

REFERENCES

[1] I. S. Chandranegara, "Komparasi Kebijakan Hukum dalam Penanggulangan Pandemi Covid-19 di Berbagai Negara: Penggunaan Keadaan dan Hukum Darurat atau Optimalisasi Instrumen Hukum yang Ada?," in *Segi Hukum Terhadap Implikasi Covid-19 di Indonesia*, A. Redi and I. S. Chandranegara, Eds. Jakarta: Prenada Media, 2020, pp. 22–34.

[2] A. Bedner, "Rebuilding The Judiciary In Indonesia: The Special Courts Strategy," *Yuridika*, vol. 23, no. 3, pp. 230–253, 2008.

[3] S. Hartono, *Penelitian hukum di Indonesia pada akhir abad ke-20*. Jakarta: Alumni, 1994.

[4] *Decree of the Head of BNPB Number 13.A of 2020 concerning the Extension of the Status of Certain Disaster Emergencies Outbreaks of Coronavirus in Indonesia*. 2020.

[5] *Part D Closing Number 1 issues the Circular of the Secretary of the Supreme Court (SE SEKMA) No. 1 of 2020*. 2020.

[6] I. Chandranegara, *Kemerdekaan Kekuasaan Kehakiman Pasca Transisi Politik*. Jakarta: Radjawali Press, 2019.

[7] S. Pompe, *The collapse of the Supreme Court Institution*. Jakarta: LeIP, 2012.

[8] D. Reiling, *Technology for Justice How Information Technology can support Judicial Reform*. Leiden: Leiden University Press Law, 2009.

[9] M. Faiz, "MK and E-Court in a Disruptive Era," *Constitution Magazine*, Jakarta, pp. 79–80, 2018.

[10] I. S. Chandranegara, "Architecture of Indonesia's Checks and Balances," *Const. Rev.*, vol. 2, no. 2, pp. 270–291, Feb. 2016, doi: 10.31078/consrev226.

[11] M. Thatcher, "Regulation after delegation: independent regulatory agencies in Europe," *J. Eur. public policy*, vol. 9, no. 6, pp. 954–972, 2002.

[12] M. Thatcher, "Delegation to independent regulatory agencies: Pressures, functions and contextual mediation," *West Eur. Polit.*, vol. 25, no. 1, pp. 125–147, 2002.

[13] F. Gilardi, "The institutional foundations of regulatory capitalism: The diffusion of independent regulatory agencies in Western Europe," *Ann. Am. Acad. Pol. Soc. Sci.*, vol. 598, no. 1, pp. 84–101, 2005.

[14] F. Gilardi, "Principal-Agent Models Go to Europe: Independent Regulatory Agencies as Ultimate Step of Delegation," in *The ECPR General Conference*, 2001, pp. 8–11.

[15] T. Christensen and P. Lægreid, "Agencification and regulatory reforms," *Auton. Regul. Coping with agencies Mod. state*, pp. 8–49, 2006.

[16] J. Alder, *General principles of constitutional and administrative law*. Palgrave Macmillan, 2002.

[17] G. Sosay and U. Zenginobuz, "Independent regulatory agencies in emerging economies," 2005.

[18] R. E. Cushman, "Constitutional Status of the Independent Regulatory Commissions," *Cornell LQ*, vol. 24, p. 13, 1938.

[19] K. Datla and R. L. Revesz, "Deconstructing independent agencies (and executive agencies)," *Cornell L. Rev.*, vol. 98, p. 769, 2012.

[20] I. S. Chandranegara, S. Bakhri, and M. Ali, "Judicial Reform and Democratic Consolidation in Indonesia," *J. Cita Huk.*, vol. 7, no. 3, pp. 383–404, Dec. 2019, doi: 10.15408/jch.v7i3.12228.

[21] *The Constitutional Court Decision No. 005/PUU-IV/2006*. 2006.

[22] G. Warp, "Independent Regulatory Commissions and the Separation of Powers Doctrine," *Notre Dame Law Rev.*, vol. 183, pp. 1001–1003, 1941.

[23] I. S. Chandranegara, *Kemerdekaan Kekuasaan Kehakiman Pasca Transisi Politik*. Jakarta: Radjawali Press, 2019.

[24] 1999, *Law no. 9 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition*. .

[25] *Law No 32 of 2002 concerning Broadcasting*. 2002.

[26] *Law No 14 of 2008 concerning Freedom of Information*. 2008.

[27] *Law no. 15 of 2011 concerning General Election Organizers*. 2011.

[28] *Presidential Decree No. 44 Tahun 2000*. 2000.

[29] *Law No. 37 of 2008 Concerning Ombudsman Republic of Indonesia*. 2008.

[30] B. Perdue, *Flores, Utt & Burns versus Linebarger, Goggan, Blair, Sampson & Meeks, L.L.P., 291 s.w. 3d 448*. .

[31] *Article 28 Commission Information Regulation No 1 Tahun 2013 tentang Prosedur Penyelesaian Sengketa Informasi Publik*. 2013.

[32] *Article 98 and 99 Law No 5 of 1986 concerning Administration Court*. 2004.

[33] *Article 68 (1) Law No 5 of 1986 concerning Administration Court*. 1986.

[34] "Article 98 (1), Article 99 (1), Article 98 (2), Article 98 (3), Article 99 (2), Article 99 (3) Law No. 5 of 1986 Concerning Administration Court," *1986*.

[35] *Article 62 (4), Article 62 (3), Article 62 (4) jo Article 62 (1) Law No. 5 of 1986 concerning Administration Court*. 1986.

[36] C. Cicero, *Cicero: De re Publica (On the Republic), De Legibus (On the Laws) (Loeb Classical Library No. 213)*. Massachussetts: Harvard University Press, 1943.