

## ABSTRACT

The principle of *erga omnes* is a public legal principle that express valuable meaning, which should be materialized in positive law. The principle of *erga omnes* is one of the characteristics of administrative court procedure that reflects a legal principle based upon Public Law. The meaning of *erga omnes* itself deals with the nature of legal binding force of administrative decisions, that is the decisions of administrative courts have legal binding force to anybody, either the disputed parties as well as the third or the other party.

Yet on the contrary, Law No.5, 1986, which should have stipulated that principle consequently, provides legal grounds to third parties to intervene in administrative disputes, viz :

- Provision of article 83 pertaining to intervention during the examination, and
- Provision of article 118 pertaining to intervention of execution of administrative court's decisions.

Hence, this reality arises legal issue: can the principle of *erga omnes* be fully applied by administrative judges in giving a decision deals with the third party's interest ?

The result of this research reveals that there is a difficulty to the administrative judges in applying provision of intervention and the principle of *erga omnes* at the same time, because it will contravene to the other provision especially article 1 point 6 Law No.5, 1986.

Due to that issue, this research comes to a suggestion that the provisions of intervention in article 83 and article 118, Law No.5, 1986 should be amended perfectly in the near future.

