

ABSTRACT

Thesis Title : Administrative Power Exertion And Democratic
Development : A Case Study of The Administrative
Power Exertion By The Administrative

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The current government and constitution have perceived the significance and purpose of administrative law promulgation so that they enacted The Administrative Procedures Act (A.D.1996) and The Administrative Court Establishment Procedures and Administrative Case Trial Procedures Act (A.D. 1999) in order to formulate a concrete cornerstone of administrative law, thus subsequently enforcing upon specific executive power exertions or administrative juristic acts impacting on individual status regarding individual right or obligation, whether permanently or temporarily. Hence, this will be serving as criteria for legitimate administrative procedure as well as bringing forth confidence and certainly into administrative functions by which the executive authorities regularly perform Additionally, such legislation also consolidate a legislative unity in order to seriously protect and righteously restore the rights and liberties of any individual whose right is adversely affected. Furthermore, these

legislation also act as preventive measure against any potential arbitrary power exercised by executive authorities in accordance with a purpose of juristic government or legal principles.

The juristic government system was thus established to benefit all the citizens in terms of developing democracy, creating, and advancing the nation toward higher progress and stability. Moreover, the principal objective of this system is to prevent and rectify arbitrary power exertion by state authorities.

According to a finding by this study, there is an interwoven effect incurred by an administrative power exertion and a democratic development, i.e., Whenever the power exerted by executive authorities is legitimate, a democratic development would proceed on better stability, a prevention against corrupt behaviors amid public service would achieve efficiency and effectiveness, and a transparent reform over public service and political system would certainly occur.

Legitimacy principle is therefore a significant principle of democratic development in all democratic states in the world. Since all these states have adopted juristic government or legal principle as their foundation upon which their executive authorities exercise administrative power, all governmental acts shall proceed under legal system. Thus, law prevails over everything else, i.e., government or executive branch could by no means administrate by arbitrary volition. Besides, a permanent security yielding protection upon individual rights, liberties, and human dignity shall be established. Hereupon, once any human right violation occurs, the incurred people or individual shall, upon their plenipotentiary and lawful rights, receive equitable restoration by a judicial organ which is, de jure and de facto, neutral and independent according to the fundamental principle of democracy regarding Separation of Powers and Balance of Powers.