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The Role of PTUN Procedural Law in Protecting Citizens' Rights Against Decisions of State Administrative Officials

Moh. Imam Gusthomi, Farrel Ardan Rinaldi, Marlina Dewi Setiani

Universitas Negeri Semarang, Indonesia

*Corresponding author: moh.imamgusthomi@mail.unnes.ac.id

Abstract

This study aims to analyze the role of the State Administrative Court Procedure Law (PTUN) in protecting citizens' rights against decisions of state administrative officials that are considered detrimental. In the context of a state of law, PTUN functions as a control mechanism against actions of administrative officials that are not in accordance with the law. The research method used is a qualitative approach, with data collection through literature studies, and analysis of PTUN decision documents. The results of the study indicate that PTUN plays an important role in upholding the principles of a state of law and providing legal protection for citizens. However, there are still challenges in its implementation, such as the slow trial process, lack of public understanding of PTUN procedures, and limited access to legal aid. To overcome these challenges, an increase in the number of judges, broader legal education for the public, and better access to legal aid services are needed. In conclusion, PTUN procedural law plays a vital role in ensuring that decisions of state administrative officials can be tested and legally accounted for, thus providing effective protection for citizens.

Keywords: PTUN Procedural Law, citizens' rights, decisions of state administrative officials

INTRODUCTION

The State Administrative Court Procedure Law (PTUN) is an important instrument in the Indonesian justice system to maintain a balance between government power and citizen rights ¹. The State Administrative Court was established with the aim of providing legal protection for the community against actions or decisions of state administrative officials that are considered violates someone's rights or interests ². This is in line with the principle of the rule of law (*rechtsstaat*), where every government action must be based on law and can be legally accounted for. In addition, the PTUN's task is to resolve disputes resulting from decisions and actions taken by officials. authorized state administration.

The development of PTUN in Indonesia is inseparable from the demands of legal and political reform that prioritize the importance of transparency, accountability, and public participation in the government process ³. With the existence of PTUN, the public has access to demand their rights that are violated by actions or decisions of state administrative officials that are detrimental. In addition, PTUN functions as a control mechanism for the implementation of government power that can have a direct impact on the human rights of citizens ⁴.

¹Andy Gunawan, Wayan Arthanaya, and Luh Putu Suryani, "The Function of General Principles of Good Governance in Resolving Disputes in State Administrative Procedure Law," *Journal of Legal Analogy* Vol 1, no. No. 1 (2019): 28–33.

²Rama Halim Nur Azmi, "The Urgency of Realizing the Pilkada Judicial Body to Create an Effective and Constitutional Pilkada Result Dispute Resolution System," *Jurnal Adhyasta Pemilu* 3, no. 2 (2021): 183–203, <https://doi.org/10.55108/jap.v3i2.17>.

³Mohammad Syaiful Aris, "Establishment of a Special Court for Settlement of Regional Head Election Results in the Implementation of National Simultaneous Elections," *Media Iuris* 5, no. 3 (2022): 473–506, <https://doi.org/10.20473/mi.v5i3.34154>.

⁴Sri N Susanto, "Implementation of General Principles of Good Governance in Judicial Practice in Indonesia," *Administrative Law and Governance Journal* 4, no. 3 (2021): 459–70, <https://doi.org/10.14710/alj.v4i3.459-470>.

However, while the PTUN has provided a clear legal path to file a lawsuit, challenges in its implementation still remain. Various factors such as the slowness of the judicial process, the public's ignorance of their rights, and the lack of understanding of state administrative officials regarding PTUN procedures often become obstacles in realizing effective legal protection ⁵. Therefore, it is important to analyze more deeply how PTUN procedural law can play an optimal role in protecting the rights of citizens from abuse of authority by state administrative officials ⁶.

This article aims to examine the role of PTUN procedural law in ensuring the protection of citizens' rights against decisions issued by state administrative officials. This study is expected to provide insight into the challenges and solutions faced in the practice of litigation at PTUN, as well as offer recommendations for increasing the effectiveness of PTUN procedural law in realizing justice for the community.

Based on the background explanation, the formulation of the problem in this article is discussed in more detail, namely: 1) What is the Role of PTUN Procedural Law in Protecting Citizens' Rights, 2) What are the Challenges in the Implementation of PTUN Procedural Law, 3) How is the Analysis of the Relationship between PTUN Procedural Law and the Principles of the Rule of Law. 4) What are the considerations to improve the Role of PTUN, 5) What are the Implications of PTUN Procedural Law on Government Policy.

METHODS

This article uses a qualitative approach with the aim of understanding in depth how the State Administrative Court (PTUN) procedural law plays a role in protecting citizens' rights from decisions by state administrative officials. A qualitative approach was chosen because this study aims to explore legal phenomena comprehensively through a deeper interpretation of the processes, regulations, and practices related to PTUN procedural law.

This article is a qualitative descriptive study that focuses on a case study of the implementation of PTUN procedural law in Indonesia. Descriptive research aims to provide a detailed description of how PTUN carries out its function in providing legal protection for citizens. This approach emphasizes in-depth data collection through various qualitative methods that are relevant to the study of PTUN procedural law.

RESULTS AND DISCUSSION

A. The Role of PTUN Procedural Law in Protecting Citizens' Rights

In the State Administrative Court, it has an important role in protecting the rights of its citizens as a judicial institution that functions to uphold law and justice. The State Administrative Court is responsible for handling disputes involving administrative government actions that are considered detrimental.

Based on the results of the literature that there are several PTUN judges, lawyers, and citizens who have filed lawsuits, it was found that PTUN procedural law plays a significant role in providing legal protection for citizens. The majority of respondents agreed that PTUN provides a clear legal mechanism to challenge decisions of state administrative officials that are considered detrimental ⁷. With the existence of PTUN, citizens have the opportunity to fight for their violated rights, especially related to decisions that are considered invalid or have no legal basis.

However, the results show that many citizens do not fully understand their rights in using the PTUN path. There is still a lack of information dissemination and understanding regarding the process of filing a lawsuit at the PTUN, which causes some citizens to be unable to optimally utilize their legal rights ⁸.

Challenges in the Implementation of PTUN Procedural Law

The challenges faced in implementing PTUN procedural law include:

⁵Khalid Prawiranegara, "Implementation of General Principles of Good Governance in Dompu Regency Government," *Lex Renaissance Journal* 6, no. 3 (2021): 591–604, <https://doi.org/10.20885/jlr.vol6.iss3.art11>.

⁶Saifudin and Anang Zubaidy, "Urgency and Concept of Special Court for Regional Head Elections," *Jurnal Islamic and Law Studies* 4, no. 2 (2020): 21–36.

⁷Prawiranegara, "Implementation of General Principles of Good Governance in Dompu Regency Government."

⁸A Abdullah, "Theory and Practice of State Administrative Court Procedure Law Post-Amendment: Paradigm Shift and Expansion of Norms (Second Edition).," 2021.

a. Slow Trial Process

The trial process at the PTUN often takes quite a long time. This is due to the backlog of cases that must be resolved by PTUN judges, the limited number of judges, and the complexity of the cases faced. Delays in this process often hamper the protection of citizens' rights, especially in cases that require a quick decision ⁹.

b. Lack of Public Understanding of the PTUN Process

Many people do not understand in detail the process and requirements for filing a lawsuit at the PTUN. Interviews with lawyers showed that most of their clients do not have adequate knowledge of state administrative law and the court procedures at the PTUN. This creates obstacles in utilizing the PTUN as a means of legal protection.

c. Limited Access to Legal Aid

Although the PTUN has an important role in protecting citizens' rights, access to legal aid is still limited, especially for the underprivileged. Many citizens cannot access the services of a lawyer or legal advisor, so they do not have adequate assistance during the trial process at the PTUN.

Analysis of the Relationship between PTUN Procedural Law and the Principles of the Rule of Law

The principle of the rule of law (*rechtsstaat*) demands that every action of state administration must be based on law and can be legally accounted for. In this context, the PTUN procedural law plays a vital role as an instrument of control over government actions that may violate the law or harm the interests of citizens. Based on the results of documentation of several PTUN decisions reviewed in this study, it was found that the PTUN succeeded in upholding the principle of the rule of law by annulling the decisions of state administrative officials that were illegitimate ¹⁰.

For example, in a dispute over the revocation of a business license that was carried out without following the correct procedure, the PTUN decided to annul the decision and restore the rights of the plaintiff. This decision shows how PTUN procedural law can protect the rights of citizens by ensuring that every administrative decision must be in accordance with applicable law.

Considerations for increasing the role of PTUN

Based on research findings, several considerations that can increase the effectiveness of PTUN procedural law in protecting citizens' rights include:

a. Increasing the Capacity and Number of PTUN Judges

To overcome the problem of slow trial processes, it is necessary to increase the number of judges and provide training for PTUN judges related to developments in state administrative law and procedural law ¹¹.

b. Community Education and Counseling

The government and related agencies need to provide more legal education to the public regarding their rights in the context of administrative law and the PTUN. This aims to increase public awareness of the legal process at the PTUN ¹².

c. Access to Legal Aid

There is a need to increase access to legal aid for the underprivileged. The provision of legal aid institutions or an increase in the budget for public lawyers can help citizens who cannot afford to hire lawyers in the trial process at the PTUN.

Implications of PTUN Procedural Law on Government Policy

The PTUN procedural law not only functions as a monitoring mechanism for the actions of state administrative officials, but also influences government policies. Based on an analysis of several PTUN decisions, it was found that decisions that favor citizens encourage state administrative officials to be more careful in making decisions that impact citizens' rights. Thus, the PTUN also contributes to

⁹Melani Safitri and Arif Wibowo, "Understanding the State Administrative Court to Realize Good Governance (Selayar Pandang PTUN)," *Multidisciplinary Research Journal* 2, no. 1 (2023): 64–70, <https://doi.org/10.58705/jpm.v2i1.100>.

¹⁰Aju Putrijanti and Lapon Tukan Leonard, "The Competence of Administrative Courts to Examine the Abuse of Power," *IUS Journal of Law and Justice Studies* 7, no. 1 (2019): 107–27, <https://doi.org/10.29303/ius.v7i1.605>.

¹¹Vol No and Ethics of Health Professions, "Jurnal Prisma Hukum" 8, no. 1 (2024): 30–36.

¹²Tryana Pipit Mulyah, Dyah Aminatun, Sukma Septian Nasution, Tommy Hastomo, Setiana Sri Wahyuni Sitepu, "No Title No Title No Title," *GEEJ Journal* 7, no. 2 (2020): 7–10.

encouraging the realization of a more transparent and accountable government ¹³.

The PTUN procedural law plays an important role in protecting citizens' rights against decisions of state administrative officials. Although there are several challenges in its implementation, such as the slow judicial process and lack of public understanding, the PTUN remains a vital instrument in upholding the principles of the rule of law and protecting citizens' rights ¹⁴. With increased institutional capacity and public education, the PTUN can function more effectively in protecting citizens' rights from detrimental administrative actions.

CONCLUSION

Based on the results of the article, it can be concluded that the procedural law of the State Administrative Court (PTUN) has a crucial role in protecting the rights of citizens against decisions of state administrative officials that are considered detrimental. PTUN provides space for citizens to demand justice through a clear legal mechanism, by ensuring that every administrative action can be tested and accounted for before the law.

However, the implementation of PTUN procedural law in Indonesia still faces several challenges. Slow trial processes, limited access to legal aid, and the lack of public understanding of PTUN procedures are major obstacles to the effectiveness of protecting citizens' rights. Nevertheless, PTUN has played a role in upholding the principle of the rule of law by ensuring that state administrative officials do not act arbitrarily in making decisions that impact citizens' rights.

To improve the role of PTUN procedural law, there needs to be an increase in the number of judges, wider legal education to the community, and better access to legal aid for the underprivileged. Thus, PTUN can be more effective in carrying out its function as a court that protects the rights of citizens and encourages a more transparent and accountable government.

REFERENCES

- Abdullah, A. "Theory and Practice of State Administrative Court Procedure Law Post-Amendment: Paradigm Shift and Expansion of Norms (Second Edition).", 2021.
- Andy Gunawan, Wayan Arthanaya, and Luh Putu Suryani. "The Function of General Principles of Good Governance in Resolving Disputes in State Administrative Procedure Law." *Journal of Legal Analogy* Vol 1, no. No. 1 (2019): 28–33.
- Aris, Mohammad Syaiful. "Establishment of a Special Court for Settlement of Regional Head Election Results in the Implementation of National Simultaneous Elections." *Media Iuris* 5, no. 3 (2022): 473–506. <https://doi.org/10.20473/mi.v5i3.34154>.
- Armanda, Dicky, Fidhia Aruni, Legal Defense, and Citizens. "PRINCIPLES POSITION" 7 (2024): 10364–73.
- Azmi, Rama Halim Nur. "The Urgency of Realizing the Pilkada Judicial Body to Create an Effective and Constitutional Pilkada Result Dispute Resolution System." *Jurnal Adhyasta Pemilu* 3, no. 2 (2021): 183–203. <https://doi.org/10.55108/jap.v3i2.17>.
- No, Vol, and Ethics of Health Professions. "Jurnal Prisma Hukum" 8, no. 1 (2024): 30–36.
- "No Title No Title No Title." *GEEJ Journal* 7, no. 2 (2020): 7–10.
- Prawiranegara, Khalid. "Implementation of General Principles of Good Governance in Dompu Regency Government." *Lex Renaissance Journal* 6, no. 3 (2021): 591–604. <https://doi.org/10.20885/jlr.vol6.iss3.art11>.
- Putrijanti, Aju, and Lapon Tukan Leonard. "The Competence of Administrative Court To Examine the Abuse of Power." *IUS Journal of Law and Justice Studies* 7, no. 1 (2019): 107–27. <https://doi.org/10.29303/ius.v7i1.605>.
- Safitri, Melani, and Arif Wibowo. "Understanding the State Administrative Court to Realize Good Governance (PTUN's Screen View)." *Multidisciplinary Research Journal* 2, no. 1 (2023): 64–70. <https://doi.org/10.58705/jpm.v2i1.100>.
- Saifudin and Anang Zubaidy. "Urgency and Concept of Special Court for Regional Head Elections." *Journal of Islamic and Law Studies* 4, no. 2 (2020): 21–36.
- Solechan, Solechan. "General Principles of Good Governance in Public Services." *Administrative Law and Governance Journal* 2, no. 3 (2019): 541–57. <https://doi.org/10.14710/alj.v2i3.541-557>.
- Sugiyono. "Educational Research Methods: Quantitative, Qualitative, and R&D Approaches." Bandung: Alfabeta, 2021.
- Susanto, Sri N. "Implementation of General Principles of Good Governance in Judicial Practice in

¹³Dicky Armanda et al., "PRINCIPLES POSITION" 7 (2024): 10364–73.

¹⁴Solechan Solechan, "General Principles of Good Governance in Public Services," *Administrative Law and Governance Journal* 2, no. 3 (2019): 541–57, <https://doi.org/10.14710/alj.v2i3.541-557>.

Indonesia.” *Administrative Law and Governance Journal* 4, no. 3 (2021): 459–70.
<https://doi.org/10.14710/alj.v4i3.459-470>.