

The Legal Power of Public Officers' Decisions Successful in Public Courts

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Article	Abstract.
Keywords: Courts; Decision; Official; Public..	The aims of this research is to know one of the causes of the emergence of civil cases is the decision of public officials that support and benefit one party, and harm the other party. They feel even more disadvantaged, and feel they have been treated unfairly, because the culprit is considered the source of the problem, namely the decision of the public official who can no longer be challenged in the PTUN (State Administrative Court). The approach used in this research is a normative juridical research method. The object analysis used a qualitative approach, with reference to the existing legal norms in the legislation. The primary data that became the initial basis were civil cases in the Pemalang District Court and the Serang District Court. A birth certificate which is issued if it is not in accordance with and contradicts the applicable legal provisions, it is still possible to be canceled or declared invalid and has no binding legal force by a court decision. However, a birth certificate can be valid and cannot be canceled if it meets certain conditions, both formal and material requirements. In order to cancel a birth certificate, if it is suspected that the issuance is not in accordance with the applicable legal provisions, then the injured party can file a cancellation lawsuit and declare it invalid and does not have binding legal force to the State Administrative Court, but if the submission is in conflict with the provisions of Article 55 of the Law on State Administrative Courts, there is still an opportunity to submit it to the General Court, namely the local District Court to declare that the birth certificate is invalid and has no binding legal force.
Article History Received: 2022-02-27; Reviewed: 2022-03-21; Accepted: 2022-04-03; Published: 2022-04-04.	
DOI: http://dx.doi.org/10.30659/jdh.v5i1.20477	

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1. Introduction

Why the state or government can be sued by citizens cannot be separated from the understanding of the teachings of the rule of law, both known as the rule of law or *rechtstaats*. The rule of law basically underlies the limitation of the power of state organs. In order for state power to be limited and controlled, teachings on legal protection for citizens have developed, several approaches have been developed in the concept of human rights, administrative justice and so on. In line with that, the notion of constitutionalism is an understanding or flow that requires limitation of state power or limited government power.¹

Legal issues in the midst of society are not only increasing, but also growing. The issue of civil law, especially civil inheritance law, is getting here, not only the more variants, but also the social impact of the inheritance issue itself. Inheritance problems

¹Bagir Manan in the Journal of Peratun Law Vol. 2 No. 2 August 2019 : 165-190
<https://doi.org//10.25216/peratun.222019.165-190>

can even cause the rift of a family. Not only between siblings, but also the bond between parents and children. One of the causes of inheritance disputes is the decision of public officials that supports and benefits one party in terms of controlling inheritance, and harms other parties who do not get inheritance rights. They feel even more disadvantaged, and feel they have been treated unfairly, because the culprit who is considered the source of the problem, namely the decision of the public official. The government has the duty and obligation to serve its citizens in managing population documents as mandated in Act No. 23 of 2003 concerning Population Administration as amended by Act No. 24 of 2013 concerning Amendments to Act No. 23 of 2006 concerning Population Administration .

Article 2 of Act No. 23 of 2003 concerning Population Administration as amended by Act No. 24 of 2013 concerning Amendments to Act No. 23 of 2006 concerning Population Administration, states that every resident has the right to obtain: a. Resident Documents; b. the same service in Population Registration and Civil Registration; c. protection of Personal Data; d. legal certainty over document ownership; e. information regarding data on the results of Population Registration and Civil Registration for himself and/or his family; and f. compensation and restoration of good name as a result of errors in Resident Registration and Civil Registration and misuse of Personal Data by the Implementing Agency.

Furthermore, Article 27 paragraph (1) states that every birth must be reported by the Resident to the Implementing Agency at the place where the birth event occurs no later than 60 (sixty) days after birth. Furthermore, paragraph (2) states that based on the report as referred to in paragraph (1), the Civil Registration Officer shall record on the Birth Certificate Register and issue a Birth Certificate Quotation².

The Department of Population and Civil Registration to be able to issue a birth certificate of course provides several document requirements that must be met to ensure the truth of the information that will be contained in the birth certificate as an authentic child's identity. However, it is undeniable that there are still many problems regarding birth certificates that are problematic in the community, so that many have led to lawsuits and requests to cancel or declare invalid and have no binding legal force on a birth certificate, for example the existence of forgery of identity contained in the certificate. birth. Cancellation or declaring invalid and has no binding legal force on this birth certificate can be done with a court decision that has permanent legal force³.

A birth certificate is one form of an authentic deed, in Article 1870 of the Civil Code it is stated that an authentic deed is a perfect means of proof for both parties and their heirs and all those who have rights from it about what is contained in the deed. An authentic deed which is complete and binding evidence, means that the truth of the things written in the deed is considered to be true, as long as the truth is that no other party can prove otherwise⁴.

² Andi Aina Ilmih, Kami Hartono, Ida Musofiana, Legal Aspects Of The Use Of Digital Technology Through Sharia Online Transactions In Traditional Markets In Increasing Community Economy, *International Journal Of Law Recontruction*, Volume 3, Issue 11, September 2019

³ Nurhaidah, M. Insyah Musa, Dampak Pengaruh Globalisasi Bagi Kehidupan Bangsa Indonesia, *Jurnal Pesona Dasar*, Vol. 3 No. 3, April 2015

⁴ Ibid.

Referring to the duties and functions of government agencies or officials in the function of administering the public interest, they cannot be separated from the act of issuing a decision. It is possible that the decisions he makes will result in losses. In such case, according to Ridwan HR, the burden of responsibility and claim for compensation for these rights is addressed to every legal subject who violates the law, no matter whether the legal subject is a person, a legal entity, or the government⁵.

The legal process for handling civil cases regarding the validity of a decision by a public official in the form of letters, one of which is the cancellation of a birth certificate. To declare the legal cancellation of a Birth Certificate, or the validity of a Birth Certificate, of course, you must go through the dispute resolution process for the decisions of public officials at the PTUN (State Administrative Court), as regulated in Act No. 5 of 1986 which was amended by Act No. 9 of 2004 which was amended again by Act No. 51 of 2009 concerning the Second Amendment to Act No. 5 of 1986 concerning State Administrative Courts.

2. Research Methods

The approach used in this research was a normative juridical research method, namely library law research conducted by examining library materials, court decisions, related legislation, documents, and other secondary data, including discussions with experts and legal practitioners who interested in the research theme. The object analysis uses a qualitative approach, with reference to the existing legal norms in the legislation. The primary data that became the initial basis was a civil case case at the Pemalang District Court, Central Java No.16/Pdt.G/2020/PN.Pml. and at the Serang Banten District Court No.71/Pdt.G/2014/PN.Srg.

3. Result and Discussion

3.1. General Court Decisions on Decisions of Public Officials

Indonesia as a country based on law provides an opportunity for all citizens if they feel that their rights have been violated to file a lawsuit or claim through legal channels, namely to the Court which is indeed given the power by the state to examine and judge. Meanwhile, judicial officials who are authorized by law to examine and adjudicate a case are judges. Judges are given independent powers in an effort to uphold law and justice and truth, which can produce decisions that can provide justice, certainty and benefit to the community⁶.

Article 1 Paragraph (1) of Act No. 48 of 2009 concerning Judicial Power, states:
"Judicial power is the power of an independent state to administer justice in order to uphold law and justice based on Pancasila and the 1945 Constitution of the Republic of Indonesia, for the sake of the implementation of the State of Law of the Republic of Indonesia."

⁵ Mieke Komar Kantaatmaja, *Menyongsong Penyusunan Peraturan Perundang-undangan Telematika (Cyber Law)*, Makalah pada Seminar Nasional tentang Aspek Hukum Transaksi Perdagangan via Internet di Indonesia (E-Commerce), SEMA FH Unpad, Bandung, 22 July 2000

⁶ Andri Winjaya Laksana, *Cybercrime Comparison Under Criminal Law in Some Countries*, *Jurnal Pembaharuan Hukum*, Vol V No.2 April-August 2018

Legal issues regarding the authority to adjudicate decisions of public officials become interesting when the lawsuit is declared unacceptable when it is submitted to the State Administrative Court (PTUN) or a lawsuit is not filed, because it is collided with Article 55 of Act No. 5 of 1986 which has been amended by Act No. 9 of 2004 which was later amended again by Act No. 51 of 2009 concerning the Second Amendment to Act No. 5 of 1986 concerning the State Administrative Court, and by the Plaintiff it was then submitted to the General (State) Court and the lawsuit was granted.

The problem of power or jurisdiction to adjudicate arises due to various factors, such as the factor of the judiciary which distinguishes the existence between the appeals and cassation courts as higher courts (superior courts) dealing with first-level courts (inferior courts). This factor naturally raises the issue of the authority to judge institutionally. Cases that fall under the authority of a lower court cannot be submitted directly to a higher court. Disputes that must be resolved first by the court of first instance cannot be submitted directly to the court of appeal or cassation, and vice versa. Which is the authority or jurisdiction of a higher court, cannot be asked for a settlement to a lower court⁷.

Another factor is the difference or division of jurisdiction based on the judicial environment, which gives birth to absolute power or authority for each judicial environment which is also known as attribution of power (attributive competentie, attributive jurisdiction). In addition to environmental differences, the special authority factor (specific jurisdiction) given by law to extra judicial, such as Arbitration or Shipping Court. Even this jurisdictional problem, can also arise in a judicial environment, due to regional factors (locality) that limit the authority of each judiciary in a particular jurisdiction or legal area, which is called the relative authority of the distribution of power (distributive jurisdiction)⁸.

Regarding the issue of the authority to adjudicate, this is a formal condition for the validity of a lawsuit being filed. If there is an error in filing a lawsuit to a court or judiciary that is not authorized, it can result in the lawsuit being wrongly addressed in filing it, then such a lawsuit is considered invalid and declared unacceptable on the grounds that the lawsuit filed does not fall under relative jurisdiction or absolute jurisdiction. from the court in question.

Paying attention to the judiciary in Indonesia, it is certainly not easy to coordinate in the implementation of tasks. Not to mention the issue of authority that can lead to conflicts of competence (competency conflicts), both negative and positive. The conflict of authority or competence conflict will certainly harm justice seekers; as well as the executing agency of the judicial power. For this reason, people's trust in judicial power needs to be maintained, so that it can become an authoritative institution and the people are proud⁹.

⁷ Kornelius Benuf, Muhamad Azhar, Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer, *Jurnal Gema Keadilan*, Volume 7 Edition I, June 2020

⁸ Dessy Permatasari Saputri, Surryanto D. W., Helda Risman, Indonesian Cyber Diplomacy: Asean-Japan Online Cyber Exercise, *Technium Social Sciences Journal*, Vol. 9, July 2020

⁹ Henni Muchtar, Analisis Yuridis Normatif Sinkronisasi Peraturan Daerah Dengan Hak Asasi Manusia, *Humanus* Vol. XIV No.1, 2015

The purpose of a process before the court is to obtain a determination of how a case is, namely how the legal relationship between the two litigants actually and should be and so that everything determined by the court is realized, if necessary by forced execution. Thus the rights and obligations given by the material law decided or determined by the court can be implemented or realized.

There are several things that must be met so that the filing of a civil lawsuit can be granted by the Civil Judge:

- The Civil Judge concerned must be authorized to examine his claim;
- The actions of the authorities being sued must be against the law, meaning that they are against the prevailing legal norms (written or unwritten), which are intended to protect the interests of the Plaintiffs;
- The loss suffered by the Plaintiff was caused by the Defendant's fault or became the Defendant's risk that he must bear;
- It must be proven that there is a causal relationship between the actions of the guilty party and the loss suffered by the Plaintiff;
- It must be proven that the loss did occur.

The definition of an unlawful act in Article 1365 of the Civil Code according to Ros Agustina is an open-ended formulation, because the article is a normative framework. Such a formulation will give the judge the flexibility to find the law. Even though there are now several laws which sectorally regulate unlawful acts, including the Administrative Law, these provisions do not need to replace the normative formulation of Article 1365 of the Civil Code. Because article 1365 of the Civil Code at the same time can be said to be a genus of provisions against other provisions which also regulate unlawful acts more specifically¹⁰.

The civil lawsuit procedure path is based on Article 1365 of the Civil Code which is based on a claim for compensation submitted to an independent Civil Court. In adjudicating such a lawsuit before a claim for compensation is proven, the Civil Judge examines from a legal perspective whether the government's actions (in this case the TUN decision) are against the law or not. In order for such a claim for compensation to be granted, it must be proven that:

- The TUN decision being sued is against the law; The condition is that it must be proven against the law, the act being sued is similar to what happened in the process before the TUN Judge. What is different are the grounds for examining the unlawful nature of the action being sued. For Civil Judges, the basics of testing use benchmarks that have been developed by permanent jurisprudence, while for TUN Judges the basics of testing adhere to the provisions of Article 53 Paragraph (2) a, b, c.
 - The agency being sued is indeed guilty of committing an unlawful act;
 - The Plaintiff did suffer losses;
 - As a result of the actions (decision of the TUN) the agency being sued for.

The term "unlawful act" contained in Article 1365 of the Civil Code is substantially more towards a general legal concept than a normative definition of the rule of law. In the formulation of Article 1365 of the Civil Code, "acts against the law" are rules that

¹⁰ Catherine friend, Lorraine bowman grieve, Jennifer Kavanagh, Marek Palace, fighting cybercrime: A review of the Irish Experience, *International journal of cyber criminology*, Vol 14 Issue 2 July-December 2020

actually refer to universally applicable legal teachings, namely every legal subject, both people/humans, legal entities or positions that carry out legal actions and can cause harm to other parties, then he must be responsible for his actions to the injured party. Therefore, it can be said that the formulation of Article 1365 of the Civil Code is a general law doctrinal¹¹.

There are differences in characteristics between the lawsuit through the civil process and the process through the TUN court. On the one hand, the state administration judge process can provide more legal protection, in the sense that through this process a disputed state administration decision can be cancelled and sometimes based on articles 97 paragraphs (8) and (9) of this law a new state administration decision can be issued which must be issued by the defendant as compensation for the canceled TUN decision. As for civil courts, it turns out that there is no regulation on the basis of which the Civil Judge in his decision has the authority to oblige the sued and defeated authorities to act as stated in Article 97 of Act No. 5 of 1986 above.

3.2. Legal Consequences of Decisions of Public Officials Decided by General Courts

A birth certificate is a letter that can be used as evidence of self or as evidence of self against the owner, where the birth certificate clearly states the Day, Date, Month and Year of birth and also includes the names of both parents. Thus, the birth certificate can be used to prove that the person listed in the birth certificate has reached adulthood or has not or can act legally or not, besides that it can also be used for the purpose of population administration, entering school, applying for a job, proving in court.

A valid birth certificate of a child must be authentic, because an authentic deed is a deed made by an authorized public official, the purpose of which is to make the letter, with the intention of making the letter as evidence.

The cancellation of the birth certificate is carried out by a court decision that has permanent legal force because in an application or lawsuit for cancellation of a birth certificate there must be a party who is harmed, so that before the cancellation occurs, it is necessary to re-examine the reasons and evidence that can cancel the birth certificate. Given that a birth certificate determines a person's identity as well as legal certainty regarding his position and status, only a court judge has the authority to materially examine the cancellation of a birth certificate. This avoids counterfeiting, exploitation of children, or illegal buying and selling of children. Based on the results of research on the cancellation of a child's birth certificate, the status and position of the child will have an effect after a court decision or decision has permanent legal force.

The Court's Judgment Understood

a. Pemalang District Court Decision No. 16/Pdt.G/2020/PN.Pml.

1) Position Case:

The Plaintiffs sued Defendant I (Head of the Pemalang Regency Population and Civil Registration Office) and Defendant II, arguing that the Plaintiffs were siblings of

¹¹ Abdurrahman Alhakim, Eko Sopyono, Kebijakan Pertanggungjawaban Pidana Korporasi Terhadap Pemberantasan Tindak Pidana Korupsi, *Jurnal Pembangunan Hukum Indonesia*, Volume 1, No. 3, 2019

Defendant II's adoptive mother. In the marriage of the Plaintiffs' siblings and their husbands, they did not have any biological children, but in 1985 appointed Defendant II. Then in 1991 Defendant I has issued a Birth Certificate on behalf of Defendant II as a biological child, such issuance is invalid and has no binding legal force.

The Plaintiffs only filed a lawsuit in 2020 or after a gap of 29 years. In their petition, the Plaintiffs request that the Panel of Judges of the Pemalang District Court who examines and hears the a-quo case is pleased to pass a decision which essentially states the Birth Certificate on behalf of Defendant II issued by Defendant I so that it can be declared invalid and has no binding legal force.

Regarding the lawsuit, Defendant II filed an exception regarding the authority to adjudicate which in essence: The Plaintiffs' arguments are erroneous arguments and have no legal basis, because they are valid or invalid, null or void, valid or not valid, a State Administrative Decree is not the authority of the General Court but the authority of the State Administrative Court (PTUN) as regulated in Act No.: 5 of 1986 in conjunction with Act No.: 9 of 2004 in conjunction with Act No.: 51 of 2009, so that in this case the Administrative Court The State (PTUN) of Semarang has the authority to examine it.

2) Legal Considerations (Ratio Decidendi) and Interim Decisions

Based on the posita and petitem of the Plaintiffs and the exception of Defendant II, the Panel of Judges gave legal considerations (ratio decidendi) relating to the above exception as follows:

Defendant II's exception stating that the State Administrative Decision is not the authority of the General Court, but the authority of the Semarang State Administrative Court (PTUN). The Panel of Judges is of the opinion that Defendant I is the Head of the Population and Civil Registration Office of the Regency. Pemalang is a State Administrative Officer, so that the Plaintiffs' claim with the material stated that the Birth Certificate of Defendant II is declared invalid and has no binding legal force made by Defendant I as a Government Official becomes the domain of the State Administrative Court, therefore the District Court Judge Pemalang is not authorized to adjudicate this case in absolute competence, so the claim must be declared unacceptable.

Based on the legal considerations above, the Panel of Judges who examined and tried this case finally handed down a decision which in essence:

- b. Granted the Exception of Defendant II regarding absolute competence to try;
- c. To state that the Pemalang District Court is not authorized in absolute terms to examine and adjudicate civil cases of Register No.16/Pdt.G/2020/PN.PML;

3.3. Legal Considerations (Ratio Decidendi) and Semarang High Court Decision No.354/PDT/2020/PT.Smg.

Based on the decision between the Pemalang District Court, the Plaintiffs filed an appeal, and the Panel of Judges of the Semarang High Court gave legal considerations as follows: Considering, the Plaintiff's claim in the aquo case only requests that the birth certificate of Defendant II be declared invalid and has no binding legal force and not to cancel or revoke the birth certificate; Considering, whereas to declare that the deed of Defendant II is declared invalid and has no binding legal force, it is necessary to prove it

by listening to the witnesses presented in the aquo trial; Considering, that taking into account the legal facts mentioned above, the Panel of Judges of the High Court is of the opinion that the Pemalang District Court has the authority to examine and adjudicate this case.

Based on the legal considerations above, the Panel of Judges who examined and tried this case finally handed down a decision which in essence:

- Received an appeal from the original Complainants of the Plaintiffs;
- Canceling the decision of the Pemalang District Court Number 16/Pdt.G/2020/PN.Pml, dated July 2, 2020 for which the appeal was requested;

Judge yourself:

- Rejecting the exception regarding the inability to adjudicate absolute competence proposed by Defendant II, originally Defendant II;
- To declare that the Pemalang District Court has the authority to examine and adjudicate this case;

3.4. Legal Considerations (Ratio Decidendi) and Final Decision of the Pemalang District Court No.16/Pdt.G/2020/PN.Pml.

Based on the decision of the Semarang High Court, the Pemalang District Court continued the trial, and the Panel of Judges of the Pemalang District Court gave legal considerations that the Plaintiffs' brothers married to their husbands without having children, but the birth certificate issued by Defendant I listed Defendant II as the second child of the husband's spouse. with the wife of the Plaintiffs' siblings, the actions of Defendant I who had issued a birth certificate of Defendant II which was not in accordance with the reality had harmed the Plaintiffs.

Based on the legal considerations above, the Panel of Judges who examined and tried this case finally handed down a decision which in essence:

- Rejecting the provisions of the Convention Defendant/Reconvention Plaintiff in its entirety;
- Rejecting the Exception of the Defendant to the Convention/Plaintiff to the Convention in its entirety;
- Granted the Plaintiff's claim in its entirety;
- Stating that X (the Plaintiffs' siblings) with Y (husband-X) in their marriage do not have children/offspring;
- To declare that the birth certificate of Defendant II is invalid and has no binding legal force;
- Sentencing Defendant I to submit to and comply with the contents of this decision;

Serang District Court

1) Position Case

The Plaintiff sued Defendant I and Defendant II and Defendant III (Head of Office/Department of Population and Civil Registry Serang Regency), arguing that in marriage X and Y did not have children, but appointed Defendant II and Defendant II. Then on Defendant III has issued Birth Certificates on behalf of Defendant II and Defendant I as biological children, such issuance is invalid and has no binding legal force.

The plaintiff only filed a lawsuit in 2014. In its petition, the Plaintiff requests that the Serang District Court Judges who examined and adjudicated the a-quo case are pleased to issue a decision which essentially states that the Birth Certificates on behalf of Defendant II and Defendant I issued by Defendant III can be declared invalid and have no legal force.

2) Legal Considerations (Ratio Decidendi) and Interim Decisions

Based on the Plaintiff's posita and petition as well as the exceptions of Defendant I, Defendant II and Defendant III, the Panel of Judges gave legal considerations (ratio decidendi) relating to the above exception which in essence: that Defendant I, Defendant II and Defendant III filed an exception regarding the authority to try (absolute competence) where the authority to adjudicate the perkawa aquo is the Serang State Administrative Court and not the Serang District Court.

Based on the legal considerations above, the Panel of Judges who examined and tried this case finally decided:

- Reject the exceptions regarding the inability to adjudicate absolute competence submitted by Defendants I, II and Defendants III.
- Stating that the Serang District Court has the authority to examine and hear this case.
- Ordering the litigants to continue and continue the examination of the subject matter of this case.

3) Legal Considerations (Ratio Decidendi) and Final Decision of Serang District Court No.71/Pdt.G/2014/PN.Srg.

The Serang District Court continued the trial and gave legal considerations which in essence: it was proven at trial based on the witnesses that X and Y in their marriage did not have children. Based on the legal considerations above, the Panel of Judges who examined and tried this case finally handed down a decision which in essence:

Rejecting the exceptions of the Defendants (Defendant I and Defendant II);

- Granted the Plaintiff's claim in part.
- Says X and Y in their marriage have no children.
- Stating that the Birth Certificate on behalf of Defendant II and on behalf of Defendant I is invalid and has no binding legal force;
- Sentencing the Population and Civil Registry Office of Serang Regency (Defendant III) to submit and comply with the contents of this decision;
- Reject the claim other than and the rest.

4) Legal Considerations (Ratio Decidendi) and Banten High Court Decisions Number: 72/PDT/2015/PT.BTN.

On the decision of the Serang District Court, the Defendants filed an appeal, and the Banten High Court Panel of Judges gave legal considerations, which essentially stated that the Serang District Court's legal considerations were appropriate and correct so that they were taken over as legal considerations by the Banten High Court Panel of Judges.

Based on the legal considerations above, the Panel of Judges who examined and tried this case finally handed down a decision which in essence:

- Received an appeal from the original Appellants of the Defendants;
- Strengthening the Serang District Court Decision Number 71/Pdt.G/2014/PN Srg dated June 4, 2015, for which the appeal was requested;

5) Legal Considerations (Ratio Decidendi) and Supreme Court Decisions Number: 199 K/PDT/2016.

Based on the decision of the Banten High Court, the Defendants filed a Cassation, and the Panel of Judges at the Cassation Level gave legal considerations, in essence that the legal considerations of the *judex factie* were correct and correct so that the cassation request from the Cassation Petitioners had to be rejected.

Based on the legal considerations above, the Panel of Judges who examined and tried this case finally handed down a decision which in essence: Rejecting the Cassation Applications from the Petitioners for Cassation 1 and 2;

Decision Analysis

However, both decisions have resulted in decisions stating that the birth certificate is invalid and has no binding legal force. This is in accordance with the legal considerations of the Panel of Judges in the two *aquo* decisions which state that the General Court has the authority to try *aqua* cases. Because if it is guided by Act No. 5 of 1986 which has been amended by Act No. 9 of 2004 which was amended again by Act No. 51 of 2009 concerning the Second Amendment to Act No. 5 of 1986 concerning State Administrative Courts, then the Administrative Court law will not reflect a sense of justice for the siblings of the adoptive parents of Defendant I in the case at the Pemalang District Court and Defendants I and Defendant II in the case at the Serang District Court to obtain inheritance rights. Based on the two decisions studied in this study, it can be concluded that birth certificates as evidence issued by government agencies in this case are the Department of Population and Civil Registration which aims to provide legal guarantees and certainty for the owner, but if the issuance is contrary to the provisions the applicable law, and to file a lawsuit with the State Administrative Court is no longer possible, then another alternative is to file a lawsuit with the General Court of Justice to declare the birth certificate invalid and not legally binding. The legal consequences of a public official's decision (birth certificate) which is decided by the General Court (State), then the birth certificate is invalid and has no binding legal force.

4. Conclusion

Birth certificate is evidence issued by the government in this case is the Office of Population and Civil Registration to be used as proof of self and is an authentic letter. In Indonesia, a birth certificate which is issued if it is not in accordance with and contrary to the applicable legal provisions, may still be canceled or declared invalid and has no binding legal force by a court decision. However, a birth certificate can be valid and cannot be canceled if it meets certain conditions, both formal and material requirements. To cancel a birth certificate, if it is suspected that the issuance is not in accordance with the applicable legal provisions, then the parties who feel aggrieved by the issuance of the birth certificate, then the person concerned can file a lawsuit for cancellation and declare that it is invalid and has no binding legal force to the person concerned.

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