

Juridical Study of the Discharge of Dismissal of Village Officials Based on the Decision of the Kendari State Administrative High Court

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ABSTRACT: This study aims to analyze the judge's considerations in the decision. NO. 6/G/2020/PTUN.KDI and No. 12/G/2021/PTUN.KDI. The type of research in this research is library research, legal research is done by examining library materials or secondary data. Normative juridical research discusses the doctrines or principles in the science of law. The results of the research show that the Judge's Consideration in the Decision. NO. 6/G/2020/PTUN.KDI and NO. 12/G/2021/PTUN.KDI is in accordance with Law Number 6 of 2014, village administrative responsibilities are under the authority of the district or city (the local government itself). They continue to maintain the rights and authority needed to regulate matters communal ways that are consistent with their rights of origin and customs and the Regulation of the Minister of Home Affairs Number 84 of 2015 in conjunction with the Regulation of the Minister of Home Affairs Number 16 of 2017

KEYWORDS : Village, Court, Decision.

I. INTRODUCTION

Law Number 6 of 2014 concerning villages is a starting point for villages to be able to determine positions, roles and functions as well as authority over themselves. The hope is that villages can be socially empowered and politically sovereign as the foundation of village democracies well as being economically empowered and culturally dignified as the face of village independence and village development . (M. Silahudin, 2015) The village head is a leader who has a position as the holder of power in the village government. This makes the village head must be able to lead his subordinates according to the mandate that is imposed on him, because leadership gives birth to power and authority whose use is solely to facilitate carrying out the responsibilities of serving the people. According to Article 1 paragraph (3) of Law Number 6 of 2014 concerning village administration, the Village head or what is referred to by another name is assisted by Village officials as an element of Village administration and is elected through a general election process for the village scope.

Based on RI Government Regulation Number 43 of 2014 concerning villages that the BPD processes village head elections, no later than 4 (four) months before the end of the village head's term of office. The village head is directly elected by the villagers from candidates who meet the requirements for direct, general, free, confidential, honest and fair village head elections. Village head elections are carried out through the nomination and election stages. The village head serves a maximum of two times for the nomination and election of the village head, the BPD forms an election committee consisting of elements from village officials, administrators of social institutions and community leaders. The election committee checks the identity of the prospective candidates based on the specified requirements, conducts voting, and reports the village head election to the BPD. The election committee conducts screening and screening of village head candidates according to the requirements for village head candidates who have met the requirements to be determined as village head candidates by the election committee. Candidates for village heads who are entitled to be elected are announced to the public in open places in accordance with the socio-cultural conditions of the local community. Candidates for village heads can carry out campaigns in accordance with the socio-cultural conditions of the local community . In the implementation of governance in the village, of course, there are rules of the game to limit village officials from taking an action, so that there is no abuse or abuse of authority at the village apparatus level due to elements of personal interest, the government has provided various rules regarding

villages, as for the prohibitions for village apparatus as stipulated in Law No. 6 of 2014 concerning Villages, Article 51 .

In carrying out legal efforts to seek justice for dismissed village officials, they must take legal action through the State Administrative Court in Law No. 5 of 1986 State Administrative disputes are disputes that arise in the field of State Administration between persons or civil legal entities with State Administrative bodies or officials both at the center and in the regions as a result of the issuance of a State Administrative Decision (KTUN) including employment disputes based on applicable laws and regulations. (Zainal Asikin, 2012)

One of the disputes that often results in lawsuits or demands submitted to the State Administrative Court is the dispute over dismissal of village officials. Based on the symptoms, the decision letter (SK) issued by the village head regarding dismissal of village officials must be in accordance with the law and Permendagri, but there is still nothing in this law that is implemented or nothing in this law is in accordance with his dismissal. This can be seen in Article 53 regarding dismissal of village officials, where in this PTUN decision it can be seen that the dismissal of village officials was carried out by the village head without any reason related to dismissal of village officials, which can be said that village officials were dismissed without any serious violation. they do. In the decree issued there are still reasons for dismissal that are not in accordance with Article 53 of Law Number 6 of 2014.

As the Kendari State Administrative Court Decision No. 6/G/2020/PTUN.Kdi is a decision on the object of the lawsuit. Decision of the Village Head of Lapandewa Makmur Number: 01 of 2020 concerning Dismissal, Appointment and Inauguration of Village Apparatuses of Lapandewa Makmur, Lapandewa District, South Buton Regency, January 2 2020. In this case the Plaintiffs are 5 (five) people and are Village Apparatuses who have been appointed based on being appointed and or determined in accordance with the Decree of the Head Lapandewa Makmur Village Number: 02 of 2019 concerning the Inauguration of the Village Secretary, Head of Affairs, Head of Section and Head of Hamlet dated January 7 2019. In the case of the Plaintiff, they feel that their replacement as an instrument is not in accordance with applicable regulations. Because all forms of administration and office procedures as village officials are still fulfilled by the Plaintiff.

Based on Law Number 6 of 2014 concerning Villages, Article 26 paragraph (2) letter b states that the Village head has the authority to appoint and dismiss Village officials. Regarding the dismissal of Village officials explained in Article 53 which says that Village officials stopped due to death, at their own request, and were dismissed. As for Village officials who were terminated as referred to in Article 53 paragraph 1 letter c because: Age has reached 60 (sixty) years ; Permanently disabled; No longer fulfilling the requirements as Village apparatus or violating the prohibition as Village apparatus. (Law Number 6 of 2014 Concerning Villages Article 53). In the decision letter (SK) issued by the village head regarding dismissal of village officials, it must be in accordance with the basis of the Law and Permendagri. Termination of Village apparatus based on the Village head's decision letter contained in Article 53 paragraph 3 which states that Village apparatus dismissed based on the Village head's decision must first consult with the Camat on behalf of the Regent/Mayor. This means that the Village head has no right to dismiss Village officials without clear reasons.

One of the reasons mentioned above as the basis for dismissal of village apparatus is that village apparatus violate the prohibition as village apparatus. Prohibition as village apparatus is stated in Article 51 of Law Number 6 of 2014 concerning Villages namely: Detriment to the public interest; Make decisions that benefit oneself, family members, other parties and or certain groups; Abusing their authority, duties, rights and obligations; Carry out discriminatory actions against citizens and or certain groups of people; Taking action to disturb a group of Villagers; Committing collusion, corruption and nepotism, receiving money or goods, services from other parties that may influence decisions or actions to be taken; Become an administrator of a political party; Being a member or administrator of a prohibited organization. (Law Number 6 of 2014 Concerning Villages Article 53).

Dismissal of village apparatus is not only carried out on permanent dismissal as village apparatus, but can also be temporarily dismissed as stated in detail in Article 6 of Permendagri No 83 of 2015, namely the first village apparatus is temporarily dismissed by the village head after consulting with the sub-district head, the second is temporary dismissal of village apparatus. Village as referred to in paragraph 1 because: Defined as a suspect and detained; Defined as a defendant; Caught and detained. Village officials who were temporarily dismissed as referred to in paragraph 2 were acquitted or not proven guilty by the Court and have permanent legal force (*incraht*) are returned to their original position. Dismissal of Village apparatus by the Village head who is under his authority must also refer to the proper dismissal mechanism in its implementation. The reason for dismissal must be in accordance with the conditions set by the rules without being aware of the political interests of the village head and personal judgement, thereby creating harmony in social life with full spirit of unity and brotherhood.

In the stipulation of the Minister of Home Affairs Regulation Number 66 of 2017 concerning the appointment and dismissal of village officials, Article 13 states that further arrangements regarding the appointment and dismissal of village officials are stipulated in Regency/City regional regulations no later than one year after the regulations are enacted. As in Decision NO. 181/B/2020/PTTUN. MKS jo. NO.

6/G/2020/PTUN.KDI, Decree of the Head of Lapandewa Makmur Village Number.01 of 2020 concerning Termination, Appointment and Inauguration of Village Officials of Lapandewa Makmur, Lapandewa District, South Buton Regency, January 2, 2020.

II. METHODS

This research is library research (*Library research*), legal research that is carried out by examining library materials or mere secondary data. (Salim and ErliesSeptianaNurbani, 2013) Normative juridical research discusses the doctrines or principles in the science of law. Refers to legal norms contained in legislation and court decisions as well as legal norms that exist in society

III. RESULTS AND DISCUSSION

Analysis of Judge Considerations in Decisions of the High Administrative Court and the Kendari State Administrative Court

a. In the Matter of Dispute:

Considering, that in the *A quo case* , the Chief Judge of the Panel has issued stipulation Number: 12/PEN/2021/PTUN.KDI, dated May 4, 2021 regarding the summons of the Defendant through his superiors. However, after two months of the summons, the Defendant still did not respond to the lawsuit. In accordance with the provisions of Article 72 paragraph (3) of the Republic of Indonesia Law Number 5 of 1986 concerning State Administrative Courts, a decision on the principal claim can be rendered after an examination in terms of evidence has been carried out thoroughly. In the *A quo case* , the examination of evidence was carried out in three trials, and during that time the Defendant still did not appear even though he had been summoned by registered letter. Therefore, the Panel of Judges will then consider the main points of the lawsuit, as follows:

Considering, that in his lawsuit, the Plaintiff basically argued that the conditions and procedures for dismissing the Plaintiff as a Latampu Village Apparatus as contained in the object of the dispute contradicted the laws and regulations, namely the provisions of Article 51 and Article 53 of the Republic of Indonesia Law Number 6 of 2014 concerning Villages , as well as Article 5 of the Minister of Home Affairs Regulation Number 83 of 2015 concerning the Appointment and Dismissal of Village Officials, and also contradicts the General Principles of Good Governance (AUPB), particularly the principle of legal certainty, the principle of orderly administration of the state, the principle of professionalism, the principle of openness, the principle proportionality, and the principle of accountability;

Considering, that from the main arguments of the lawsuit above, the Panel of Judges will then consider the validity of the object of dispute which consists of legal considerations regarding aspects of authority, procedure and substance of the object of dispute, as follows:

b. Authority Aspect:

Considering, that as stipulated in Article 26 paragraph (1) of Law of the Republic of Indonesia Number 6 of 2014 concerning Villages, the village head is tasked with administering village governance, carrying out village development, village community development, and empowering village communities. In carrying out these tasks , Article 26 paragraph (2) letter b stipulates that one of the powers of the village head is to appoint and dismiss village officials. Furthermore, in the provisions of Article 46 paragraph (2) of the Republic of Indonesia Law Number 6 of 2014 concerning Villages it is also regulated that the acting village head carries out the duties, powers, obligations and rights of the village head as referred to in Article 26. Based on the description of the legal provisions, it can be understood that both the definitive Village Head and The acting Village Head is authorized attributively to stop the device village.

Considering, that as stated in the object of the dispute, the dismissal of the Plaintiff from his position as village apparatus (Government Kaur) of Latampu Village was stipulated and signed by the Defendant (who was then held by the PJ Head of Latampu Village) on December 15, 2020. Thus, the Defendant has the authority to issue object of dispute in accordance with the provisions of Article 26 paragraph (2) letter b and Article 46 paragraph (2) of the Republic of Indonesia Law Number 6 of 2014 concerning Villages; Considering, that because the Defendant has the authority to determine the object of dispute, the Panel of Judges will then jointly consider aspects of the procedure and substance of the object of dispute, as follows:

c. Aspects of Procedure and Substance:

Considering, that specifically in his lawsuit, the Plaintiff basically argued that the procedure for issuing the object of dispute was not in accordance with statutory regulations, because there was no recommendation from the Parigi District Head. Likewise with the substance of the object of dispute, because the reasons for dismissal of the Plaintiff are not included in the category of reasons for dismissal regulated by statutory provisions;

Considering, that in order to further assess the Plaintiff's arguments above, the Panel of Judges first outlined the legal bases governing dismissal of village officials, namely the provisions of Article 53 of the Republic of Indonesia Law Number 6 of 2014 concerning Villages: Considering, that it is more technical regulated in the provisions of Article 5 of the Minister of Home Affairs Regulation Number 67 of 2017 concerning Amendments to the Minister of Home Affairs Regulation Number 83 of 2015 concerning Appointment and Dismissal of Village Officials ;

Considering, that based on the legal provisions above, village officials who resign due to death or at their own request, the dismissal is determined by the village head and then submitted to the sub-district head within 14 days from the date of determination. As for village officials who are dismissed, the village head must consult with the camat to obtain a written recommendation which will become the basis for the village head in making a decision on dismissal. The written recommendation still takes into account the conditions for dismissal regulated by laws and regulations;

Considering, that after reading and examining the object of the dispute, it is known that the Plaintiff was dismissed from his position as village apparatus (Government Head) of Latampu Village. However, 'good in preamble', 'weigh', 'remembering', or 'paying attention' to the object of the dispute is not listed in the recommendation letter from the District Head of Parigi. This fact is consistent with the testimony of the Plaintiff's witnesses on behalf of Muhammad Kasim and Sarlina at the hearing on 22 July 2021 (see Minutes of Trial), which basically explained that the Parigi Sub-District Head was not aware of the dismissal of Latampu Village officials. Based on these facts, the absence of a letter of recommendation from the Parigi Subdistrict Head in the object of the dispute, as well as the absence of physical evidence in the form of a written recommendation from the Parigi Subdistrict Head submitted to trial by the Defendant, gave rise to a conviction for Panel of Judges that the Defendant did not first consult with the District Head of Parigi before determining the object of the dispute *A quo* , so that the issuance of the disputed object by the Defendant procedurally contradicted the provisions of Article 53 paragraph (3) of the Republic of Indonesia Law Number 6 of 2014 concerning Villages and Article 5 paragraph (1) Regulation of the Minister of Home Affairs Number 67 of 2017 concerning Amendments to Regulation of the Minister of Home Affairs Number 83 of 2015 concerning Appointment and Dismissal of Village Officials;

Considering, that further in terms of the substance of the object of dispute, the Panel of Judges referred to the provisions of Article 53 paragraph (2) of the Republic of Indonesia Law Number 6 of 2014 concerning Villages and Article 5 paragraph (3) of the Minister of Home Affairs Regulation Number 67 of 2017 concerning Amendments to Regulations Minister of Home Affairs Number 83 of 2015 concerning Appointment and Dismissal of Village Officials . Considering, that related to the reason 'violating the prohibition as a village official', the provisions of Article 51 of the Republic of Indonesia Law Number 6 of 2014 concerning Villages provide details of these prohibitions .

Considering, that further Article 52 of RI Law Number 6 of 2014 concerning Villages regulates the legal consequences if these restrictions are violated by village officials ;

Considering, that from the description of the legal norms above, it can be concluded that the dismissal of village officials is based on limited reasons. If the dismissal of a village apparatus is based on the reason 'violating the prohibitions of being a village apparatus', then prior to dismissal a sanction must be given in the form of written/oral warning, and if it is not complied with then temporary dismissal or permanent dismissal from his position is carried out;

Considering that the provisions regarding the dismissal of village officials are quite rigid, according to the Panel of Judges, this is a policy choice for the legislators in the framework of creating an effective, accountable and responsible village government for providing public services to village community members. For this reason, village officials are needed to work professionally, one of which is by providing guarantees for terms of employment and procedures for dismissal;

Considering, that in the dictum 'Decide' 'FIRST' object of dispute it is known that the reason for dismissing the Plaintiff as Latampu Village apparatus is basically because a new village apparatus structure has been formed in accordance with the stipulation of PJ Head of Latampu Village Number 140/205/LTP/XII/2020 concerning Structure Village Government Organization and Administration; Considering, that the reasons for the dismissal of the Plaintiff as stated above, are not included in the reasons for dismissal which are limitedly regulated in the provisions of Article 53 paragraph (3) of the Republic of Indonesia Law Number 6 of 2014 concerning Villages and Article 5 paragraph (3) of the Minister of Internal Affairs Regulation Affairs Number 67 of 2017 concerning Amendments to the Regulation of the Minister of Home Affairs Number 83 of 2015

concerning the Appointment and Dismissal of Village Officials. Thus, according to the Panel of Judges, the substance of the object of dispute *A quo* is contrary to the provisions of the legislation;

Considering, further that the Panel of Judges is of the opinion that although the law gives authority to the Defendant as the Village Head to appoint and dismiss village officials, the exercise of this authority is limited by the corridors of legal norms as previously described by the Panel of Judges, which must be obeyed by the Defendant as an official State Administration that organizes village government affairs. This is in line with the fulfillment of the principle of legal certainty which requires that all government administrative decisions/actions must be based on the provisions of laws and regulations, the principles of justice and decency. By not fulfilling statutory provisions regarding procedures and reasons for dismissal of village apparatus by the Defendant in determining the object of the dispute *A quo*, according to the Panel of Judges the issuance of the object of dispute also contradicts the AUPB, particularly the Principle of Legal Certainty;

Considering, that from the entire description of the legal considerations above, the Panel of Judges concluded that the Defendant has the authority to issue the object of dispute, but procedurally and substantially the issuance of the object of dispute *A quo* has contravened the laws and regulations and AUPB, so that there is legal reason to grant the Plaintiff's demands by declaring the object of the dispute null and void; Considering, that with the granting of the Plaintiff's claim, based on the provisions of Article 97 paragraph (8), paragraph (9), and paragraph (11) of the Republic of Indonesia Law Number 5 of 1986 concerning State Administrative Court, the Panel of Judges obliges the Defendant to revoke the decision object of dispute and return the Plaintiff to its original position or equivalent;

Considering, that because the Plaintiff's lawsuit was granted in its entirety, then in accordance with the provisions of Article 110 of the Republic of Indonesia Law Number 5 of 1986 concerning State Administrative Court, the Defendant was sentenced to pay court fees whose amount is stated in the verdict; Considering, that in examining this dispute, the Panel of Judges was guided by the provisions of Article 107 of the Republic of Indonesia Law Number 5 of 1986 concerning the State Administrative Court, taking into account all the evidence submitted by the parties, however only relevant evidence was used as the basis for deciding this dispute, and for evidence that is considered irrelevant is still attached to the case file which is an integral part of this Decision

Bearing in mind, Law of the Republic of Indonesia Number 5 of 1986 concerning State Administrative Court; Law of the Republic of Indonesia Number 9 of 2004 concerning Amendments to Law of the Republic of Indonesia Number 5 of 1986 concerning State Administrative Courts; Law of the Republic of Indonesia Number 51 of 2009 concerning the Second Amendment to Law of the Republic of Indonesia Number 5 of 1986 concerning the State Administrative Court; and Law of the Republic of Indonesia Number 30 of 2014 concerning Government Administration, as well as other legal regulations related to this case;

d. Judging:

Granted the Plaintiff's lawsuit in its entirety; Declare the cancellation of the Decree of the Head of Latampu Village Number 140/205/LTP/XII/2020 Concerning the Dismissal of Village Officials from Latampu Village, Parigi District, December 15, 2020 on behalf of Binsar Wahidin, S.Pd. the position of Head of Government; Obligated the Defendant to revoke the Decree of the Head of Latampu Village Number 140/205/LTP/XII/2020 Concerning the Dismissal of Village Officials in Latampu Village, Parigi District, December 15, 2020 on behalf of Binsar Wahidin, S.Pd. the position of Head of Government; Obliging the Defendant to restore the position of the Plaintiff to his original position as Head of Government of Latampu Village or other equivalent position; Sentenced the Defendant to pay court costs in the amount of IDR 1,051,500.00 (*one million fifty one thousand and five hundred rupiahs*);

E. Decision Analysis

Based on the case decision. Number 6/G/2020/PTUN.KDI, the Panel of Judges won the Plaintiff or the Village Apparatus by granting the Plaintiff's Claim in its entirety. Likewise in the decision of case number 12/G/2021/PTUN.KDI, the decision of the Panel of Judges also granted the Plaintiff's lawsuit as a whole. And from the two village apparatus case decisions, the authors are of the opinion that the judge's considerations have examined three aspects in the issuance of the Village Head's Decree which became the object of the dispute.

First, the Panel of Judges examined aspects of authority by referring to RI Law Number 6 of 2014 concerning Villages in Article 26 paragraph (2) letter b, which stipulates that one of the powers of the village head is to appoint and dismiss village officials. Furthermore, in the provisions of Article 46 paragraph (2) of the Republic of Indonesia Law Number 6 of 2014 concerning Villages it also stipulates that the acting village head

carries out the duties, powers, obligations and rights of the village head as referred to in Article 26. Based on these legal provisions, it is understood that both the definitive Village Head and The acting Village Head is authorized attributively to stop the device village, meaning that the Village Head's Decree is in accordance with the applicable legal provisions.

Second, the Panel of Judges examined the procedural aspects by referring to the provisions of Article 53 of the Republic of Indonesia Law Number 6 of 2014 concerning Villages and Article 5 paragraphs (1), (4), (5), and (6) of the Minister of Home Affairs Regulation Number 67 2017 concerning Amendments to the Minister of Home Affairs Regulation Number 83 of 2015 concerning the Appointment and Dismissal of Village Officials. Based on these legal provisions, village officials who resign due to death or at their own request, the dismissal is determined by the village head and then submitted to the sub-district head within 14 days from the date of determination. As for village officials who are dismissed, the village head must consult with the Camat to obtain a written recommendation which will become the basis for the village head in making a decision on dismissal.

The written recommendation still takes into account the conditions for dismissal regulated by laws and regulations. However, good in preamble 'weigh', 'remembering', or 'paying attention to' the object of the dispute is not listed in the District Head's recommendation letter, and there is no physical evidence in the form of a written recommendation from the District Head submitted to trial by the Defendant, thus giving rise to conviction for Panel of Judges that the Defendant did not consult first with the Sub-District Head before setting the object of the *A quo* dispute.

Third, the Panel of Judges examined the substance aspect by referring to the provisions of Article 53 paragraph (2) of the Republic of Indonesia Law Number 6 of 2014 concerning Villages and Article 5 paragraph (3) of the Minister of Home Affairs Regulation Number 67 of 2017 concerning Amendments to the Minister of Home Affairs Regulation Number 83 of 2015 concerning Appointment and Dismissal of Village Officials. From the provisions Based on these legal norms, the Panel of Judges concluded that the dismissal of village officials was based on limited reasons. If the dismissal of a village apparatus is based on the reason 'violating the prohibitions of being a village apparatus', then prior to dismissal a sanction must be given in the form of written/oral warning, and if it is not complied with then a temporary dismissal or permanent dismissal from his position will be carried out.

The reasons for the dismissal of the Plaintiff as stated above, are not included in the reasons for dismissal which are limitedly regulated in statutory provisions. Thus, according to the Panel of Judges, the object of the dispute is the substance of the *A quo* has contravened the provisions of the legislation. Moreover, on The Panel of Judges is of the opinion that although The law gives authority to the Defendant as the Village Head to appoint and dismiss village officials, but the exercise of this authority is limited by the corridors of legal norms that must be obeyed by the Defendant as a State Administrative official who administers village government affairs.

In addition to statutory provisions, the Panel of Judges also considered the General Principles of Good Governance (AUPB), particularly the principle of legal certainty which requires that all decisions/actions of government administration must be based on statutory provisions, the principles of justice and decency and the principle of motivation. Because in these two cases the Village Head did not include reasons in dismissing the Village apparatus in his Decree. In the statutory regulations there are no specific technical rules that state how the form of a formal Decree regarding the Dismissal of a Village Apparatus. However, the principle of motivation states that if an official is going to issue a decision, it must be based on reasons. This reason is the basis for the recipient of the Decision to submit legal remedies to the Court or administrative appeal.

Thus the authors conclude that in the two decisions, the Panel of Judges based their considerations in their decisions not only on the formal statutory provisions that apply but also on the general principles of good governance (AUPB). In addition, the author also concludes that in issuing a Decree on the Dismissal of Village Officials, the authorized official must base it on the reasons and procedures that have been rigidly determined in statutory provisions. Even if the Village Head has authority, the exercise of his authority must still be limited by aspects of the procedure and substance.

In the opinion of the author, the legal considerations of the Panel of Judges in the two decisions of the State Administrative Court are correct by referring to the applicable statutory provisions and the AUPB. However, the authors also see that the legal considerations in the decision, the Panel of Judges have not considered the Regional Regulations regarding Villages. Where in the Regional Regulations it will definitely

regulate the Village in more detail in accordance with the culture and reality that exists in the Village in each of these Regions. This is possible if the area where the object of the dispute is located does not have a Regional Regulation that specifically regulates the mechanism for Appointment and Dismissal of Village Officials. Of course, it will contain in detail step by step the process of dismissing a Village Apparatus starting from an oral/written warning to a request for a recommendation to the acting Village Head's supervisor. This will greatly help protect the rights of Village Officials as well as employee rights for state civil servants who have the same characteristics.

IV. CONCLUSION

Consideration Judge in Decision NO.6/G/2020/PTUN.KDI and No.12/G/2021/PTUN.KDI which in favor of granting the plaintiff's lawsuit in its entirety contains considerations regarding aspects of authority, substance and procedure in terminating village officials, in which the two judges' considerations in the two decisions analyzed refer to laws and regulations related to dismissal. Village Equipment including RI Law Number 6 of 2014 concerning Villages, Regulations Government Number 48 of 2016 concerning Procedures for Imposing Administrative Sanctions on Government Officials, Minister of Home Affairs Regulation Number 83 of 2015 concerning Appointment and Dismissal of Village Officials, and other related regulations. In addition, the judge also considered the AUPB, especially the Principle of Legal Certainty and the Principle of Motivation where the judge emphasized that in dismissing a Village Apparatus, even if the Village Head has authority, the exercise of his authority must still be limited by aspects of the procedure and substance.

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