

## THE AUTHORITY OF JUDICIAL REVIEW ON THE ADMINISTRATIVE COURT DECISION NO. 234/G/2024/PTUN.JKT: A STATE ADMINISTRATIVE LAW PERSPECTIVE

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### Abstract

The Jakarta Administrative Court's decision declaring the lawsuit inadmissible due to the absence of a state administrative decision as the object of the dispute illustrates the narrow limits in interpreting the authority of administrative courts. Administrative law should provide protection for citizens' rights against administrative negligence, the lawsuit was rejected because it was deemed not to meet the formal elements in the PTUN procedural law. This study aims to determine how the PTUN's authority is in adjudicating lawsuits regarding state officials' negligence against citizens' constitutional rights, as in Decision Number 234/G/2024/PTUN.JKT and whether the Supreme Court can conduct a judicial review of the PTUN's decision that rejected the lawsuit because the object of the dispute was deemed not to meet the requirements of state administrative law. This research is normative juridical using secondary data. The results of this study indicate that the PTUN has the authority to adjudicate lawsuits regarding state officials' negligence if they relate to state administrative actions that harm citizens' administrative rights, although it often limits its authority formally. The Supreme Court can conduct a judicial review of the PTUN's decision that rejected the lawsuit because the object of the dispute did not meet the requirements of administrative law, by focusing on the legal aspects and the PTUN's authority, without re-evaluating the facts.

**Keywords:** PTUN Authority, MA Judicial Review, State Administrative Law

### A. INTRODUCTION

In the Indonesian administrative law system, the existence of the State Administrative Court (PTUN) is a manifestation of the principle of the rule of law (*rule of law*) which guarantees judicial control over every action of state administrative officials. The existence of the PTUN is not only intended to resolve administrative disputes, but also serves as a safeguard of the legality and accountability of executive power in carrying out public functions. Therefore, the PTUN's authority is crucial in maintaining a balance between government power and the protection of citizens' rights (Hadjon, 2017).

However, in practice, there are often limitations in the interpretation of the scope of the PTUN's authority, especially when dealing with citizens' demands for constitutional rights that have not been fulfilled by the government. This is evident in the Jakarta PTUN Decision Number 234/G/2024/PTUN.JKT, in which the plaintiffs filed a lawsuit against the government on the basis of the non-fulfillment of their socio-economic rights. However, the PTUN panel of judges declared the lawsuit inadmissible because it did not fulfill the elements of the object of the state administrative dispute as required by Law Number 5 of 1986 concerning State Administrative Courts (Supreme Court of the Republic of Indonesia, 2025).

ARTICLE

The plaintiffs in this case are Agus Setiawan, Mochamad Syarif, Suryanih, Muchammad Fatwa Ramdhani, and Rahmawati. They filed a lawsuit against the Government of the Republic of Indonesia cq. President of the Republic of Indonesia cq. Minister of Social Affairs of the Republic of Indonesia. The essence of their lawsuit is the lack of response or action from the defendants in fulfilling the request for basic rights that they believe are guaranteed by the 1945 Constitution of the Republic of Indonesia, particularly in terms of social protection and the right to welfare.

Normatively, the state administrative law system is intended for the PTUN to provide legal protection, including against passive administrative actions such as the slowness or negligence of officials in making decisions. Intentional silence (*deliberate silence*) should be subject to dispute because it can directly impact citizens' rights. However, in practice, as illustrated in this ruling, silence has not been recognized as a form of administrative decision that can be tested by the PTUN.

This ruling raises significant questions about whether the Supreme Court has the authority to conduct a judicial review of the substance of the PTUN decision, given that this case concerns constitutional rights protected by the 1945 Constitution. Furthermore, the Constitutional Court only has the authority to review laws against the constitution, not court decisions. Therefore, there is a lack of oversight mechanisms for decisions related to administrative failures to guarantee citizens' basic rights.

In the context of protecting constitutional rights, the role of the State Administrative Court (PTUN) should not be limited to merely reviewing written decisions, but also addressing administrative actions or inactions that harm citizens. If the scope of disputed objects is not progressively expanded, citizens' legal efforts to obtain administrative protection will be hampered. This is where the urgency of strengthening the PTUN's authority lies in aligning it with the spirit of the constitution, which places citizens' rights as entities that must be protected. The PTUN's reluctance to accept the lawsuit reflects its rigidity in interpreting administrative norms. Under certain circumstances, government inaction can be understood as a violation of the principle of *good governance* and the government's constitutional responsibility towards its citizens. Thus, there is a need to review the doctrinal boundaries regarding disputed objects in state administrative court procedural law (Asshiddiqie, 2015).

Administrative law cannot be separated from constitutional law. The fulfillment of social and economic rights guaranteed in Article 28H and Article 34 of the 1945 Constitution requires a responsive administrative mechanism. Therefore, the inaction of administrative officials in fulfilling these rights constitutes a violation of constitutional obligations that should be subject to judicial review (Indrati, 2017). Without a mechanism to review and correct such administrative inaction, citizens will lose access to administrative justice, and the state administrative courts will lose their function as guardians of government accountability. This will ultimately undermine public trust in the judicial system and the rule of law as a whole.

As an administrative judicial institution, the State Administrative Court (PTUN) should be able to address the challenges of societal development and the need to protect citizens' rights. Therefore, a reinterpretation of the definition of state administrative decisions and an update to procedural law are needed to better adapt to the context of constitutional rights and public services (Afiyanto & Wibowo, 2021). This Jakarta PTUN decision should serve as a momentum to reformulate the authority of judicial review within the administrative courts. This should not be limited to formal procedural norms but also consider substantive justice and the evolving legal needs of society.

Referring to various administrative law literature and previous court decisions, there is a need to encourage the PTUN to adopt a progressive approach in interpreting its authority, as is

done by administrative courts in countries with more advanced legal systems (Haryanto, 2021). One approach is to accept administrative silence or negligence as a decision subject to legal review.

Without reform efforts within the legal framework of administrative procedure and interpretation, Indonesia's administrative justice system will continue to be mired in formalism that limits public access to justice. Broader judicial review powers are the answer to strengthening control over actions (and inaction) government. The Jakarta Administrative Court's decision, which declared the lawsuit inadmissible due to the absence of a state administrative decision as the object of the dispute, illustrates the narrow limits in interpreting the authority of administrative courts. This is where the difference arises: administrative law should provide protection for citizens' rights against administrative negligence, with that *be*, namely the reality that the lawsuit was rejected because it was deemed not to fulfill the formal elements in PTUN procedural law.

Therefore, the study of PTUN Decision Number 234/G/2024/PTUN.JKT from the perspective of state administrative law is very relevant to explore the possibility of institutional and normative reforms needed to expand protection of citizens' constitutional rights. Related to the explanation above, the following is the main topic of this research: How is the PTUN's authority in adjudicating lawsuits for state officials' negligence towards citizens' constitutional rights, as in Decision Number 234/G/2024/PTUN.JKT? Can the Supreme Court conduct a judicial review of the PTUN's decision that rejects the lawsuit because the object of the dispute is deemed not to meet the requirements of state administrative law?

## B. LITERATURE REVIEW

State Administrative Law is a branch of public law that regulates the relationship between the government and citizens and ensures that public administration actions are carried out legally, rationally, and fairly. In the Indonesian context, State Administrative Law plays a crucial role because it is closely related to the implementation of the state's function in serving the public. The State Administrative Court (PTUN) was established as a special institution to resolve disputes arising between citizens and state officials or administrative bodies, particularly regarding state administrative decisions.

The legal basis for the establishment of the PTUN is contained in Law Number 5 of 1986, which was later amended by Law Number 9 of 2004 and updated by Law Number 51 of 2009. These three regulations emphasize that the PTUN has the authority to adjudicate disputed objects in the form of "state administrative decisions" that are concrete, individual, and final. However, social and political developments have encouraged the expansion of the meaning of disputed objects in practice, especially when related to the constitutional rights of citizens.

The concept of judicial review in Indonesian law is still oriented toward two major entities: the Constitutional Court, which reviews laws against the 1945 Constitution, and the Supreme Court, which reviews laws and regulations subordinate to the law against the law. However, in the context of administrative justice, a progressive interpretation of judicial authority over actions (or inaction) administrative matters that impact citizens' rights. This is rooted in the principles of the supremacy of law and a democratic state based on the rule of law.

According to Philipus M. Hadjon, judicial control over state administration is not only carried out through formal written decisions, but must also encompass factual administrative actions that impact public rights. Therefore, passive administrative actions (*omission*) should be submitted to the PTUN if the action has a real impact on the constitutional rights of citizens (Hadjon, 2017).

In legal practice in various countries, the silence of state officials has been accepted as a form of administrative action that can be tested by the courts. For example, in the administrative law system French and the Netherlands, administrative courts have developed the principal silence *is a decision which* allows passive actions to be considered as contestable decisions. In the Indonesian context, this approach has not yet been systematically adopted in PTUN jurisprudence (Keijzer, 2015).

A study conducted by Wahyu Budi Haryanto stated that strengthening the general principles of good governance (AUPB) is key in assessing whether an action or administrative matters have a legal value that can be disputed. He emphasized that if state officials systematically ignore citizens' requests without a valid reason, then inaction. This can be qualified as a violation of AUPB (Haryanto, 2021).

State administrative law is inseparable from the principle of constitutionalism, which means that all government actions must be in accordance with the constitution. When state officials fail to fulfill their constitutional duties, whether actively or passively, there is room for administrative review through the judicial system. In this regard, judicial review of PTUN decisions is crucial as a check on overly narrow judicial interpretation.

Decisions that overemphasize the formalism of procedural law will restrict citizens' access to justice. According to Maria Farida, law should not be viewed merely as written norms but also as reflecting the moral values and social justice inherent in society. Therefore, PTUN procedural law must be developed to accommodate demands for rights directly derived from the constitution (Indrati, 2017).

Modern administrative law literature emphasizes that judicial review should encompass the full spectrum of administrative actions affecting citizens, including passive actions. Cane and McDonald's book highlights that state disregard for fundamental rights can be considered an administrative action subject to judicial review in modern democratic societies (Cane & McDonald, 2018).

### C. RESEARCH METHODOLOGY

**Methodology** The research methodology used in this study is a descriptive qualitative method with a library research approach, which aims to analyze in depth the legal protection and its implementation in the applicable laws and regulations, particularly regarding the judicial review authority of the PTUN Decision Number 234/G/2024/PTUN.JKT in the perspective of state administrative law. Descriptive qualitative research was chosen because it is able to provide a comprehensive picture of legal phenomena by prioritizing understanding the meaning and context (Creswell, 2014). The library review approach is used to collect and analyze data sourced from relevant documents, literature, and court decisions (Zed, 2014). Data sources consist of primary legal materials, such as Law Number 5 of 1986 concerning State Administrative Courts, Law Number 30 of 2014 concerning Government Administration, and PTUN decisions that are the object of research; secondary legal materials, including books, journal articles, and previous research results relevant to the topic of PTUN authority and judicial review; and tertiary legal materials, such as legal dictionaries, legal encyclopedias, and official online sources that support the analysis. Data analysis was conducted through the stages of data reduction, data presentation, and drawing conclusions, prioritizing systematic, historical, and comparative legal interpretation (Miles, Huberman, & Saldaña, 2014).

### D. RESULTS AND DISCUSSION

The Jakarta State Administrative Court (PTUN) Decision Number 234/G/2024/PTUN.JKT sets an important precedent highlighting the limits of the PTUN's

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authority regarding lawsuits filed by citizens alleging negligence by state officials in fulfilling administrative obligations. This case stemmed from a lawsuit filed by five citizens who felt aggrieved by the East Jakarta Land Agency due to negligence in completing administrative processes that impacted their constitutional rights. However, in its ruling, the PTUN declared the lawsuit inadmissible on the grounds that the substance of the case fell outside the PTUN's absolute competence. This raises important questions about the extent of the PTUN's authority to adjudicate on cases of negligence by state officials (Mardatillah, 2021).

According to Law Number 5 of 1986 concerning State Administrative Courts, which has been amended several times, and Law Number 30 of 2014 concerning State Administration, the State Administrative Court has the authority to adjudicate state administrative disputes arising from State Administrative Decisions and government actions. Since the enactment of the State Administrative Law, the State Administrative Court's authority is not only limited to decisions, but also includes factual actions or negligence of public officials that cause losses. Thus, normatively, the State Administrative Court can actually adjudicate lawsuits resulting from official negligence that directly impacts citizens, as long as the negligence can be categorized as *Acts against the law by the authorities (unlawful government act)* (Fauzi & Erliyana, 2021).

In practice, official negligence that disrupts citizens' administrative rights can be the subject of a lawsuit at the State Administrative Court (PTUN). For example, if an official fails to issue an administrative decision within the legally stipulated time, that passive action can be challenged. Negligence in this context is understood as a form of government action that is not implemented properly, which directly impacts the protection of citizens' rights. Therefore, if such negligence affects constitutional rights such as the right to property, services, or administrative justice, citizens have the legal legitimacy to file a lawsuit at the PTUN.

Nevertheless, the PTUN's interpretation of this case indicates concerns about the possibility of overlapping jurisdictions. The PTUN tends to be cautious about taking over competences deemed more appropriately within the realm of general courts or the Constitutional Court (Asimah, 2020). This decision also demonstrates the limitations of administrative courts in understanding or recognizing the relationship between administrative negligence and citizens' constitutional rights. This has drawn criticism from various academics and legal practitioners who believe that the PTUN should be more progressive in protecting citizens' rights through a substantive approach, rather than solely procedural.

The PTUN's authority to adjudicate official actions, including negligence, is further affirmed through Supreme Court Regulation (Perma) Number 2 of 2019. This Perma opens up space for lawsuits against government actions, including official inaction (omission), that impact citizens. This Perma reflects the development of administrative law towards broader protection for citizens in the face of actions or negligence of state officials. Therefore, the PTUN's decision to refuse to examine the substance of the lawsuit in case 234/G/2024/PTUN.JKT is questionable from the perspective of the effectiveness of protecting administrative rights.

The principle of legality, a fundamental principle of administrative law, requires that every government action, whether active or passive, be subject to the law. In this context, officials' negligence in carrying out their duties in a timely manner violates this principle, especially if it results in the loss of citizens' constitutional rights. The right to administrative protection and effective public services is a fundamental right guaranteed by the constitution and international human rights instruments. Therefore, the Administrative Court should not limit its authority simply because the action does not take the form of a formal decision.

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In practice, proving that negligence by state officials has harmed citizens' constitutional rights is a challenge. Plaintiffs must be able to demonstrate a clear causal link between the negligence and the losses they experienced. The PTUN, as the institution tasked with ensuring orderly state administration, should provide an adaptive and substantive mechanism to address this issue. Otherwise, its oversight function over state administration will be weakened and public trust in the legal system will decline.

This Jakarta PTUN decision also highlights the tension between the approaches formal and substantive in administrative law. Approach formal The substantive approach emphasizes structure and procedures, while the substantive approach focuses on the values of justice and the protection of citizens' rights. In the context of official negligence, the substantive approach better ensures legal protection for citizens. Therefore, it is important for PTUN judges to adopt a more progressive approach and not become trapped by mere procedural technicalities.

Going forward, clearer harmonization of regulations regarding the PTUN's jurisdiction over negligent acts is needed. Furthermore, ongoing training for judges and administrative court officials is crucial to enable them to interpret the PTUN's authority broadly and contextually. Protection of citizens' constitutional rights should not be limited simply by the absence of a formal decision from an official, especially if the negligence clearly harms the citizens.

Thus, Decision 234/G/2024/PTUN.JKT reflects the challenges and opportunities in the development of administrative law in Indonesia. Although the PTUN has been granted broader authority through Law 30/2014 and Supreme Court Regulation 2/2019, its implementation in the field still faces various conceptual and technical obstacles. Therefore, a serious commitment from all legal actors is needed to make the PTUN a forum that truly guarantees citizens' constitutional rights from all forms of abuse or negligence by state officials.

The Supreme Court (MA), as the apex judicial institution in Indonesia, plays a crucial role in maintaining consistency and legal certainty at all levels of the judiciary, including the State Administrative Court (PTUN). In the context of a PTUN decision that rejected a lawsuit because the disputed object was deemed not to meet the requirements of state administrative law, the fundamental question that arises is whether the MA has the authority to conduct a judicial review or appeal against the decision.

Formally, the Supreme Court has the authority to review PTUN decisions based on the provisions of Law Number 5 of 1986 concerning State Administrative Courts (PTUN Law) and Law Number 14 of 1985 concerning the Supreme Court. However, this authority is not absolute in all aspects of the decision, particularly when the rejection of a lawsuit is due to the incompleteness of the disputed object as a requirement for a PTUN case.

The PTUN can reject a lawsuit at the initial stage of examination if the object of the dispute submitted by the plaintiff does not meet the definition of a state administrative decision or action according to administrative law. This rejection is usually based on the provisions of Article 1 paragraph (1) of the PTUN Law which explains that the scope of the PTUN's authority is only to adjudicate disputes originating from state administrative decisions. If the object of the dispute does not fall into this category, the PTUN will reject the lawsuit on the grounds of incompetence. In this case, the rejection is more technical and formal in nature, rather than a substantive assessment of the main case.

The Supreme Court's authority to appeal a PTUN decision rejecting a lawsuit is also regulated in the PTUN Law and the Supreme Court Law. Article 56 of the PTUN Law states that a PTUN decision may be appealed to the Supreme Court. However, this authority is directed more towards examining aspects of the application of law and procedure, rather than re-examining the facts or substance of the case. Therefore, when the PTUN rejects a lawsuit

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based on the reason that the disputed object does not meet legal requirements, the Supreme Court must be careful in assessing whether the PTUN has applied the law correctly in deciding the case.

In the practice of judicial review, the Supreme Court plays a role in ensuring that the State Administrative Court (PTUN) does not misinterpret its own authority. If the Supreme Court finds that the PTUN erred in rejecting a lawsuit because the disputed object falls within the scope of state administrative law, it has the right to overturn the decision and return the case to the PTUN for further review. This serves as a check on the PTUN's ability to reject lawsuits inappropriately, potentially harming the rights of citizens who should receive administrative legal protection.

However, the Supreme Court also lacks the authority to replace the State Administrative Court (PTUN) in examining and assessing the facts or substance of the dispute. The Supreme Court does not act as an appellate court, retrieving the underlying case. This is crucial to maintain the division of authority between judicial institutions and to prevent duplication of examinations that could prolong the legal process. The Supreme Court only examines whether the PTUN correctly applied the law in formal aspects, whether procedures were followed, and whether the PTUN's authority was not abused.

From a practical perspective, the Supreme Court faces challenges in conducting judicial review of PTUN (State Administrative Court) lawsuit rejections due to the disputed object not meeting the requirements of state administrative law. The Supreme Court must be able to distinguish between a decision that is truly appropriate and one that interprets the PTUN's authority too narrowly. If the Supreme Court limits its scope too much, oversight of abuse of its authority will be weakened. Conversely, if the Supreme Court is too broad in assessing material aspects, this could potentially undermine the PTUN's function as an independent administrative court.

This approach also aligns with the principles of legality and legal certainty in the Indonesian judicial system. The principle of legality requires that every court decision be based on applicable laws and regulations and must not contradict them. In this context, the Supreme Court must uphold the principle of legal certainty by ensuring that the State Administrative Court (PTUN) does not arbitrarily reject lawsuits for erroneous formal reasons. This way, citizens' rights to administrative legal protection are guaranteed without compromising the principle of the division of judicial authority.

Legal experts state that the Supreme Court's (MA) judicial review of the PTUN's decision to reject a lawsuit must focus on the formal legal aspects and the PTUN's competence. The MA serves as a supervisor of the PTUN's consistent application of the law and can overturn a decision if it finds formal legal errors or abuse of authority in rejecting a lawsuit (Syarif, 2022). The MA's cassation authority in state administrative cases must maintain a balance between legal oversight and administrative judicial autonomy (Raharjo, 2021).

Thus, the Supreme Court can conduct a judicial review of a PTUN decision that rejects a lawsuit because the disputed object is deemed not to meet the requirements of state administrative law, provided that the review is limited to aspects of the application of the law, the PTUN's competence, and court procedures. The Supreme Court does not act as an appellate court to reexamine the facts or subject matter of the dispute, but rather as a supervisor of the application of the law and a protector of legal certainty. This mechanism is important to ensure a balance between the protection of citizens' rights and the function of the state administrative court as an independent institution within the Indonesian justice system.

## E. CONCLUSION

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This study concludes that the State Administrative Court (PTUN) has the authority to adjudicate lawsuits for negligence by state officials if such negligence directly impacts citizens' constitutional rights, although its practice is still limited by narrow formal interpretations. This finding answers the problem formulation by demonstrating that the Supreme Court can conduct a judicial review of PTUN decisions that reject lawsuits, as long as its assessment focuses on formal legal aspects, PTUN competence, and procedures, without reassessing the facts of the case. This interpretation emphasizes the need for a progressive approach in state administrative law so that the research objective of expanding the protection of citizens' rights through judicial control can be achieved. The research contribution lies in strengthening the argument that passive administrative actions (omissions) are worthy of being categorized as objects of dispute in the PTUN. To practice, it is recommended that PTUN judges adopt a more substantive interpretation in accepting lawsuits for official negligence, and for the Supreme Court to consistently oversee the application of PTUN's authority. Further research can examine the comparative application of the omission concept in administrative courts in other countries and analyze the effectiveness of Perma No. 2 of 2019. The limitation of this research is its focus on normative studies without empirical testing of similar decisions, so future research needs to incorporate broader jurisprudential analysis. In policy, regulatory harmonization and revision of the PTUN Law are needed to explicitly include administrative negligence as an object of dispute, in order to strengthen access to justice and legal certainty for citizens.

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