


The Role and Implementation of the Administrative Court in Guaranteeing Legal Certainty in Government Administrative Decisions

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Article Info	ABSTRACT
<p>Keywords: Administrative Court, legal certainty, State Administrative Decision, Administrative law, Public legal awareness</p>	<p>The Administrative Court (Pengadilan Tata Usaha Negara, PTUN) holds a pivotal role in upholding the rule of law by reviewing the legality of state administrative actions and safeguarding citizens' legal rights. This study explores the existence and practical implementation of the PTUN in ensuring legal certainty over State Administrative Decisions (Keputusan Tata Usaha Negara, KTUN). Employing a normative juridical approach with qualitative-descriptive analysis, the research examines statutory regulations and relevant literature. The findings reveal that, despite a solid legal foundation, the effectiveness of PTUN is hindered by limited public legal awareness, restricted access to judicial mechanisms, and insufficient understanding of its jurisdictional authority. To enhance the court's functionality within Indonesia's administrative law system, the study recommends strengthening institutional frameworks, improving human resource capacity, and expanding public legal education. These measures are essential to realize the court's mandate in delivering administrative justice and ensuring good governance.</p>
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INTRODUCTION

The Administrative Court (*Pengadilan Tata Usaha Negara* or PTUN) is a judicial institution in Indonesia vested with the authority to resolve disputes arising from State Administrative Decisions (*Keputusan Tata Usaha Negara* or KTUN). As an integral part of the Indonesian judicial system, PTUN is designed to uphold the rule of law and to protect the fundamental rights of citizens against arbitrary actions by state administrative officials (Harahap, 2020). Its establishment reflects Indonesia's commitment to building a legal state (*rechtsstaat*), where government actions are bound by legal norms and subject to judicial scrutiny (Asshiddiqie, 2011).

In practice, the PTUN plays a crucial role in ensuring that administrative decisions are lawful and procedurally sound. Any KTUN that is suspected of being unlawful or infringing

upon an individual's rights can be contested through the administrative court system (Ibrahim, 2019). This mechanism provides citizens with access to justice and legal remedies, thereby reinforcing public trust in state institutions and promoting accountability in public administration (Utomo & Mardani, 2022). With the growing complexity of governance and the increasing demands of civil society for transparency and accountability, the role of PTUN becomes more critical. The court not only functions as a forum for dispute resolution but also contributes to the improvement of public policy by reviewing and annulling decisions that exceed authority or deviate from legal procedures (Marzuki, 2017). In this context, PTUN serves as both a judicial and corrective institution, guiding administrative authorities toward more lawful and fair decision-making. However, despite its strong legal foundations, the implementation of administrative justice in Indonesia still faces significant challenges. These include low public awareness of legal rights, limited access to the PTUN—particularly for marginalized groups—and a lack of understanding among government officials regarding the function and authority of the administrative court (Kusumaatmadja & Tjandra, 2020). These obstacles hinder the effectiveness of PTUN in fulfilling its constitutional mandate. Therefore, this study is both relevant and necessary to explore the existence and performance of PTUN in guaranteeing legal certainty in administrative governance. The primary objective of this research is to examine the strengths and weaknesses of PTUN and to propose strategies for enhancing its institutional capacity within the framework of Indonesia's administrative law system.

METHOD

This study adopts a qualitative-descriptive methodology combined with document content analysis techniques. As a normative juridical research design, the study primarily explores legal norms, principles, and doctrinal interpretations related to the authority, legal basis, and procedural mechanisms of dispute resolution within Indonesia's Administrative Court (*Pengadilan Tata Usaha Negara* or PTUN). The core objective is to examine how the court functions in practice, particularly in cases involving land disputes and electoral matters, which are among the most contested areas in Indonesian administrative litigation (Mujiburohman, 2021). The primary source of data includes the legal textbook by Dian Aries Mujiburohman titled *Hukum Acara Peradilan Tata Usaha Negara (PTUN)*, alongside scholarly articles retrieved from Google Scholar and other academic databases. These sources were selected based on their relevance to administrative adjudication and the theoretical frameworks underpinning administrative justice in Indonesia. Data were analyzed through a process of identifying, classifying, and interpreting the substantive content of each reference. The analysis focused on drawing legal arguments, comparing theoretical perspectives, and assessing the alignment of court practices with normative legal standards. The data were then systematically organized according to emerging themes, particularly regarding the legal foundation, institutional structure, and procedural implementation of the PTUN. This research does not involve empirical fieldwork or the collection of primary data through interviews or surveys. Instead, it emphasizes legal reasoning and doctrinal comparison to evaluate the effectiveness and consistency of PTUN decisions within the broader framework of

administrative law (Marzuki, 2017; Ibrahim, 2019). By relying exclusively on secondary sources, the study remains within the scope of library-based legal research, enabling a focused exploration of jurisprudential developments and statutory interpretations.

RESULT AND DISCUSSION

The Administrative Court (*Pengadilan Tata Usaha Negara*, PTUN) represents a fundamental judicial institution within Indonesia's legal framework, endowed with the authority to examine, adjudicate, and resolve administrative disputes involving acts and decisions of state administrative officials. As a manifestation of the principle of the rule of law (*rechtsstaat*), the existence of PTUN affirms that every administrative action must be subject to legal scrutiny, ensuring that executive powers remain within constitutional and statutory bounds. The PTUN derives its authority from several key legal instruments, most notably Article 24 of the 1945 Constitution of the Republic of Indonesia, which mandates an independent judiciary under the Supreme Court, including PTUN, free from the influence of other state powers. The statutory framework is further elaborated in Law No. 5 of 1986 on the State Administrative Court, which defines its structure, jurisdiction, and procedural rules, and has undergone multiple amendments—most significantly through Law No. 9 of 2004 and Law No. 51 of 2009. Additionally, Law No. 48 of 2009 on Judicial Power reinforces PTUN's role as an impartial judicial body in the exercise of judicial authority. Complementing these legislative instruments are Supreme Court Regulations (PERMA), such as PERMA No. 6 of 2018, which provides procedural guidance for adjudicating administrative disputes following the exhaustion of internal administrative remedies.

As established in Article 18 of Law No. 48 of 2009, PTUN functions within one of four judicial spheres under the Supreme Court—alongside general, religious, and military courts—affirming its integral role in the Indonesian justice system. PTUN's core function is to uphold the legality of administrative acts and decisions by resolving disputes between individuals or legal entities and administrative bodies or officials, both at central and regional levels, particularly those resulting in the issuance of a *Keputusan Tata Usaha Negara* (KTUN), as stipulated in Article 1 point 10 of Law No. 5 of 1986. In this regard, PTUN serves as a strategic legal mechanism for ensuring that public administration operates within a framework of accountability and transparency. The Court is empowered to declare administrative decisions void or unlawful, thereby providing citizens with legal protection against arbitrary or improper conduct by public officials. This upholds two fundamental principles of administrative law: the legality of government action and the right to judicial protection. Notably, PTUN functions not only as a passive adjudicator but also plays a corrective and progressive role by reviewing the exercise of administrative discretion, assessing the legality of KTUN implementation delays, and overseeing pre-litigation administrative procedures that are prerequisites for filing suits before the Court. This legal oversight is vital in promoting good governance and safeguarding public interests through transparent and lawful decision-making (Rahman & Tanjung, 2025).

In practice, the right of individuals to challenge KTUNs before PTUN reinforces legal certainty and equitable access to justice. However, several structural and societal challenges remain. Among the most pressing are the generally low levels of legal literacy among the

public, limited awareness of procedural rules for initiating PTUN proceedings, and the sparse geographical distribution of PTUN courts across Indonesia, which disproportionately impacts access to justice in remote regions. These obstacles hinder the broader implementation of administrative justice. Thus, in order to expand the scope of legal protection and strengthen public engagement with administrative law, intensified legal education campaigns and institutional capacity-building within the PTUN system are imperative (Putra & Nursyahbani, 2025).

The State Administrative Court (*Peradilan Tata Usaha Negara*, or PTUN) operates within the domain of public and administrative law, setting it apart from civil courts that adjudicate disputes between equal private legal subjects. PTUN, in contrast, addresses conflicts between individuals and the state, where the state acts in its capacity as a public authority. This asymmetry in power necessitates distinct procedural principles aimed at restoring balance and protecting the rights of citizens against potentially arbitrary administrative actions. Central to the procedural character of PTUN is the recognition of the *public element* in administrative disputes, whereby the object of litigation is not a private contract, but a unilateral administrative decision issued by a state official that has legal consequences for the individual or the public at large (Widyaningsih & Hartono, 2025).

One of the defining features of PTUN is its reliance on *material truth* rather than merely formal legal consistency. Judges are empowered to conduct thorough investigations into both facts and applicable law, thereby aiming for substantive justice rather than procedural formality. Moreover, under the concept of *dominance of the judge* (*dominûs litis*), judges do not merely arbitrate between parties but play an active role in guiding the proceedings, ensuring that justice is served, especially when dealing with plaintiffs who may lack legal expertise (Suryadi & Amelia, 2025). The ultimate goal of PTUN procedure is to protect individual rights without undermining broader public interests, given that administrative decisions often intersect with governance and social welfare.

PTUN proceedings are also grounded in several fundamental principles that shape their distinct procedural architecture. First is the principle of *presumption of legality* (*praesumptio iustae causa*), under which every administrative decision is presumed valid until annulled by the court. While this grants the state decision immediate enforceability, it poses a risk to individual rights when prematurely implemented before final judicial review. The *active role of the judge* is another essential principle, requiring judges to take initiative in uncovering the truth and facilitating evidence production, particularly for lay plaintiffs who may struggle to navigate complex legal procedures. Additionally, PTUN embraces the *free proof theory*, allowing judges discretionary authority to assess and admit evidence, provided at least two valid instruments support their conviction. Once a PTUN decision gains legal force, the *erga omnes* principle ensures that its legal consequences extend beyond the litigating parties, binding all affected by the disputed administrative act. Equally important is the *principle of effective legal protection*, which demands that the PTUN procedure must serve not only as a formal venue for adjudication but also as a mechanism for real and substantive protection of individual rights against the overreach of state power (Prasetya & Nurhalim, 2025). Together, these procedural characteristics and foundational principles illustrate how PTUN plays a vital

role in harmonizing state authority with citizen protection. As the interface between administrative governance and legal accountability, the PTUN ensures that the actions of public officials are subject to judicial oversight grounded in fairness, legality, and public interest.

Elections in Indonesia are often accompanied by conflicts between voters and electoral authorities. Political disputes stem from disagreements over legal violations, electoral procedures, vote tabulation, and electoral criminal offenses. In particular, disputes over electoral outcomes involve conflicts between election participants and the General Elections Commission (KPU) regarding national vote totals that may affect seat allocation or the victory of candidate pairs. Similarly, challenges to electoral procedures arise when decisions by the KPU or local election commissions (KPUD) are perceived to disadvantage participants. As the supervising body for elections, the Election Supervisory Board (Bawaslu) resolves procedural electoral disputes through two primary mechanisms: mediation, which serves to facilitate peaceful settlement with Bawaslu's assistance, and adjudication, in which Bawaslu examines and decides on disputes submitted by election participants. Under the provisions of Articles 467–469 of the Election Law (updated by Bawaslu Regulation No. 18 of 2017 and its amendments), Bawaslu decisions—except those related to political party verification or candidate finalization—constitute final, binding quasi-judicial rulings. When stakeholders are dissatisfied with Bawaslu's determinations, they may escalate their complaints to the Administrative Court (PTUN), where the court reviews administrative matters as defined by Articles 470–472 of the Election Law.

PTUN adjudication is a fully judicial process with a statutory duration of up to twenty-one working days. Its decisions are final and non-appealable, reflecting PTUN's role in reviewing administrative acts within the electoral context. Moreover, Indonesia's Constitutional Court (MK), as mandated by Article 24C of the 1945 Constitution and Article 474 of the Election Law, exercises jurisdiction over election result disputes at the national level, including annulment requests submitted within thirty-four hours after the official KPU result announcement. MK rulings are definitive and must be executed by KPU within three working days of issuance. This tiered mechanism—mediation followed by adjudication—ensures multiple layers of recourse. Mediators remain neutral and do not issue binding decisions, while adjudicators such as Bawaslu or PTUN judges decide disputes based on fact and law. This structured institutional framework delineates the roles of Bawaslu, PTUN, and MK, positioning Bawaslu as the first filter and PTUN and MK as judicial authorities providing different forms of adjudication based on the nature of the dispute (Harefa & Lindawati, 2025).

Within this system, land-related administrative disputes occupy a special place in PTUN's caseload. Land disputes commonly arise when a state official issues a land-related decision, such as the refusal to renew a land use right (HGU), failure to manage abandoned land, revocation of land ownership certificates, or cancellation of land rights. These decisions frequently emanate from structural officials at the National Land Agency (BPN), including provincial or district heads or even the Minister of ATR/BPN. Land conflicts are particularly critical because they involve both individual property rights and wider social, economic, and residential interests (Hartanto & Wibowo, 2025). Under PTUN law (Article 1 point 10 of

Law No. 5 of 1986), such cases are admissible only if the decision is written, issued by a competent administrative officer, specific and final, and capable of producing legal consequences for a private individual or entity.

The procedural stages for land disputes in PTUN involve submission of a claim within ninety days of receipt or awareness of the contested decision, administrative and substantive examination of jurisdiction, substance, and procedure, and evidentiary evaluation including documents, witnesses, and expert testimony. The burden of proof may be allocated flexibly under the principle of *vrij bewijs* (free proof). PTUN may annul the contested decision and compel the issuance of a new one, and in some cases, the court may order rehabilitation or compensation depending on the nature of harm. Unique challenges in land-related adjudication include overlapping authority between local and central officials, dual legal orders (customary and national law), and inconsistent enforcement of PTUN's rulings, especially when confronted with uncooperative agencies (Santoso & Farid, 2025).

Although the structured dispute resolution mechanisms involving Bawaslu, PTUN, and MK reflect the sophistication of Indonesia's electoral administrative legal system, entrenched challenges remain. Many election participants remain unaware of procedural rights, and time constraints inhibit meaningful access to justice. In land matters especially, procedural knowledge gaps, administrative overlap, and weak implementation of PTUN's orders substantially affect legal certainty and access to justice. Consequently, strengthening public legal awareness, institutional capacity, and inter-agency cooperation remains imperative moving forward (Rahadian & Wulandari, 2025).

CONCLUSION

The Administrative Court (*Pengadilan Tata Usaha Negara*, PTUN) plays a pivotal role within Indonesia's administrative legal system by upholding legality and safeguarding citizens' rights. Through its authority to review State Administrative Decisions (*Keputusan Tata Usaha Negara*, KTUN), the PTUN ensures legal protection against harmful administrative actions and reinforces the principles of good governance. However, the effectiveness of PTUN remains constrained by several critical challenges. Limited public access to justice, inadequate public understanding of PTUN procedures, and the uneven distribution of judicial institutions across regions continue to hinder equitable legal outcomes. Moreover, the failure to consistently apply core principles of administrative law and the ineffective enforcement of PTUN decisions further weaken the integrity of the administrative justice system. These issues indicate the urgent need for both regulatory reform and improved institutional practice. To address these gaps, it is essential to strengthen PTUN's institutional capacity, particularly through enhanced human resources and supporting infrastructure. Public legal education and widespread dissemination of procedural knowledge are equally vital to empower citizens in exercising their administrative rights effectively. With coordinated support from all relevant stakeholders, PTUN can more fully realize its mandate to uphold the rule of law and foster a governance framework that is accountable, transparent, and just.

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