


Implications Position Auction Minutes in State Administrative Law regarding Legal Studies in Higher Education

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ABSTRACT

Understanding jurisdictional boundaries between law administration and civil law becomes aspect important in education law. This study analyzes position treatise auction in law state administration and the implications of learning law in college high. The method used is qualitative descriptive with a normative approach, focused on the analysis of regulation legislation, including Constitution Number 5 of 1986 concerning State Administrative Court and Regulation implementation auction, as well as relevant literature in civil and administrative law. Research results show that treatise auctions are more appropriately categorized in civil law because they document administrative transaction auctions without decision ties in a way law administration does. Uncertainty jurisdiction between Justice Civil and PTUN confirmed the need for a comprehensive approach to learning law. Implications study. This covers strengthening understanding of normative, studying case treatise auction in the eye, studying law state administration, and integrating interdisciplinary approaches. Thus, students can develop an analysis critical to the system of justice and understand the complexity of jurisdiction law in Indonesia.

Keywords: *Law Administration, Learning Law, Education High; Treatise Auction, Jurisdiction.*

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INTRODUCTION

In higher education, especially in the field of law, understanding the limitations of jurisdiction law administration and civil law becomes a crucial thing. One of the interesting issues under review is the position of the treatise auction in state law administration. The debate regarding the status of the minute's auction as State Administrative Objects (TUN) shows the complexity of the system and the necessary law understood by students. Legal education in universities has been developed to fulfill the demands of society, which continue to change. With merged methods of teaching traditional and modern, integrating various disciplines of knowledge, and overcoming challenges like digitalization and diversity, education law can Keep playing an important role in preparing students To play a role in system law and society in general (Alexandrova et al., 2022).

Modern legal education often merges method class with learning distance far to create an optimal education model. This approach helps expand the limitations of education and integrate technology information into the learning process. Legal education faces several challenges, such as the draft backward education era, rigid content, and methods of simple teaching that do not fulfill the needs of the contemporary public. In addition, the lack of

system education established and harmonious law with modern law culture and values (Soares et al., 2022).

The use of interactive and innovative teaching, such as modeling, is very effective in education law. Methods This gives qualitative updates to content training and ensures the versatility and effectiveness of the educational process (Polovchenko, 2024). Legal education must also focus on the development of critical thinking and the ability to respond to change in society. This involves merger studies and an approach new to the curriculum to bridge the gap between framework law normative and developmental public (Irianto, 2021).

An auction is a process of selling goods openly to achieve the highest price through competition among auction participants. In the Indonesian legal system, auctions function as one way to settle debt payment obligations, especially those involving collateral. This auction is usually initiated by the creditor to recover funds lent to the debtor, especially when the debtor is declared in default or fails to fulfill his obligations. An important document issued in this process is the auction minutes, which are official and authentic evidence of the results of the auction transaction. As a legal product, the auction minutes play an essential role in the process of ratifying the transfer of ownership of the auction object from the seller to the buyer. (Medi et al., 2024) .

Despite its central role, the existence of auction minutes also raises legal debates, especially regarding its position in state administrative law. From a legal perspective, debates arise regarding whether auction minutes are included in the category of State Administrative Decisions (TUN) that can be disputed in the State Administrative Court (PTUN) or are merely ordinary administrative documents that should be in the realm of civil law. The importance of clarifying the status of auction minutes is reflected in the decision of the Bandung State Administrative Court Number 78/G/2019/PTUN.BDG, which explicitly states that auction minutes are not the object of a TUN dispute. This decision raises questions regarding whether auction minutes have a legal force that can directly impact individual rights or merely act as administrative documents that regulate the transfer of ownership.

In the study of state administrative law, a decision can be considered a TUN object if it meets specific criteria (Suhariyanto, 2023). Based on Law Number 5 of 1986 concerning State Administrative Courts, the decision of the State Administrative Court must be concrete, individual, and final and have legal consequences for a person or legal entity. Thus, to be disputed at the State Administrative Court, a decision must have a direct impact on the rights of stakeholders. Good governance in public administration is characterized by participation, accountability, transparency, efficiency, and compliance with the rule of law (Selepe, 2023). In this context, the auction minutes raise ambiguity because although involving auction officials from government agencies such as the State Asset and Auction Service Office (KPKNL), auction minutes are considered more as administrative documents without any elements of concrete and individual state will decisions. The PTUN decision stating that auction minutes are not TUN objects has encouraged academic debate regarding limitations on the authority of state administrative officials in the auction process. Many parties argue that auction minutes are more appropriate if handled by non-government auction officials, considering that the auction process is a civil transaction between the creditor and the debtor. In this case, auction minutes should be issued by non-government auction officials who are under civil law jurisdiction. Not state administrative law. Thus, the transfer of the task of preparing auction minutes to non-government officials is expected to minimize the potential for disputes related to the legal status of auction minutes and avoid jurisdictional incompatibilities between the general court and the PTUN.

In the legal context, the difference of opinion regarding the auction minutes is rooted in Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning State Administrative Courts. Article 1 number 9 of this law defines a TUN decision as a written determination issued by a state administrative official, which is concrete, individual, and final. It has legal consequences for a person or legal entity (Piddubna et al., 2023). In this case, the PTUN considers that the auction minutes do not have the nature of such a determination because they are more of a report that formalizes the

results of the auction sale without any statement of the state's will in it. Therefore, the auction minutes are considered only as documentation of the transaction results signed by the parties involved, including the auction official, seller, and buyer, which serves as formal evidence of the process of transferring ownership of auctioned goods (Mishra, 2024).

On the other hand, state auction officials assigned to the KPKNL have the authority as representatives of the state to organize auctions. As part of state administrative procedures, these officials are required to follow administrative regulations in carrying out their duties, including in preparing auction minutes. However, the position of these auction officials also gives rise to the interpretation that auction minutes can be considered as state administrative decisions that are subject to administrative law. This is the basis for parties who feel aggrieved by the auction process to sue the auction minutes at the PTUN, as seen in case Number 78/G/2019/PTUN.BDG. In this case, the plaintiff felt aggrieved by the auction procedure, which was considered flawed, so he asked the PTUN to cancel the auction minutes. In academic discussions, there is a view that suggests that government auction officials only carry out administrative functions, while non-government officials should issue auction minutes under civil jurisdiction. Given that auctions are civil transactions involving creditors and debtors, auction minutes issued by non-government officials are considered more by the legal nature underlying the transaction. This will allow disputes related to auction minutes to be resolved in the general court rather than in the PTUN. This approach also has the potential to reduce legal complexity and clarify the legal procedures that the parties must follow in the auction.

In context education law, learning about treatise auctions can become relevant cases for honing ability analysis for legal students. With an understanding of how treatise auctions are under review in public administration law, students can develop skills that think critically about system-applicable law. In addition, integration treatise auction in curriculum law administration can help students understand draft-based state administrative decisions and mechanism settlement disputes involving justice civil and State Administrative Courts (Marziah et al., 2019). This is in line with objective education law that does not only emphasize normative aspects but also skills analysis law in practice justice.

From the perspective of development law public administration, research focuses on two issues main. First, can the treatise auction be categorized as an object of TUN dispute, or is the document administrative in nature and does not fulfill the criteria of TUN's decision according to law? Second, the research will discuss the possibility of diversion task publishing treatise auction to official auction non-governmental, with the objective of clarifying the legal status of the treatise auction as well as avoiding conflict jurisdiction between the court general and PTUN. The results study can give donation thinking for development regulation-related implementation auctions and minutes status auctions in system Indonesian law.

METHOD

Research methods used in the study This is method qualitative descriptive. Approach This focuses on studying law, which aims to analyze the regulation of applicable legislation, doctrine law, and principles law related to treatise auction in context law public administration (Nayar & Stanley, 2023). With the use of the method of flexible data collection and analysis and ensure accuracy through reflexivity, the researcher can produce rich and insightful knowledge For evaluating position treatise auction through understanding textual and systematic laws, especially Constitution Number 5 of 1986 concerning State Administrative Court and regulations related implementation auction, as regulated in Regulation of the Ministry of Finance.

In its implementation, research uses a studies library as a data collection technique. The literature study is done by collection and analysis of various source law secondary, including academic literature, scientific articles, decision courts, documents, law, and other relevant data analysis in the study. This is done in a qualitative way to describe and connect

principles related to laws with object research, namely treatise auction and its position in law state administration. Approach This expectation can give a runway solid law in answer question study without involving primary data from the results of an interview or survey.

FINDINGS AND DISCUSSION

Position Auction Minutes in State Administrative Law (TUN)

Treatise auction documenting results is very important for notes law and finance. For example, in frame implementation right liability, auction minutes published based on procedures auction are important for a winner for demand the auctioned item. Proper documentation, including treatise auction, increases transparency and accountability. This is very important in transactions worth a lot (Ou et al., 2023).

In the system of Indonesian law, the auction is an instrument For finishing civil interest-specific, especially those related to rights creditors to goods guarantee when a debtor fails to fulfill his obligations. One of the products produced from the implementation auction is the treatise auction, namely the document official who recorded the results of the auction process (Adam, 2023). However, the position of treatise auction in law state administration often gives rise to debate, especially about whether the document Is included in the category State Administrative Decisions (TUN), which can disputed at the State Administrative Court (PTUN).

Basically, Article 1 number 9 of Law Number 5 of 1986 concerning the State Administrative Court (PTUN), as has changed with Constitution Number 51 of 2009, defines a TUN decision as a " determination written statement issued by the agency or TUN officials who contain action state administrative law based on regulation applicable legislation, which is of a nature concrete, individual, and final, as well as cause consequence law for somebody or legal entity civil." Based on the definition, the TUN decision must fulfill a number of criteria; namely, it must be a concrete, individual, final, and impactful law that is directly applicable to the interested parties. This means that the TUN decision must be a result of action law administration carried out by officials or state administrative bodies and has a real direct impact on someone or a legal entity (Hidayah, 2023).

In the Decision of the Bandung Administrative Court Number 78/G/2019/PTUN.BDG, the court evaluates that the treatise auction does not fulfill the criteria as the TUN decision. In the decision, the minute's auction was considered as document administrative only to inaugurate results from a transaction buy and sell through mechanism auction, not as decisions that have an impact directly on the rights of somebody in context law state administration (De Lucia, 2022). State administrative courts are essential to maintaining the supremacy of law and ensuring that public authorities act within the bounds of their rules. (Sinaga & Erliyana, 2022) . In the context of this, minutes auction rated No own concrete, individual, and final characteristics as set up in Article 1 number 9 of the PTUN Law, because treatise This only functions as notes official confirming the switch ownership goods auction from seller to buyer based on agreement between second split parties, with official auction as party ratifier.

Aspect concrete from TUN decisions refers to the necessity of decisions in their own clear and visible form seen in form action real by state administrative officials (Yulius, 2019)—however, the minute's auction in matter This more nature as minutes or notes administration from results auction. Official auctions only take notes of transactions that occur without giving decisions that are of a nature tied to the realm of public or state administration. Therefore, the treatise auction rated No fulfills the element of the concrete requirements in Article 1 number 9 of the PTUN Law. Although official auction in a matter This is representative of a state agency, namely the Service Office State Assets and Auctions (KPKNL), its duties in compiling treatise auction nature administrative and not involve making decision laws that have an impact on rights and obligations parties certain in framework law state administration (Sartono, 2020).

Criteria second is individuality from TUN decision. A decision can categorized as a TUN decision if applicable for the specific affected impact directly from the decision. In the case of a treatise auction, natural individuality is not fulfilled Because the treatise only validates the results of the auction and not in a way specifically gives a right or obligation to an individual in a certain administrative realm of the state. Minutes auction No decisions are given in force only for individuals or parties specific in an explicit way, but more as a document that validates coming into effect agreement results in an auction between seller and buyer. Officials only act as those who witnessed and took notes on the results of the transaction without setting decisions in force individually in the TUN realm.

In addition, the nature of finality in the context of TUN's decision is also not fulfilled in the treatise auction. The final nature of the TUN decision means that the No Need agreement will continue and have an immediate impact felt by interested parties. In the treatise auction, no final decision or tie is made in the administrative realm of the state. Minutes only function as proof administrative from the results auction and can considered final in the context of civil administration between buyers and sellers, not as a TUN decision that has an impact on law directly in the realm of public or government. Therefore, PTUN assessed that treatise auction No fulfills the element of finality as a TUN decision because There are decisions of state officials who regulate or determine the legal status of somebody in the framework of law public administration (Dimitri, 2022).

Based on the interpretation from the third element, the Bandung PTUN decision stated that treatise auction No was included in the category TUN decision. Minutes auctions are more naturally administrative as a result of recording transactions between seller and buyer in an auction without containing final, concrete, and individual state administrative decisions. As document administration, minutes auctions play a role as proof of legality of transactions between creditors, debtors, and buyers auction, and not own effect law the public can dispute at the PTUN. Ratification in treatise auction only functions as notes written confirmation of the switch proper ownership, without the existing determination of the will of the state that impacts on rights public somebody or legal entity. The state administrative court has the authority to test Good written administrative decisions and also action factual government that violates the law (Aritonang et al., 2023).

In addition, there are arguments that a treatise auction is realm law civil, considering that the substance recorded in the treatise results from a transaction between two parties, namely seller and buyer. This process is more suitable in jurisdiction court than in administrative court, considering No existing decision containing action law state administration that has an impact directly on the rights of the public. In line with view this, some experts law to argue that a treatise auction should issued by an official auction non-governmental, which is not connected with the function of state administration. Approach This will reduce potential disputes at the PTUN and make the treatise auction a document in civil transactions. Thus, through the analysis above, position treatise auction in TUN law can concluded as an administrative document, which does not own characteristics of a TUN decision. This is due to the absence of concrete, individual, and final elements, which is a condition of absolute TUN decision according to Article 1 number 9 of the PTUN Law. Minutes auction is more appropriately viewed as proof administration results in the transaction. The auction is located in the realm of civil law, so related disputes with treatise Are more in accordance if settled in court civil, not at the PTUN.

Administrative Legal Aspects in Implementation of Auction by Auction Official

System Indonesian law is a dynamic and ongoing combination developed between law civil law, Islamic law, and international law custom, shaped by history, colonial and landscape diverse cultures. The ongoing legal reforms are in progress, aiming To create a framework for a cohesive and modern law that respects inheritance pluralistic nation. Indonesia has carried out significant legal reforms. To modernize the system, the law will still maintain national identity (Abdullah, 2023).

In the system of Indonesian law, the auction is a sales process open to things done to obtain the highest price through competition. Auctions, especially Execution Auctions Object of Mortgage, become frequently used means used in settlement right creditors to goods guarantee owned by debtors who are not capable of paying off debts (Budiono et al., 2023). In the implementation auction, the official auction's role is central because it is responsible for managing the auction process, supervising the way offers are made, and publishing the treatise auction as proof of administration from the results auction (Kumala, 2023). Aspects of law administration become very relevant in the context of implementation auction, mainly Because official auctions often originate from agency government, such as the Service Office State Assets and Auctions (KPKNL), which is under the authority of Directorate General State Wealth (DJKN) (Calo et al., 2023).

There is not quite enough answer to the official auction in the implementation auction, which covers tasks administratively and with authority To ensure that the auction process is in accordance with applicable provisions. In the event of this, the official auction acts as a representative of the running country procedure administrative to validate the switch right owned by an object auction from the seller to the buyer. The responsibility of the main official auction is to ensure that every stage of the implementation auction, starting from the announcements and bidding process up to the compilation treatise auction, is conducted in accordance with applicable regulations. In Indonesia, the rules implementation auction is set up in a number of regulations, one of them is Regulation of the Minister of Finance (PMK) Number 122/PMK.06/2023 concerning Instruction Auction Implementation. Regulation This gives clear guidelines about procedures, terms, and conditions for official auction in operating his obligation (Kumar & Dwidvedi, 2023).

Regulation administrative is an important component of modern governance, and it includes various aspects that guarantee the walk institution's administration in a practical and legal way (Knysiak-Sudyka, 2021). One of the important aspects of regulation in the implementation of auctions is the obligation to ensure transparency and fairness in the auction process (Sparapani, 2024). Officials must make announcements in a way that is open about the schedule and conditions of the auction so that all candidate participants have equal opportunity to follow. Transparency This covers the publication of information auctions through certain easy media-accessed societies. Provisions in PMK Number 122/PMK.06/2023 stipulated that the announcement auction is done in two stages, namely, the announcement first minimum of 15 days calendar before implementation auctions and the announcement second no later than 14 days before the date of auction. This shows the existence of an administrative binding for the official auction. Compliance procedures have been set so that every violation of the procedure can become a base for the injured parties. For sure, the validity of the auction process is important.

Authority official The auction also includes tasks For compiling a treatise auction as a document that validates the results of the auction. Minutes auction This Not only functions as proof administrative but also as a document of the law that shows that the auction process is in progress with valid and appropriate procedure. In the context of law administration, a minutes auction is often considered a document recording the switch of proper ownership to the buyer. Minutes auction also becomes base law for buyers. For claim ownership, object auction and management continue, such as coming back with name ownership at the National Land Agency (BPN) if the object auction is in the form of land or building.

Although the official auction's authority is in compiling the treatise auctions, the nature and position of the treatise auctions have still been debated by law administration. In state administrative law, a decision is considered an object dispute If it fulfills elements concrete, individual, and final. While the treatise auction was rated as not fulfilling the third element, it was considered more appropriate under the realm of civil law. However, as an official public, an official auction still must comply with the rules of administration in the implementation of its duties. Officials are required To act in accordance with principles of general good governance (AUPB), such as principles of transparency, professionalism, and accountability. If there is a violation of principles in an implementation auction, If a treatise

auction is made without following procedure and correct announcement, or if there is manipulation in the determination price auction, then the official auction can sue accountability through mechanism law administrative or civil court.

Aspect law administration in the auction also shows the relationship between administrative and civil regulation. Basically, auctions are transactions between creditors and buyers, with the debtor as the party whose goods are auctioned. However, because government agencies, such as KPKNL often manage auctions, their implementation is subject to strict administration by regulation. The role of officials auctions in context. This is a facilitator who connects the civil interests of the parties involved through an administratively structured mechanism based on government regulation. Thus, the implementation of an auction by officials of state auction brings dualism regulations, namely, on one side, following the rule of state administration and, on the other hand, related to the provision of the underlying civil law transaction auction is Alone (Daulay, 2023).

Dualism This creates a number of consequence laws. On the one side, if there is a violation of the administration in the auction process, the parties who are harmed, such as the debtor or participant auction, can submit a lawsuit against the disabled administration. For example, if the official auction No. Does announce the auction is open as required in PMK 122/PMK.06/2023, the auction process can be considered legitimate in a way administrative. On the other hand, if there is a dispute about an object or mark auction, then the problem is more in accordance with the completion in the civil realm because of the interest between creditors and buyers. In practice, the provisions of administrative and civil implementation auctions by officials are often mutually complete. Official auction No only responsible answer For operate task administrative, but also must understand principles law the underlying civil law transaction auction This is. It is essential for officials to guard the integrity of the auction process and ensure that all parties involved get fair treatment in accordance with the rule of applicable law.

Legal Implications for Redirection Task to Non-Governmental Auction Officer

In Indonesia, the implementation auction generally involves an official auction from an agency government, such as the Service Office State Assets and Auctions (KPKNL), which operates under the Directorate General State Wealth (DJKN). Officials are responsible for answering administrative questions in compiling treatise auctions, namely documenting official functioning as notes legitimate on implementation auctions. However, in a number of view laws, there is a proposal for minutes auction of more Goods published by an official auction non-governmental, considering that characteristics of transaction auction Alone are more naturally civil, not state administration (Rusaedi et al., 2024). The transfer task covers various implications of important laws and goods from the administrative and civil aspects. Auctions, in essence, are civil transactions between creditors and buyers, with the debtor as the owner of the goods collateral being auctioned. In the context of this, minutes auctions play a role as proof written that transaction transition right owned has happened between seller and buyer (Medi et al., 2024). Due to the nature of civil transactions, minutes are auctioned only to validate transactions based on the agreement of the parties involved, without involving element action law binding state administration in a public way.

Suppose the minute's auction is published by an official non-governmental, such as a Notary Public or official auction private sector under jurisdiction law. In that case, treatise the will own strength as document proof transition legitimate rights in a civil context (Jagadhita, 2023). Thus, the conflict of jurisdiction with law state administration can be minimized Because the treatise auction Is Again categorized as a decision of TUN officials who can dispute in the State Administrative Court (PTUN). A dispute-related treatise auction is then more appropriately settled in civil court, which is in line with the characteristic transaction auction in this case. Transparency and accountability, officials auction non-governmental responsible answer compile treatise auction can operate more independently and focus on principles of justice in civil transactions. Without being bound

by the rules and rigid administration from the agency government, auction non-governmental officials will be more flexible in ensuring that the auction process is open and fair for all parties, including candidate buyers. Transparency and accountability in auction This will increase public trust in the auction process and reduce potential fraud or violation procedures that are detrimental to one party in the auction (Siregar, 2017).

Implications of civil law that appear from diversion task publishing treatise auction to official non-governmental This also strengthens the protection of the rights of the parties involved in the auction, good buyers, sellers, and debtors (Junaidi et al., 2023). In this case, an error or mismatch in the treatise auction arranged by officials and parties who feel disadvantaged can submit a lawsuit demanding repair or cancellation of the treatise This is. In line with principle law, civil law protects the interest of individuals in transactions, unlike law administration, which focuses on the interests of general and state governance. With the publication of the treatise auction by non-governmental officials, the responsible answer is administrative No Again, binding the country or directly involving the government (Munib et al., 2024). Official auction non-governmental organizations that issue treatise auction acts in the capacity of professional and responsible answer in a way that is civil to the validity of the minutes he compiled. If this is a violation or negligence in the compilation treatise auction, the injured party can directly demand accountability from officials without involving the agency government. Thus, the administrative burden during this time is covered by the government in the implementation auction and can be reduced.

From the corner view of law administration, transferring publishing treatise auction to official non-governmental can also clarify the limitation between state authority and domain private in debt settlement through mechanism auction. Diversion This prevents potential conflict jurisdiction between PTUN and the civil court. Treatise auctions published by non-governmental officials are not considered decisions that can be disputed at the PTUN (Bhakti, 2022). Disputes that may appear from implementation auction, such as dispute price auction or object from party third, are more appropriately settled in civil court. Efficiency and certainty law also has the potential to increase with the existence of official non-governmental responsible answers on treatise auction. The parties involved in an auction will own track and clearer laws for finish disputes that arise without a must through the PTUN, which may not be relevant enough in a finish interest civil transaction auction. This can save time and cost for parties in the auction because related disputes in the treatise auction are handled by the court's competent civil authority in the case (Nur et al., 2024).

Redirection task publishing treatise auction, which also allows improvement in professionalism in implementation auction. Official auction non-governmental entities, such as notaries, have a special role in handling the transactions of civil complexes and are more focused on fulfilling the needs of the public without being bound by a bureaucracy that often hinders the process in the institution of government. In many countries, the system auction managed by an institution has Already proven more effective in giving fast, transparent, and accountable auctions for all parties involved (Maskanah et al., 2024). Thus, the diversion task of publishing a treatise auction to an official non-governmental auction produces a number of positive implications for the law. Implications This covers the subtraction burden of administrative government, improvement accountability implementation auction, protection rights of civil parties involved, and efficiency in settlement dispute auction. This also allows the system for more auctions to be responsive to the needs of society and improves the public's trust in auction mechanisms in Indonesia.

CONCLUSIONS

Based on the study conducted, it can concluded that treatise auctions have a higher position appropriate in the realm of civil law because they function as a document related to administration transaction auction, without containing binding decisions in a way law administration. Uncertainty jurisdiction between the Justice Civil and State Administrative Court (PTUN) in handling disputes involving treatise auctions highlights the need for a

more comprehensive approach to education law, especially in learning law and public administration in college. There is an argument that a treatise auction is realm law civil and that the substance recorded in the treatise results from a transaction between two parties, namely sellers and buyers. Aspects of law administration in the auction also show the relationship between administrative and civil regulation. Using a treatise auction as a case study in eye-studying law state administration can enrich the understanding of the difference between law administration and civil law. Thus, education law must be capable of developing skills that allow students to analyze the critical dynamics of existing laws, including understanding different jurisdictions and mechanisms of settlement disputes.

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