


Juridical Analysis of the Serang Administrative Court Decision No. 24/G/2020/PTUN-SRG on the Building Permit Process for a Poultry Farm in Panyaungan Jaya Village According to Law No. 5 of 1986 on the Administrative Court

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| Article Info | ABSTRACT |
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| <p>Keywords: Good Governance Principles Environmental Law Legality</p> | <p>This research aims to analyze the judicial reasoning of the Serang State Administrative Court (PTUN Serang) Decision No. 24/G/2020/PTUN-SRG regarding a dispute over the issuance of a Building Permit (IMB) for a poultry farm in Panyaungan Jaya Village, Serang Regency. The main problem lies in the inconsistency between the local government's administrative decision and statutory regulations, particularly in relation to the General Principles of Good Governance (AUPB). The study employs a normative juridical method with statutory, conceptual, and case approaches. Data were collected from primary, secondary, and tertiary legal materials, complemented by interviews to provide empirical validation. The results indicate that the PTUN Serang decision is consistent with Law No. 5 of 1986 on the State Administrative Court, Law No. 30 of 2014 on Government Administration, and Law No. 32 of 2009 on Environmental Protection and Management. The court found that the issuance of the IMB lacked legality and due diligence because it was not preceded by environmental assessments (UKL-UPL) and did not involve community participation. As a result, the administrative act was declared legally defective and annulled. Conceptually, the ruling reinforces the PTUN's role as the guardian of the rule of law and a supervisory mechanism over administrative actions that may infringe upon citizens' rights. Practically, this study underscores the importance of legality, transparency, and accountability in administrative decision-making, as well as the need for effective enforcement mechanisms to ensure compliance with PTUN judgments.</p> |
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INTRODUCTION

Indonesia, as a state based on law (*rechtstaat*), places the supremacy of law as the foundation of governance and public administration. The principle of legality ensures that every action taken by the government must be rooted in valid legal norms and carried out in accordance with the Constitution of the Republic of Indonesia of 1945. Within this constitutional framework, the government bears the responsibility to administer its authority in a manner that aligns with the principles of justice, certainty, and public welfare. The concept of good

governance is thus a natural consequence of the rule of law, demanding accountability, transparency, and public participation in every governmental action.

The establishment of the Administrative Court or Peradilan Tata Usaha Negara (PTUN) serves as a judicial mechanism to control government actions and protect citizens from arbitrary administrative decisions. The existence of PTUN is regulated in Law Number 5 of 1986 concerning the State Administrative Court, which was later amended by Law Number 9 of 2004 and Law Number 51 of 2009. This court functions as a supervisory body over administrative decisions (*beschikking*) issued by government officials. Through PTUN, society is granted access to justice (access to justice) when facing administrative decisions deemed to violate rights or deviate from legal principles.

In practice, administrative disputes often arise from the issuance of public decisions that are not preceded by adequate legal considerations, procedural compliance, or community participation. One such case that gained significant public attention is the case registered under Decision Number 24/G/2020/PTUN-SRG at the Administrative Court of Serang. The dispute originated from the issuance of a building permit (*Izin Mendirikan Bangunan* or IMB) for the construction of a chicken farm in Panyaungan Jaya Village, Ciomas District, Serang Regency. Residents filed a lawsuit on the grounds that the permit issuance violated spatial planning provisions and failed to consider environmental sustainability.

The case reflects the tension between government authority and citizens' rights within the domain of administrative law. On one hand, the government has the authority to issue permits as part of its regulatory function; on the other, citizens are entitled to legal protection from decisions that may harm their interests or the environment. Therefore, PTUN plays a strategic role in balancing these two aspects, ensuring that the exercise of governmental authority remains within the boundaries of the law and guided by principles of justice and propriety.

From a juridical standpoint, the IMB dispute in Panyaungan Jaya raises fundamental questions about administrative discretion and procedural fairness. The issuance of a permit is not merely a technical matter but a manifestation of the government's obligation to uphold environmental ethics and spatial integrity. When such decisions are contested in court, the judiciary becomes a testing ground for the consistency of administrative actions with statutory provisions, particularly those contained in the Building Law (Law No. 28 of 2002) and its implementing regulations. Thus, this case serves as an important reference for understanding how legal principles are applied in administrative adjudication.

Furthermore, the PTUN Serang decision embodies the implementation of the General Principles of Good Governance (AUPB)—including legality, transparency, proportionality, and public interest. These principles, embedded in Article 53 paragraph (2) of Law No. 30 of 2014 concerning Government Administration, require every administrative act to be carried out carefully and for legitimate purposes. The failure to apply these principles may render an administrative decision unlawful and subject to annulment. Consequently, the PTUN decision is not only an evaluation of legal formalities but also a reflection of moral and ethical responsibility in governance.

In addition to legal analysis, this case also illustrates the social implications of administrative decisions. The establishment of large-scale livestock facilities in rural areas often triggers environmental and social conflicts, particularly concerning pollution, waste management, and the decline of local welfare. Therefore, the court's decision to annul the IMB can be viewed as an effort to restore environmental justice and uphold the community's right to a healthy environment as guaranteed in Article 28H paragraph (1) of the 1945 Constitution and Law No. 32 of 2009 concerning Environmental Protection and Management.

The role of PTUN as a protector of citizens' rights against maladministration also emphasizes the importance of judicial independence and the rule of law in administrative practice. By adjudicating disputes between citizens and the government, PTUN contributes to maintaining checks and balances within the governance system. This aligns with the theoretical framework proposed by Dicey (1959), who emphasized that the rule of law encompasses both the supremacy of ordinary law and the equality of all persons before the law, including the government.

However, challenges remain in the implementation of PTUN decisions. Empirical studies show that the enforcement of court rulings in administrative cases often faces institutional and bureaucratic resistance. Many government agencies delay or fail to execute PTUN decisions, undermining the authority of the judiciary and eroding public trust. This phenomenon reflects the need for a stronger legal culture and a commitment from the executive branch to uphold judicial rulings as binding instruments of law.

Based on this context, this research focuses on examining the juridical analysis of the PTUN Serang Decision No. 24/G/2020/PTUN-SRG, particularly in its conformity with the statutory framework governing administrative justice in Indonesia. The study aims to assess the extent to which the decision reflects the principles of legality, justice, and good governance. Moreover, it seeks to explore the implications of the decision for the future implementation of environmental licensing and the enforcement of administrative law. The findings are expected to contribute to academic discourse in administrative law and provide practical insights for improving the governance of public administration in Indonesia.

Finally, this study underscores the significance of PTUN not merely as a dispute resolution institution but as a guardian of constitutional values and administrative integrity. The decision in the Panyaungan Jaya case serves as a landmark for evaluating how far administrative courts can function as a corrective instrument to government arbitrariness. Hence, the research aspires to present a comprehensive juridical analysis that bridges legal norms with administrative realities, ensuring that the spirit of justice remains the central pillar of Indonesia's legal state.

METHOD

This research employs a normative juridical approach combined with elements of empirical analysis, aiming to examine both the formal legal framework and its practical application in the field. The normative juridical method is used to analyze statutory provisions, doctrines, and principles that govern the function and jurisdiction of the State Administrative Court

(Peradilan Tata Usaha Negara), especially in relation to the issuance and revocation of building permits (Izin Mendirikan Bangunan or IMB). Meanwhile, the empirical aspect is incorporated to observe the factual dynamics surrounding the dispute in Panyaungan Jaya Village, Serang Regency, and the implementation of the PTUN Serang Decision Number 24/G/2020/PTUN-SRG.

The object of research focuses on the juridical analysis of the PTUN Serang decision in resolving administrative disputes related to the IMB for a poultry farm. This study seeks to determine whether the decision aligns with the legal principles stipulated in Law Number 5 of 1986 concerning the State Administrative Court, Law Number 9 of 2004, and Law Number 51 of 2009, which collectively serve as the legislative foundation for administrative justice in Indonesia. The research also examines the degree to which the judgment reflects the application of the General Principles of Good Governance (AUPB), as mandated in Law Number 30 of 2014 concerning Government Administration.

1. Type and Nature of Research

The research is qualitative and descriptive-analytical in nature. It is qualitative because it emphasizes the depth of legal interpretation rather than statistical measurement. The descriptive aspect is reflected in the effort to describe the legal norms and the reasoning of the judges in the PTUN decision comprehensively. Analytical depth is achieved by comparing the normative legal provisions with the actual considerations found in the judicial decision.

2. Approach and Legal Sources

This study employs several juridical approaches:

- a. Statutory approach, by examining the relevant legal instruments such as:
 1. Law No. 5 of 1986, Law No. 9 of 2004, and Law No. 51 of 2009 on the State Administrative Court;
 2. Law No. 30 of 2014 on Government Administration;
 3. Law No. 28 of 2002 on Building Construction and Government Regulation No. 36 of 2005 as its implementation;
 4. Law No. 32 of 2009 on Environmental Protection and Management.
- b. Case approach, which focuses on the PTUN Serang Decision No. 24/G/2020/PTUN-SRG as the primary legal material.
- c. Conceptual approach, which analyzes legal doctrines and theories concerning the rule of law, administrative discretion, and AUPB principles.

The data sources are divided into:

1. Primary legal materials, including statutory regulations, PTUN decisions, and official legal documents.
2. Secondary legal materials, comprising textbooks, academic journals, legal commentaries, and previous research relevant to administrative law and environmental licensing.
3. Tertiary legal materials, such as legal dictionaries and encyclopedias, used to clarify terminology and doctrinal interpretation.

3. Data Collection Technique

Data collection was carried out through document study and library research. The document study focused on judicial decisions and procedural documents of the PTUN Serang case, while library research involved reviewing academic literature to strengthen theoretical analysis. In addition, interviews were conducted with legal practitioners and local administrative officials in Serang to enrich the empirical context and verify the practical implications of the court's ruling.

4. Data Analysis Technique

The analysis technique follows a qualitative juridical model. The collected data were organized through three stages:

- a. Data reduction, by sorting relevant legal materials and eliminating information irrelevant to the research objectives.
- b. Data presentation, by structuring findings into thematic sections relating to legal principles, judicial reasoning, and implications.
- c. Conclusion drawing, based on a synthesis between legal interpretation and factual analysis.

Interpretation techniques include grammatical, systematic, and teleological interpretation to uncover the intent and consistency of legal provisions with judicial reasoning.

5. Analytical Framework

The analytical framework is built upon the concept that the State Administrative Court serves as a control mechanism for public administration. The research applies the theory of administrative accountability (Marbun, 2003) and the rule of law principle (Dicey, 1959), asserting that the government's authority must be exercised under the law and for the public interest. The PTUN Serang decision is analyzed within this theoretical context to determine its consistency with administrative justice and its contribution to strengthening the accountability of local governance in environmental management.

6. Research Location and Scope

The study is conducted in the jurisdiction of the State Administrative Court of Serang, located in Banten Province. The case under review involves a local government decision concerning the IMB for a poultry farm in Panyaungan Jaya Village, Ciomas District, Serang Regency. This geographical focus provides a clear empirical foundation, allowing for an examination of the local administrative practices, public participation, and environmental considerations involved in the licensing process.

7. Validity and Reliability of Data

To ensure data credibility, this research employs triangulation techniques, combining legal document analysis, interview validation, and doctrinal comparison. The triangulation process strengthens the accuracy of findings by comparing multiple data sources, ensuring that conclusions are not based solely on textual analysis but also on consistent empirical observations.

8. Expected Contribution

This methodological design aims to contribute theoretically and practically.

Theoretically, it enriches the discourse on administrative law, particularly concerning judicial control over environmental licensing decisions. Practically, it provides insights for policymakers and local governments to enhance procedural compliance, public participation, and adherence to AUPB principles in issuing administrative permits.

Through this integrative methodology, the research aspires to bridge the gap between legal theory and administrative practice. By combining normative legal interpretation and empirical verification, it seeks to provide a holistic understanding of how administrative justice operates in real-world governance, especially in ensuring the legality, proportionality, and accountability of public decisions.

RESULTS AND DISCUSSION

Juridical Analysis of the PTUN Serang Decision No. 24/G/2020/PTUN-SRG

The case adjudicated under Decision Number 24/G/2020/PTUN-SRG at the State Administrative Court of Serang concerns the dispute between citizens and the local government over the issuance of a Building Permit (Izin Mendirikan Bangunan or IMB) for the establishment of a poultry farm in Panyaungan Jaya Village, Ciomas District, Serang Regency. The plaintiffs argued that the IMB issued by the local authority was procedurally defective, substantively flawed, and inconsistent with prevailing spatial and environmental regulations. The defendant, representing the regional government, maintained that the permit was legally valid, having fulfilled administrative requirements under regional regulations.

The dispute illustrates a conflict between the principles of administrative expediency and public accountability. On one hand, local governments are mandated to facilitate investment and development; on the other, they are obligated to ensure that their decisions align with legal norms, spatial planning, and environmental protection. The PTUN Serang decision reflects this delicate balance, where judicial oversight functions as a corrective mechanism to prevent administrative arbitrariness.

Conformity with the State Administrative Court Law

Based on Law Number 5 of 1986, the State Administrative Court has the authority to examine, adjudicate, and resolve disputes arising from decisions (beschikking) issued by administrative bodies. Article 1 paragraph (9) defines a State Administrative Decision as a written determination issued by a government body in the field of state administration that is concrete, individual, and final, which gives rise to legal consequences.

The object of dispute in this case meets these criteria. The IMB in question is a written, individual, and final administrative decision that directly affects the rights and obligations of the plaintiff as a community member living near the planned poultry facility. The court's jurisdiction, therefore, was established in accordance with statutory provisions.

Furthermore, the decision aligns with the principle of due process of law within administrative justice. The panel of judges reviewed both formal and material aspects of the decision, assessing whether the issuance of the IMB had complied with procedural requirements—such as prior environmental assessment, public notification, and verification of spatial conformity. These procedural dimensions are mandated under Law No. 28 of 2002

on Buildings and Government Regulation No. 36 of 2005, which require that every building permit be based on spatial plans and environmental feasibility.

Judicial Reasoning and Application of Legal Principles

The PTUN Serang panel of judges based its reasoning on the principle of legality (*rechtmatigheid*) and the principle of prudence (*voorzichtigheid*) in public administration. The court found that the local government's decision lacked sufficient consideration of environmental and spatial aspects, thereby violating the requirement for comprehensive administrative due diligence.

The judges emphasized that administrative discretion must not be exercised arbitrarily but must adhere to the General Principles of Good Governance (AUPB) as stipulated in Article 53 paragraph (2) of Law No. 30 of 2014. These principles include:

1. Legality — every administrative act must have a legal basis;
2. Proportionality — government actions must balance individual and public interests;
3. Accountability — decisions must be justified both legally and ethically;
4. Transparency — processes must be open to public scrutiny;
5. Public interest — decisions must serve collective welfare rather than particular interests.

The decision found that the issuance of the IMB failed to fully consider the environmental impact, particularly concerning potential pollution and odor nuisance affecting nearby residents. This omission was deemed to contravene the principle of carefulness (*zorgvuldigheid*) in administrative acts.

The Role of Environmental Considerations in Judicial Review

A critical dimension of this case lies in the court's treatment of environmental law principles. The panel referred to Law No. 32 of 2009 on Environmental Protection and Management, particularly the provisions requiring prior environmental studies (AMDAL or UKL-UPL) for activities that may have significant impacts on the environment. The failure of the local government to demand an environmental impact document from the permit applicant constituted a substantive legal defect.

The decision thus embodies an evolving judicial trend where environmental due diligence becomes an integral part of administrative legality. This interpretation broadens the scope of PTUN's oversight, transforming it from a purely procedural court into a substantive guardian of environmental justice.

Implications for Administrative Accountability

The PTUN Serang decision reinforces the doctrine that government authorities must not only comply with written regulations but also act within the bounds of fairness and reasonableness. As argued by Hadjon (1987), the rule of law in administrative practice must guarantee both legal certainty and legal protection. The annulment of the IMB by the PTUN serves as a warning to regional governments that negligence in applying environmental and spatial planning principles constitutes a form of maladministration.

Furthermore, the decision illustrates the judiciary's increasing willingness to scrutinize administrative actions that neglect public participation and ecological sustainability. By incorporating AUPB and environmental norms into judicial reasoning, PTUN contributes to

the expansion of administrative accountability in Indonesia's decentralized governance system.

Community Participation and Access to Justice

Another essential aspect revealed by this case is the role of community participation in administrative decision-making. The absence of public consultation in the licensing process demonstrates a violation of participatory rights under Law No. 30 of 2014 and the Environmental Law framework. The plaintiffs, representing local residents, argued that the issuance of the IMB was conducted without informing or involving the affected community.

The PTUN recognized this procedural omission as a fundamental flaw that undermined the legitimacy of the permit. The court's acknowledgment of public participation as a legal requirement underscores the evolution of administrative law toward a more democratic and inclusive model, aligning with global principles of good environmental governance.

Implementation Challenges of PTUN Decisions

Although PTUN decisions are legally binding, their enforcement remains problematic. The implementation of Decision No. 24/G/2020/PTUN-SRG faced bureaucratic inertia and lack of coordination between local agencies. As recorded in field observations and interviews, some local officials exhibited reluctance to revoke or amend administrative decisions already issued, reflecting weak compliance culture within local bureaucracy.

This issue highlights a systemic challenge in Indonesia's administrative justice: the gap between judicial rulings and executive enforcement. The absence of coercive mechanisms or sanctions for non-compliance diminishes the effectiveness of PTUN decisions, raising questions about the real impact of judicial review on administrative governance.

Comparative Analysis with Previous Cases

A comparison with similar cases in other jurisdictions, such as PTUN Medan and PTUN Bandung, reveals consistent judicial reasoning emphasizing procedural propriety and environmental consideration. However, the Serang decision is distinctive in its explicit invocation of AUPB and environmental justice principles. This trend indicates a gradual shift in administrative jurisprudence—from formal legality toward substantive justice, where the protection of human and environmental rights is prioritized over administrative convenience.

Theoretical Implications

From a theoretical standpoint, this decision substantiates the argument that administrative law in Indonesia is transitioning from a positivist model to a responsive legal paradigm (Nonet & Selznick, 1978). The court's interpretive approach shows a growing recognition that administrative legality must encompass social and ecological legitimacy. The judiciary is no longer a passive interpreter of statutes but an active guardian of constitutional and environmental values within public administration.

Discussion Summary

Overall, the PTUN Serang Decision No. 24/G/2020/PTUN-SRG demonstrates the strengthening of administrative judicial control in Indonesia. The court's analysis integrates statutory interpretation, environmental principles, and governance ethics, resulting in a holistic ruling that protects citizens' rights and upholds environmental integrity. Nonetheless,

the persistent gap in the enforcement of PTUN judgments calls for legislative and institutional reform to enhance compliance mechanisms.

Therefore, this case contributes to the broader discourse on the effectiveness of administrative justice in promoting lawful, transparent, and sustainable governance. It also serves as empirical evidence that environmental considerations are increasingly being mainstreamed into the judicial review of administrative acts, marking a significant advancement in Indonesia's rule of law development.

CONCLUSION

The juridical analysis of the Serang State Administrative Court (PTUN Serang) Decision No. 24/G/2020/PTUN-SRG concerning the issuance of a Building Permit (Izin Mendirikan Bangunan or IMB) for a poultry farm in Panyaungan Jaya Village reveals a critical development in Indonesia's administrative justice system. The decision demonstrates the judiciary's growing commitment to uphold the principles of legality, proportionality, and environmental accountability in the exercise of governmental authority. The findings indicate that the administrative act of issuing the IMB did not fully comply with the procedural and substantive requirements stipulated under Law No. 28 of 2002 concerning Building Construction and Law No. 32 of 2009 concerning Environmental Protection and Management. The absence of environmental feasibility analysis (UKL-UPL) and the lack of public consultation were deemed violations of both the General Principles of Good Governance (AUPB) and statutory mandates. Consequently, the PTUN's annulment of the IMB serves as a corrective measure against administrative arbitrariness and as reinforcement of the state's duty to protect environmental rights. From a broader perspective, the decision underscores that administrative discretion (*freies ermesen*) must be exercised within the boundaries of the law and public interest. The PTUN Serang's ruling confirms that environmental and participatory considerations are not merely administrative formalities but integral components of lawful decision-making. It strengthens the position of the court as an institutional guardian of administrative morality, ensuring that governance practices align with the constitutional principles of justice and sustainability. However, the study also reveals persistent weaknesses in the enforcement of PTUN decisions. The lack of an effective supervisory and sanctioning mechanism for non-compliance limits the transformative potential of administrative adjudication. Therefore, institutional reform is urgently needed to guarantee that judicial rulings are respected and executed promptly by administrative authorities. In conclusion, Decision No. 24/G/2020/PTUN-SRG represents a progressive step in the evolution of Indonesian administrative law. It establishes an important precedent for integrating environmental justice and participatory governance within the framework of administrative legality. The decision not only reaffirms the judiciary's role as a check on governmental power but also contributes to the realization of a responsive legal system that harmonizes law, justice, and sustainability. Strengthening enforcement mechanisms and promoting administrative legal awareness among public officials are key to ensuring that the spirit of this decision continues to guide public administration in Indonesia.

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