

ABSTRACT

Provision in article 118, Law No. 5, 1986 that stipulates opposition claim, provide legal protection as well as legal remedy to a third party who has never been a party or asked to become a party during the examination of the dispute concerned, according to the provision of article 83.

Legal protection as well as legal remedy will be provided to a third party if he or she concern his/her interest will be infringed due to the execution of a judgment which has already attained permanent legal force, by lodging opposition claim against the execution of the said judgment to the court that has examined the dispute in first instance.

The stipulation on opposition in article 118, Law No. 5, 1986 stated above is not accomplished, which arises questions, who will be the opposite party, what is the object of an opposition claim, what reasons can be applied in an opposition claim, and what grounds for review can be applied by administrative judges in judging an opposition claim.

The result of this normative study dealing with those issues comes to a conclusion that in a case of opposition claim, the opposite party is the administrative body or official who execute a court's judgment, the object is the execution of a court's judgment, reason to enter an opposition is the existing opponent's interest that has not been examined in the concerned judgment, meanwhile the scope of review by administrative judges is limited to the elements of article 118, and not article 53 paragraph 2 a, b, c, Law No. 5, 1986.