

Analysis of state administrative court procedural law: A recent review and its practical implications

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ABSTRACT

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In Indonesia, the Administrative Court Procedure (ATUN) is a vital law enforcement tool that resolves disputes between government and citizens or between government agencies. This article aims to provide in-depth insight into the dynamics of ATUN, as well as explore its practical implications in the context of state administration law enforcement in Indonesia. The research method utilized is normative juridical as the main approach to analyzing and evaluating the legal framework governing ATUN. The next step is to identify problems that arise in ATUN and analyze the applicable legal norms, both regulations and court decisions, and draw conclusions and practical implications from these findings. The results show that ATUN has undergone changes that have a positive impact on strengthening the enforcement of justice in the State Administrative Court field. With the adoption of technology, the speed, accuracy, and reliability in handling administrative cases has improved significantly. Finally, mediation has also become a more efficient alternative in resolving disputes, providing faster solutions and more affordable costs compared to conventional judicial processes.

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INTRODUCTION

In the era of democratization and good governance, state administrative law regulation is crucial for maintaining power balance and protecting citizens' rights from government abuse. In Indonesia, the Administrative Court Procedure (ATUN) is a vital law enforcement tool that resolves disputes between government and citizens or between government agencies. As part of state administrative law, ATUN upholds the rule of law and protects individual rights from arbitrary actions. As state administrative law reforms continue, ATUN's regulation and practice undergo changes to improve access to justice, accelerate dispute resolution, and protect citizens' rights from abuse.

In the last ten years (2008-2018), the Procedural Law of the State Administrative Court (Peratun) has experienced very dynamic developments. These changes include the expansion and affirmation of Peratun's absolute competence, which occurred along with the enactment of Law No. 30 of 2014 on Government Administration (UUAP), as well as the enactment of various sectoral laws that have an impact on the exercise of judicial power by Peratun. Some of these sectoral laws include the Public Information Disclosure Law (Law No. 14 of 2008), the Public Service Law (Law No. 25 of 2009), the Environmental Management and Protection Law (Law No. 32 of 2009), the Land Acquisition for Public Interest Law (Law No. 2 of 2012), the Election Law (Law No. 7 of 2017), the Land and Water Conservation Law (Law No. 37 of 2014), and the Regional Elections Law (Law No. 10 of 2016). In the context of rapid changes in administrative law, in-depth and systematic analysis and research are needed to understand the relationship between new legal norms and pre-existing ones (Simanjuntak, 2021).

Research by Khoiriyah (2022) said that the current law applicable to the State Administrative Court is Law of the Republic of Indonesia Number 9 of 2004 concerning State Administrative Courts, which is a revision of Law Number 5 of 1986. Article 4 of Law No. 5 of 1986 explains that the State Administrative Court is one of the forums for the implementation of judicial power for citizens seeking justice in State Administrative disputes.

However, in the midst of these dynamic changes, there are still a number of challenges and problems that need to be overcome. From the complexity of regulations to the limitations of infrastructure and human capacity, as well as challenges in dealing with developments in information technology, ATUN is faced with

various aspects that require serious attention. In addition, consistency in state administrative court decisions is also a major focus, as this determines legal certainty for applicants and parties involved in state administrative disputes (Somantri, 2021).

Therefore, researchers are interested in examining the dynamics of ATUN, as well as exploring its practical implications in the context of state administration law enforcement in Indonesia. By deeply understanding the problems faced, we can identify constructive solutions to improve the effectiveness, efficiency, and fairness in resolving state administrative disputes through ATUN. Thus, this article is expected to make a meaningful contribution to the renewal and development of the state administrative law system in Indonesia.

METHOD

The research method utilized is normative juridical as the main approach to analyzing and evaluating the legal framework governing Administrative Court Procedures (ATUN). This approach involves collecting data from primary legal sources such as ATUN-related legislation and relevant state administrative court decisions, as well as secondary legal sources in the form of legal literature and academic documents. The next step is to identify problems that arise in the practice of ATUN, analyze the applicable legal norms, both regulations and court decisions, and draw conclusions and practical implications from these findings. Thus, this research method is expected to provide in-depth insight into the dynamics of ATUN and provide direction for improvement and further development in the enforcement of state administration law in Indonesia.

RESULTS AND DISCUSSION

Indonesia clearly recognizes that it is a state of law, a concept that generally aims to prevent the state or government from acting arbitrarily. The main idea of the concept of the rule of law is the fact that governments that are not bound by strict and concrete legal rules will tend to be vulnerable to various forms of irregularities and abuse of power (Simamora, 2014). In today's modern era, the importance of a country being a state of law is very relevant and ideal. This means that all state activities must be based on clear and firm legal mechanisms, which regulate state governance in a fair and transparent manner.

The concept of the rule of law emphasizes the importance of all citizens complying with applicable laws, especially in Indonesia. Although the main task of the state is to protect its citizens and achieve state goals (*bestuurszorg*), this does not mean that the government can act arbitrarily (Dahlan & Chandra, 2021). Any government action must be accountable, although government intervention in the lives of citizens is necessary in the conception of a welfare state. However, in a state of law that prioritizes the values of truth and justice, accountability for every government action is a must.

The concept of the rule of law also emphasizes the balance between rights and obligations. One way to maintain this balance is through an independent judicial system, where the existence of state courts is very important. According to Sardari (2022), the meaning of the judiciary is the authority to regulate the process of resolving disputes or cases based on applicable law, in order to uphold law and justice. Through judicial institutions, cases that arise can be processed fairly and based on applicable legal principles. The main purpose of the judiciary is to create a system that ensures that the law is upheld and justice is given to all parties involved in a case.

Each of these types of courts has different authority and scope of disputes in carrying out law enforcement functions. One of them is the State Administrative Court (hereinafter abbreviated as PTUN), which is part of the judicial system that provides opportunities for all people to seek justice in resolving disputes that occur in the field of state administration. State administrative disputes are disputes that arise in the implementation of government between individuals or legal entities and state administrative agencies or officials, both at the central and regional levels (Safitri & Sa'adah, 2021). This includes conflicts related to administrative decisions or actions carried out by related parties in carrying out their duties and authorities as part of state administration.

The object of a state administrative dispute is a decision issued by a state administrative agency or official. A TUN decision is a written decision issued by a TUN institution or official, which includes legal actions in state administration, in accordance with applicable laws and regulations. This decision is concrete, individual, and final, and has a legal impact on the individuals or civil legal entities involved. The dispute arises because the policy or decision has a direct impact on the community (Siska et al., 2021). Government-issued policies refer to measures planned and implemented by the government, which has authority in various government institutions and bodies, including legal, political, and financial aspects, which include various types of rules, regulations, policies, and decisions issued by the government at both the national and regional levels.

Decisions or policies issued by the state have a direct impact on people's daily lives. Sometimes, these decisions are not always in line with the public interest, which can lead to disputes between the state and

individuals or other legal entities, especially in the context of community rights, including community-owned enterprises. The government in its role as a government takes decisions that are governmental in nature, while in its role as an administration, they take decisions that are administrative in nature (Asyiah, 2016). Thus, the role of PTUN here becomes important, because PTUN can be authorized to adjudicate disputes arising from the actions of state apparatus that are contrary to the law or general principles of good governance.

The basis for the establishment of the State Administrative Court is Law No. 5 of 1986 on State Administrative Courts, which then underwent two revisions. The first revision was made through Law No. 9 of 2004, and the second revision was made through Law No. 51 of 2009. The main purpose of the establishment of PTUN is to ensure a sense of justice in society, where the government is responsible for its citizens, so that the balance between individual interests and public interests can be well maintained (Akbar, 2021). The role of PTUN is to maintain compliance with the law and protect the rights and interests of the public against government administrative decisions that are considered contrary to the law. Through PTUN, the public has access to file a lawsuit regarding government administrative actions or decisions that are deemed to violate the law or their rights, in the hope of obtaining a fair settlement and in accordance with applicable legal principles.

The provisions for the administration of the Administrative Court are regulated in the State Administrative Court Procedural Law (*HATUN*). State procedural law is a set of rules that establish procedures for how individuals should behave before courts and how those courts should operate. More specifically, state administrative court procedural law is a branch of law that regulates the way disputes are resolved in state administrative courts and regulates the rights and obligations of parties related to the dispute process (Fitria, 2014). Law No. 5 of 1986 states that the procedural law applied in state administrative courts is similar to the procedural law applied in general courts for civil cases. This indicates that the procedures used in the state administrative courts are similar to those used in the general courts for the settlement of civil disputes.

According to research by Prasetyo et al. (2022), the flow of dispute resolution through the State Administrative Court can be summarized as follows:

- 1) A lawsuit, which is the initial stage where the aggrieved party submits a request to the court by submitting an indictment against a government agency or official to request a ruling.
- 2) After a lawsuit is filed, the dismissal process leads to a dismissal or hearing. This process involves an administrative and substantial review of the lawsuit filed.
- 3) The preparatory hearing, based on Article 63 paragraph (2) of Law No. 5 of 1986, the judge has the obligation to advise the plaintiff to amend the lawsuit and supplement it with the necessary data within 30 days. The judge is also authorized to request an explanation from the state administrative body or official concerned.
- 4) After the preparatory examination stage, case studies are conducted to reach a decision. The court examines and decides the dispute by involving 3 judges, in accordance with the established procedures.
- 5) The decision issued by the Administrative Court may be in the form of rejection of the lawsuit, granting of the lawsuit, rejection of the request, or annulment.

Some recent overviews of the implementation of the Administrative Court Procedure Law (*HATUN*) and its implications, such as firstly changes in legislation that impact on judicial practice. Any changes in laws related to government administration can potentially affect the legal procedures used in the administrative courts. Thus, a thorough understanding of the changes in the relevant laws is required to ensure accuracy in judicial practice. Legal practitioners and related parties need to keep their knowledge of these changes up to date in order to adapt to the changes in legal practice that occur on a daily basis.

In Indonesia, the legal basis of *HATUN* is found in Law Number 30 of 2014 concerning Government Administration. According to Harjiyatni & Suswoto (2017), with the enactment of Law Number 30 of 2014 concerning Government Administration in Indonesia, the absolute authority of the PTUN has expanded. The impact of this expansion can have implications for strengthening or weakening the function of PTUN. The expansion of PTUN's absolute competence has led to an increase in public demand for legal protection provided by PTUN. PTUN's function as a supervisory institution is becoming stronger, and PTUN can provide protection to people who feel harmed by the actions of government officials.

Thus, it can be said that the Administrative Court can be more effective in ensuring government compliance with the law and providing legal protection to individuals or groups affected by adverse government policies or administrative actions. In addition to changes in the law, the application of technology is also an important aspect of *HATUN*. Like many other areas of law, the use of technology has become an integral part of *HATUN*. This includes the utilization of information systems for filing and case management, as well as the possible integration of technologies such as e-filing and e-courts to expedite legal proceedings. One innovation, called the e-Court system, is an effort by the Supreme Court to face challenges related to the development of human life (Setiawan et al., 2021).

The Supreme Court has implemented an e-court system for state administrative cases, which allows the trial process and case settlement to be conducted electronically. The introduction of this E-Court system aims

to create a simple, fast, low cost judiciary, and modernize case management in each Court. The benefits of implementing this system include increased speed, consistency, accuracy, and reliability in case settlement. This step was taken because there are some common problems in the court system, such as slow case handling, difficult accessibility, and even problems with the integrity of the officials. All of these problems are not only obstacles in various courts, but also a major concern for the Supreme Court (MA) (Iqbal et al., 2019).

Furthermore, a recent review in HATUN highlighted the importance of openness and access to information in the administrative judicial process. Information disclosure regarding legal processes and decisions plays a key role in improving accountability and transparency in public administration. As information disclosure grows, more and more information disputes arise in both the Information Commission and the State Administrative Court (PTUN). The number of information disclosure disputes tends to increase from year to year (Shalla, 2022). Information disclosure and the increasing number of disputes indicate that the legal process at the PTUN is increasingly becoming a focus in ensuring transparency and accountability in governance.

The implications of information disclosure in PTUN procedural law are very positive because it strengthens the right to information as a human right. Public information disclosure is also one of the important indicators of a good state. In addition, public information disclosure acts as a tool to increase public oversight and ensure that all matters affecting the public interest can be properly monitored (Shalla, 2022). Thus, the disclosure of information in the PTUN legal process can support democratic principles and increase accountability and transparency in government administration.

Finally, in a recent review of the PTUN Procedural Law is the use of mediation. Mediation is in the spotlight as it is increasingly used in the resolution of state administration disputes. Mediation is a process in which a third party acts as a mediator or arbiter to help reach a settlement that is favorable to both parties. The practice of mediation is becoming increasingly common in state administration cases, allowing parties to dialogue and reach a compromise agreement (Mulyani et al., 2022).

As a result, mediation can be a more efficient option in dealing with disputes more quickly and at a more affordable cost than through conventional judicial processes (Puspitosari, 2014). Mediation offers a collaborative approach in which a mediator helps disputants reach an agreement voluntarily. This approach often results in faster and more effective settlements than relying on the courts to resolve disputes. Thus, mediation not only reduces the time and costs involved in dispute resolution, but also provides greater flexibility in finding solutions that are satisfactory to all parties involved.

Based on these results, it can be seen that the current Procedural Law of the State Administrative Court has undergone changes that have a positive impact on strengthening the enforcement of justice in the State Administrative Court field. These developments have significant practical implications for various parties, both for citizens and state administrative agencies or officials. For citizens, these developments provide easier access to sue state administrative agencies or officials who violate the law (Al Amin & Wibowo, 2023). This provides an opportunity for citizens to protect their rights and uphold justice related to government administration.

Meanwhile, for state administrative bodies or officials, the existence of the State Administrative Court (PTUN) is not only to provide legal protection to the public, but also as an institution that aims to foster, perfect, and discipline the apparatus in the field of State Administration. This means that state administrative agencies or officials need to be more careful in carrying out their duties so as not to violate the law. They are expected to act efficiently, effectively, cleanly, and with authority, and always carry out their duties based on the law with a spirit and attitude of devotion to the community (Astomo, 2014).

When there is an effective and strong legal system, citizens have the assurance that their rights will be protected and that they can bring claims if those rights are violated by government administrative actions. On the other hand, government officials are also encouraged to act with integrity, responsibly, and in accordance with applicable legal provisions. This ultimately helps to ensure that the policies implemented by the government are not only in accordance with legal principles, but also take into account the interests and rights of the people.

CONCLUSION

A recent review of the application of the Administrative Court Procedure Law (HATUN) and its impact has revealed some significant changes in the legal framework that affect judicial practice. First, there have been changes in the law that affect the way cases are handled in court, which in turn affects judicial practice. Secondly, the use of technology has become a major focus in improving efficiency and consistency in case resolution. With the adoption of technology, the speed, accuracy and reliability in handling administrative cases has improved significantly. In addition, transparency and access to information in the administrative judicial process has also been improved, which reinforces the right to information as a human right. Finally, mediation has also become a more efficient alternative in resolving disputes, providing faster solutions and more affordable costs compared to conventional judicial processes. For citizens, these developments provide easier

access to sue state administrative bodies or officials who violate the law. As a result, state administrative bodies or officials need to be more careful in carrying out their duties, as they are expected to act efficiently, effectively, cleanly, and with authority, and always carry out their duties in accordance with the law with a spirit of service to the community.

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