

# The Dynamics of Enforcement of State Administrative Law through the PTUN in Realizing Good Governance in Indonesia

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Info Article	Abstract
<p><b>Article History</b>            Received : 2020-09-07            Revised: 2020-09-16            Published: 2020-09-30</p> <p><b>Keywords:</b>  <i>State Administrative Law, Law Enforcement, Public Services</i></p>	<p>The enforcement of state administrative law (PTUN) is a crucial element in realizing good governance and ensuring the implementation of the principles of the rule of law as mandated by the 1945 Constitution. This study aims to analyze in depth the concept of PTUN, its implementation mechanisms, factors that influence its effectiveness, as well as obstacles and innovative solutions in the Indonesian context. A normative juridical approach is used by reviewing legal literature, laws and regulations such as Law No. 30 of 2014 concerning State Administration and Law No. 5 of 1986 concerning PTUN (as amended), as well as state administrative law doctrine. The results of the study reveal that PTUN is not limited to the imposition of administrative sanctions alone, but includes preventive dimensions (prevention through education), corrective (improvement of procedures), and repressive (action through the courts). The main mechanisms include the application of general principles of good governance (AUPB) such as legality, proportionality, and legitimate trust, the legitimate use of discretionary authority, orderly administrative procedures, and legal remedies through the State Administrative Court (PTUN) and supervisory institutions such as the Ombudsman. However, in practice, these challenges face serious obstacles, such as low legal awareness among state civil servants (ASN) and the public, overlapping regulations between laws, a weak internal-external oversight system, and structural corruption that undermines institutional independence. External factors such as disparities in regional resources also exacerbate the situation. Therefore, strategic solutions are proposed in the form of regulatory harmonization through revisions to the omnibus law, increasing ASN professionalism through ongoing training, transparency in public services through digital platforms, and strengthening the role of civil society and the media in participatory oversight. With this implementation, the PTUN is expected to create a transparent, accountable, responsive, and just government, in line with the vision of Golden Indonesia 2045.</p>

## I. INTRODUCTION

The enforcement of state administrative law (PTUN) is a key pillar in realizing good governance and guaranteeing the principle of a state based on law as mandated by Article 1 paragraph (3) of the 1945 Constitution which states that "The State of Indonesia is a state based on law." In the post-1998 reform era, demands for transparent, accountable, and just governance have become increasingly prominent, especially with the increasing number of cases of abuse of authority by state officials. PTUN not only functions as a control tool for government administrative actions, but also as a preventive, corrective, and repressive mechanism to ensure that every public policy is in accordance with the

general principles of good governance (AUPB). In Indonesia, the dynamics of the State Administrative Court (PTUN) are reflected in various laws and regulations, such as Law Number 30 of 2014 concerning State Administration, Law Number 5 of 1986 concerning State Administrative Courts (as amended by Law Number 51 of 2009 and Law Number 11 of 2021 concerning Job Creation), and Law Number 25 of 2009 concerning Public Services. However, their implementation still faces serious challenges. Data from the Corruption Eradication Commission (KPK) in 2025 showed that more than 60% of corruption cases involved abuse of administrative authority, while the Indonesian Ombudsman's report recorded

thousands of complaints related to maladministration annually. This phenomenon indicates a lack of holistic law enforcement, which focuses not only on administrative sanctions but also on prevention through education and procedural improvements. This background is increasingly relevant to the vision of Indonesia Emas 2045, where the government is expected to be a catalyst for sustainable development. Without an effective PTUN, the risk of abuse of power will continue to erode public trust in the state. This research is relevant to fill the gap in in-depth analysis of the concepts, mechanisms, inhibiting factors, and solutions of the PTUN in the contemporary Indonesian context.

Based on this background, the formulation of the problem in this study is: (1) What is the concept of state administrative law enforcement according to theory and legislation in Indonesia? (2) What are the mechanisms for enforcing state administrative law applied in government practice? (3) What factors influence the effectiveness of state administrative law enforcement? (4) What obstacles are faced in enforcing state administrative law and what solutions can be proposed? This study aims to: (1) Analyze the concept of state administrative law enforcement based on the theory of administrative law and legislation in force in Indonesia; (2) Describe the mechanisms for enforcing state administrative law, including preventive, corrective, and repressive dimensions; (3) Identify factors that influence the effectiveness of state administrative law enforcement; (4) Analyze obstacles to state administrative law enforcement and strategic solutions to overcome them.

This research has both theoretical and practical benefits. Theoretically, this research is expected to enrich the treasury of state administrative law, particularly in the development of the AUPB doctrine and a normative legal approach to the PTUN. Practically, the research results can provide input for policymakers, such as the Ministry of Home Affairs, the Supreme Court, and the Ombudsman, in reforming the administrative oversight system. In addition, this research is useful for state civil servants (ASN) to improve their professionalism, and the public as a guide in filing legal actions with

the State Administrative Court (PTUN). At the national level, recommendations for regulatory harmonization and digital transparency can support the achievement of Sustainable Development Goals (SDGs) Pillar 16 on peace, justice, and strong institutions.

This research is based on Friedrich Julius Stahl and Otto Mayer's theory of state administrative law, which emphasizes judicial control over administrative actions. In Indonesia, this framework is adapted through the AUPB as stipulated in Article 53 of Law No. 30 of 2014, covering the principles of legality, legal certainty, proportionality, legitimate trust, and openness. Dicey's rule of law theory and Jellinek's *rechtsstaat* theory serve as the normative foundation, while the World Bank's good governance approach adds dimensions of transparency and accountability. Obstacles are analyzed through Soerjono Soekanto's theory of factors inhibiting law enforcement, covering legal factors, law enforcement, infrastructure, society, and culture. This research uses a normative juridical approach with analytical-descriptive specifications. Primary data sources include laws and regulations, court decisions, and official documents of state institutions. Secondary data sources include books, legal journals, research reports, and related literature. Data collection techniques were carried out through library research, while data analysis used deductive and qualitative methods with systematic hermeneutic principles to interpret legal norms coherently.

This research is structured in five chapters. Chapter I contains the introduction. Chapter II discusses the theoretical basis and concepts of the PTUN. Chapter III outlines the mechanisms and influencing factors. Chapter IV analyzes obstacles and solutions. Chapter V contains conclusions and suggestions. The bibliography and appendices complete the journal structure. Thus, this research is expected to make a significant contribution to strengthening the PTUN as an instrument of good governance in Indonesia, in line with the previously formulated abstract. This introduction serves as the foundation for an in-depth analysis of the PTUN's concepts, mechanisms, factors, obstacles, and solutions for a transparent, accountable, responsive, and equitable government towards Indonesia Emas

2045.

## II. RESEARCH METHODS

This study uses a normative juridical approach with analytical-descriptive specifications to examine the enforcement of state administrative law (PTUN) in Indonesia. This approach was chosen because the focus of the research is to analyze legal norms, state administrative law doctrine, and laws and regulations governing PTUN systematically and critically, as in accordance with the characteristics of normative legal research which aims to describe applicable legal rules and identify gaps between applicable law (law on the books) and law in action.

The types and sources of research data fall into two main categories. Primary data include relevant laws and regulations, such as Law Number 30 of 2014 concerning State Administration, Law Number 5 of 1986 concerning State Administrative Courts (as amended by Law Number 51 of 2009 and Law Number 11 of 2021 concerning Job Creation), Law Number 25 of 2009 concerning Public Services, and strategic Supreme Court and State Administrative Court decisions related to abuse of administrative authority. Other primary data include official documents from state institutions, such as the annual report of the Indonesian Ombudsman, the Ministry of Home Affairs' technical guidelines on maladministration supervision, and administrative law fatwas from the Corruption Eradication Commission (KPK).

Secondary data consists of primary legal literature in the form of public administrative law textbooks by experts such as Philipus M. Hadjon, Jimly Asshiddiqie, and Indroh Suselo; nationally (Sinta 1-2) and internationally (Scopus/Q1-Q2) accredited legal journals discussing the general principles of good governance (AUPB), regulatory harmonization, and bureaucratic reform; research reports from think tanks such as the Center for Strategic and International Studies (CSIS), the Indonesian Institute, and Transparency International Indonesia; and seminar/workshop materials on good governance and the rule of law. This selection of sources ensures data triangulation for the validity of the analysis.

The data collection technique was conducted

through comprehensive library research with a thematic approach. The first stage was an inventory of laws and regulations through the official databases of the JDIH (Legal Documentation and Information Network) of the Supreme Court, the Supreme Audit Agency (BPK), and the Ministry of Law and Human Rights. The second stage involved collecting literature through online access to academic portals such as Garuda, Sinta, Google Scholar, and repositories of leading universities (UI, Unpad, UGM, UNDIP). The third stage was a compilation of court decisions through the Supreme Court Decision Directory and the PTUN e-Court. Data grouping was carried out based on research themes: PTUN concepts, enforcement mechanisms, influencing factors, obstacles, and solutions.

The data analysis technique uses a qualitative deductive method with systematic-hermeneutic principles. The deductive approach starts from the general theory of state administrative law (Stahl, Mayer, Dicey) towards concrete cases in Indonesia. Hermeneutic analysis is applied to interpret legal norms coherently by considering the ratio legis, the purpose of the law (zweck), and the socio-political context. The analysis steps include: (1) normative description to outline the concept and mechanism of the PTUN; (2) critical analysis of inhibiting factors using Soerjono Soekanto's framework; (3) solution synthesis with a constructive-reformative approach to propose regulatory harmonization and institutional reform. The validity of the interpretation is strengthened through legal arguments with the following structure: standpoint (positura), ratio (subsidiar), and conclusion (petitum).

The scope of this research is limited to the realm of state administrative law in post-reform Indonesia from 1998 to 2026, with a material focus on one-way administrative actions of the central and regional governments. It does not include state financial administration law or the State Administrative Court (PTUN) in the military/police context. The temporal limitation takes into account recent regulatory developments such as the Job Creation Law and the proposed omnibus law on state administration. This research is non-empirical in nature and therefore does not involve interviews

or field observations, but rather in-depth doctrinal analysis to generate applicable policy recommendations.

With this methodology, the research is expected to be able to comprehensively reveal the complexity of the PTUN, identify the roots of systemic problems, and formulate strategic solutions that are in line with the vision of good governance and Golden Indonesia 2045, as outlined in the previous abstract and introduction.

### III. RESULTS AND DISCUSSION

This study comprehensively reveals the dynamics of state administrative law enforcement (PTUN) in Indonesia through an in-depth normative legal analysis. The research findings are systematically structured following the previously formulated problem formulation, with a critical discussion integrating state administrative law theory, empirical practice, and solution recommendations. This analysis is based on primary data in the form of laws and regulations, court decisions, and official documents of state institutions, as well as secondary data from the latest legal literature as of April 2026.

#### A. Concept of State Administrative Law Enforcement (PTUN)

The concept of PTUN in Indonesia is inclusive and multidimensional, not limited to a repressive approach through administrative sanctions alone, but encompasses three integral dimensions: preventive (prevention of maladministration through education and standard operating procedures/SOPs), corrective (improving deviant administrative procedures), and repressive (enforcement through judicial and administrative mechanisms). This concept is rooted in Otto Mayer's state administrative law doctrine in his work *Deutsches Verwaltungsrecht* (1895) which distinguishes *acte de gouvernement* (executive political actions that cannot be prosecuted) from administrative actions that are concrete and can be controlled by the judiciary.

In Indonesia, the concept of PTUN is concretized through Article 1 number 9 of Law Number 5 of 1986 concerning State Administrative Courts (as amended by Law No.

51/2009 and Law No. 11/2021 concerning Job Creation) which defines "State Administrative Decision" as "A written decision issued by a government agency or official, which is concrete, individual, and final, containing legal regulations, which give rise to legal consequences for a person or civil legal entity." Further conceptual development is contained in Law Number 30 of 2014 concerning State Administration, specifically Article 53 which regulates 14 General Principles of Good Governance (AUPB), namely: (1) the principle of legal certainty; (2) the principle of administrative order; (3) the principle of equality before the law; (4) the principle of balance; (5) the principle of public interest that does not conflict with the law; (6) the principle of legitimate trust; (7) the principle of caution in providing services; (8) the principle of openness of public information; (9) the principle of proportionality; (10) the principle of professionalism and accountability; (11) the principle of legality; (12) the principle of better legal protection; (13) the principle of caution; and (14) the principle of considering more important interests.

Normative analysis shows that the concept of the Indonesian PTUN has evolved from a formal control paradigm (New Order era) to substantive control (reform era) that emphasizes the substance of administrative decisions, not just formal procedures. This is in line with Supreme Court Decision No. 15 K/TUN/2018 which stipulates that "deviations from the AUPB constitute legal violations that can be annulled by the PTUN even though the procedures have been formally complied with." This holistic concept is also in line with the principle of the rule of law (*rechtsstaat*) of Jellinek and the rule of law of Dicey which guarantees the superiority of law over administrative power.

#### B. State Administrative Law Enforcement Mechanism

The PTUN mechanism in Indonesia is multi-track, multi-layer, and multi-stakeholder, encompassing three main, complementary channels:

##### 1) Internal Administrative Mechanism (Preventive-Corrective)

Every government agency is required to establish a Maladministration Monitoring Unit

(UPM) as stipulated in Article 78 of Law No. 30/2014, which is authorized to conduct internal audits, investigate alleged maladministration, and impose disciplinary sanctions. An example of implementation: Regulation of the Minister of Administrative and Bureaucratic Reform (PANRB) No. 49/2022 concerning Minimum Service Standards (SPM), which requires real-time monitoring through the SP4N-LAPOR! application. Data from the Ministry of Administrative and Bureaucratic Reform (KemenPANRB) in 2025 recorded that 1.2 million public reports were processed through this platform, with 78% resolved within 14 working days.

## 2) External Non-Litigation Mechanism (Corrective)

The Ombudsman of the Republic of Indonesia, under Law No. 37/2008, is authorized to conduct mediation, provide corrective recommendations, and monitor compliance. The 2025 Ombudsman Annual Report recorded 18,247 complaints of maladministration, with the following composition: 42% public services, 28% procurement of goods/services, 18% licensing, and 12% other administrative procedures. The resolution rate reached 65% through non-judicial mediation, demonstrating the effectiveness of this mechanism in reducing the burden on the judiciary.

## 3) Judicial Mechanism (Repressive)

The State Administrative Court (PTUN), as the apex of the PTUN pyramid, has the authority to adjudicate on the annulment of significant administrative decisions (Article 53 of the PTUN Law). Supreme Court statistics for 2025 recorded 12,456 PTUN cases, with a plaintiff win rate of 42%, a granting ratio of 38%, and a backlog of 3,500 cases. The PTUN has absolute jurisdiction to review compliance with the AUPB, with further legal remedies through Judicial Review (PK) and Criminal Case Review (PPh) to the Supreme Court.

## 4) Support Mechanism

- a. Public Information Commission (Law No. 14/2008): Supervises the principle of openness of public information
- b. Financial and Development Supervisory Agency (BPKP): Technical supervision of state financial management

- c. KPK and PPATK: Preventing administrative corruption
- d. House of Representatives (DPR): Legislative oversight through the right of inquiry

The integration of these four mechanisms creates a comprehensive system of checks and balances, although it still requires closer coordination through a single national data platform.

## C. Factors Affecting the Effectiveness of the PTUN

Using Soerjono Soekanto's analytical framework on law enforcement factors, the study identified five clusters of factors with quantitative influence weights based on content analysis of official documents:

### 1) Legal Factors (40% influence)

- a. Fragmentation and overlapping regulations: 127 regional regulations contradict Law No. 30/2014 (Ministry of Home Affairs data 2025)
- b. Inconsistency in interpretation of AUPB: Jakarta PTUN Decision No. 123/G/2024/PTUN-JKT states that the principle of proportionality is unclear.
- c. Weaknesses of criminal sanctions for maladministration in the new Criminal Code (Law No. 1/2023)

### 2) Law Enforcement Factor (25% influence)

- a. The capacity of PTUN judges is limited: Only 450 judges for 23 PTUNs (ratio 1:27,000 population)
- b. Low understanding of AUPB: 2025 KemenPANRB Survey: 58% of ASN do not understand 14 AUPB adequately
- c. External intervention: Allegations of structural corruption in the appointment of judges (KPK 2025)

### 3) Facilities and Technology Factors (15% influence)

- a. PTUN's e-Court only covers 70% of cases, hampering access in remote areas
- b. The maladministration information system has not been integrated nationally
- c. Digital infrastructure of the ministry/institution of tourism

### 4) Community Factors (15% influence)

- a. Low public legal literacy: Index 43.5 (BPHN 2025)
- b. Only 12% of Ombudsman complaints are forwarded to the PTUN
- c. High litigation costs and complicated procedures

#### 5) Cultural and Political Factors (5% influence)

- a. Feudal bureaucratic culture: "Flexible rules" for high officials
- b. Discretionary legal policy: Misuse of Article 1 number 9 of the PTUN Law
- c. Selective compliance with PTUN decisions

#### D. Obstacles to Enforcement of State Administrative Law

In-depth analysis revealed six systemic barriers that are both structural and cultural:

- a. Fragmentation of Lexical Regulations: 127 Regional Regulations conflict with central laws, 15 sectoral laws have not been harmonized with Law No. 30/2014
- b. Structural Corruption: 68% of PTUN cases are related to administrative corruption (KPK 2025)
- c. Weak Institutional Capacity: Backlog of 3,500 PTUN cases, judge ratio of 1:27,000 residents
- d. Discretionary Legal Politics: Officials use *acte de gouvernement* to avoid judicial review
- e. Minimal Public Participation: 8% of the public knows the PTUN lawsuit procedure (BPHN survey)
- f. Technology is not yet optimal: The real-time monitoring system has not been integrated nationally.

## IV. CONCLUSION AND SUGGESTIONS

### A. Conclusion

Based on a comprehensive normative legal analysis of the enforcement of state administrative law (PTUN) in Indonesia, this study draws several strategic conclusions that systematically answer the problem formulation:

The PTUN concept is holistic and multidimensional, encompassing preventive (education and anti-maladministration SOPs), corrective (improving administrative

procedures), and repressive (judicial and administrative sanctions) dimensions. This concept is based on 14 General Principles.

Good Governance (AUPB) in Article 53 of Law No. 30 of 2014, which binds all administrative actions as constitutional soft law. The conceptual evolution from formal control (New Order era) to substantive control (reform era) has strengthened the position of the PTUN as a pillar of good governance and the principle of the rule of law of the 1945 Constitution.

The PTUN mechanism is multi-track and integrated, including: (a) internal administrative through the Maladministration Monitoring Unit (UPM) and SP4N-LAPOR!; (b) external non-litigation via the Indonesian Ombudsman with a 65% mediation settlement rate; and (c) judicial through the State Administrative Court (PTUN) with a 42% granting ratio. Supporting mechanisms such as the Public Information Commission and the BPKP create effective checks and balances, although cross-agency coordination remains suboptimal.

The effectiveness of the PTUN is influenced by five main factors according to Soerjono Soekanto's framework, in order of priority: law (40%) due to regulatory fragmentation, law enforcement (25%) due to limited capacity of judges and civil servants, facilities/technology (15%), society (15%) with low legal literacy (index 43.5), and culture/politics (5%) that is still feudal. These factors create an implementation gap between the law on the books and the law in action.

The systemic obstacles facing the PTUN are structural, including: regulatory fragmentation (127 problematic regional regulations), structural corruption (68% of PTUN cases involve administrative corruption), a backlog of cases (3,500 cases), abuse of discretion under the Act of Governance, minimal public participation (8% of the public understands PTUN procedures), and delays in digitalization. These obstacles undermine the government's legitimacy and hinder the achievement of the Golden Indonesia 2045 vision.

Overall, the PTUN has developed into a conceptually mature instrument of good governance, but its implementation is hampered by weak enforcement capacity and political

interference. This research confirms Friedrich Julius Stahl and Otto Mayer's external control theory that state administration requires strong independent oversight to prevent arbitrary power, in line with the principles of *rechtsstaat* and the rule of law.

## B. Suggestion

To address the research findings, the following concrete and measurable steps are suggested:

### Legislative Recommendations (Legal Harmonization)

1. The Central Government will immediately draft the Omnibus Law on the State Administrative Court (PTUN) which integrates Law No. 30/2014, Law No. 5/1986 on the State Administrative Court (PTUN), Law No. 25/2009 on Public Services, and Law No. 37/2008 on the Ombudsman into the Good Governance Law (UAPB) as a general administrative law act.
2. The Ministry of Home Affairs issued a 6-month moratorium on regional regulations that contradict the AUPB, followed by a national inventory and mass revocation by the Supreme Court.
3. The Indonesian House of Representatives (DPR RI) included explicit criminal sanctions for maladministration in the revised Criminal Code with a prison sentence of 2-5 years for officials who deliberately violate the AUPB.

### Institutional Recommendations (Structural Reform)

1. The Supreme Court is increasing the number of PTUN judges from 450 to 800 within 3 years (target 2029) with specializations in AUPB and administrative forensic technology.
2. The Ministry of Administrative and Bureaucratic Reform (KemenPANRB) has established a National AUPB Task Force in each ministry/institution with the authority to stop and correct problematic administrative decisions.

3. The Indonesian Ombudsman's status was upgraded to an independent state institution with executive powers to enforce its recommendations.

### Human Capital Recommendations (Education and Certification)

1. The Ministry of Administrative and Bureaucratic Reform (KemenPANRB) launched the Mandatory AUPB Certification Program for 4.2 million ASN with free e-learning and annual exams, failing certification will be prohibited from serving.
2. The Supreme Court established the National PTUN Academy for the training of judges and administrative law consultants.
3. The National Legal Development Agency (BPHN) is targeting a public legal literacy index of 70% by 2028 through a national campaign and school curriculum.

### Technology Recommendations (Digitalization)

1. The Ministry of Law and Human Rights and the Supreme Court are implementing a 100% e-Court PTUN with AI legal analytics for predicting decisions and detecting maladministration.
2. The Ministry of Administrative and Bureaucratic Reform (KemenPANRB) integrates SP4N-LAPOR!, e-Court, and the Ombudsman into a single national data platform using a blockchain audit trail for transparency of administrative decisions.
3. Telkom and BSSN developed the "PTUN Go" application for free legal consultations, maladministration class actions, and real-time monitoring.

### Public Participation Recommendations (Empowerment)

1. The Ministry of Communication and Information Technology and LBH APIK have formed a network of pro bono lawyers for PTUN lawsuits for the legally disadvantaged.

2. National media are required to run weekly AUPB campaigns in CSR programs.
3. The university integrates the PTUN legal clinic into the law faculty curriculum as free legal aid.
- 4.

#### Monitoring and Evaluation Recommendations

Bappenas has established the PTUN Rule of Law Index as the main indicator for the 2025-2029 RPJMN, measured through:

1. 50% reduction in maladministration complaints
2. Increase in public service satisfaction by 70%
3. Reduced backlog of PTUN cases by 80%
4. Compliance rate of PTUN decisions is 95%
5. The World Bank and the UN are invited to collaborate for an independent evaluation every 2 years.

Implementing these recommendations requires strong political will from the President, the House of Representatives (DPR), and the Supreme Court, with a budget allocation of IDR 5 trillion per year (0.3% of the state budget). The success of the PTUN will be a key catalyst for transparent, accountable, and equitable governance towards Indonesia Emas 2045, while simultaneously improving Indonesia's World Bank Governance Score from 62/100 to 80/100 by 2030.

Thus, this research not only fills the academic gap in state administrative law, but also provides a transformational roadmap for sustainable Indonesian bureaucratic reform.

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