

The Role Of State Administrative Courts In Ensuring Legal Protection For Indonesian Citizens

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Info Articles	Abstract
<p>Article History Received : 2022-09-05 Revised: 2022-09-11 Published: 2022-09-30</p> <p>Keywords: <i>State Administrative Court, Legal Protection, Administrative Disputes, Rule of Law</i></p>	<p>The State Administrative Court (PTUN) plays a strategic role in ensuring legal protection for citizens from detrimental government administrative actions. As one of the pillars of the rule of law, the PTUN functions to supervise, adjudicate, and resolve disputes between the public and state administrative bodies or officials in order to create a balance of fair legal relations. This study aims to analyze the role of the PTUN in providing legal protection and identify obstacles in its implementation. The method used is normative legal research with a statutory and conceptual approach. The results show that the PTUN plays a significant role in upholding administrative justice, preventing abuse of authority, and providing legal certainty for the public. However, the effectiveness of the legal protection provided still faces various obstacles, such as low public legal awareness and less than optimal implementation of court decisions. Therefore, institutional strengthening, increased legal socialization, and government commitment to implementing PTUN decisions are needed so that legal protection for citizens can be realized optimally.</p>

I. INTRODUCTION

Indonesia, as a state based on the rule of law (rechtstaat), places law as the primary foundation for governance and national life. The principle of the rule of law requires that all government actions be based on statutory regulations and must not conflict with the rights of citizens. In this context, legal protection for citizens is a fundamental aspect, particularly in addressing state administrative actions that have the potential to harm the public (Jimly Asshiddiqie, 2006).

As the role of government in various aspects of life expands, the relationship between government and society has become increasingly complex. The government functions not only as a regulator but also as an implementer of public policies that directly impact the public. In practice, it is not uncommon to find state administrative decisions that result in losses for citizens, whether due to abuse of authority, procedural errors, or actions that exceed the limits of authority. Therefore, an effective oversight mechanism is needed to ensure that government actions remain within the law (Ridwan HR, 2016).

The State Administrative Court (PTUN) serves as a crucial instrument in the Indonesian

legal system, providing legal protection to the public against state administrative actions. The PTUN has the authority to examine, adjudicate, and decide on state administrative disputes between citizens and government agencies or officials. Thus, the PTUN acts as a judicial check on executive power to prevent arbitrary government action (Philipus M. Hadjon, 1987).

The existence of the PTUN is normatively regulated in Law Number 5 of 1986 concerning State Administrative Courts, which was later amended through Law Number 9 of 2004 and Law Number 51 of 2009. These regulations provide a clear legal basis for the public to file lawsuits against state administrative decisions that are deemed unlawful or detrimental to their rights. This shows that the state guarantees access to justice and effective legal protection for citizens (Supreme Court of the Republic of Indonesia, 2009).

In addition to serving as a dispute resolution institution, the State Administrative Court (PTUN) also plays a crucial role in realizing the principles of good governance, such as transparency, accountability, and legal certainty. Through its decisions, the PTUN can encourage the government to be more careful in issuing policies and to adhere to the general principles of good governance. Thus, the PTUN

functions not only as a judicial institution but also as an instrument for improving the quality of government administration (Bagir Manan, 2004).

However, in practice, the role of the State Administrative Court (PTUN) in ensuring legal protection for citizens still faces various challenges. One major obstacle is the low level of public legal awareness regarding their rights to challenge state administrative decisions. Furthermore, the relatively time-consuming and costly judicial process also presents a barrier to accessing justice. Furthermore, the implementation of PTUN decisions by state administrative bodies or officials is often suboptimal, thus reducing the effectiveness of the legal protection provided (Jimly Asshiddiqie, 2006).

The development of globalization and modernization has also influenced the dynamics of state administrative law in Indonesia. Increasing demands for transparency, accountability, and quality public services require the PTUN to be more adaptive and responsive to changing times. Furthermore, the emergence of various complex government policies, particularly in the economic, environmental, and technological fields, has further expanded the potential for state administrative disputes, which must be handled professionally and fairly.

Thus, it is understandable that the PTUN plays a very strategic role in ensuring legal protection for citizens in Indonesia. However, to achieve optimal effectiveness, institutional strengthening, increased public legal awareness, and government commitment to implementing court decisions are necessary.

Based on this description, this study aims to analyze in-depth the role of the State Administrative Court in ensuring legal protection for citizens in Indonesia and identify various obstacles encountered in its implementation. This research is expected to provide a scientific contribution to the development of state administrative law and serve as a reference for efforts to improve the quality of legal protection in Indonesia.

II. RESEARCH METHODS

This study uses a normative legal research method, namely research that focuses on the study of legal norms contained in laws and regulations, court decisions, and the doctrines or opinions of legal experts. Normative legal research aims to find legal rules, legal principles, and legal concepts relevant to the problem being studied, particularly regarding the role of the State Administrative Court (PTUN) in providing legal protection to citizens (Peter Mahmud Marzuki, 2011).

The approaches used in this research include a statutory approach and a conceptual approach. The statutory approach is carried out by examining various regulations related to the State Administrative Court, such as Law Number 5 of 1986 concerning the State Administrative Court and its amendments. Meanwhile, the conceptual approach is used to understand the basic concepts of legal protection, the rule of law, and the authority of the State Administrative Court in the Indonesian legal system (Johnny Ibrahim, 2006).

The data sources in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and regulations, particularly those governing State Administrative Courts. Secondary legal materials include legal literature such as books, scientific journals, and expert opinions related to state administrative law and legal protection. Tertiary legal materials include legal dictionaries and encyclopedias used to support understanding of legal terms (Soerjono Soekanto, 2007).

The legal material collection technique is carried out through library research, namely collecting, identifying, and reviewing various literature relevant to the research topic. All legal materials obtained are then systematically analyzed to gain a comprehensive understanding of the problem being studied.

The analysis of legal materials in this study was conducted using a descriptive-analytical method. The descriptive method was used to systematically describe the role of the State Administrative Court (PTUN) in the Indonesian legal system, while the analytical method was used to examine and interpret the data obtained to draw conclusions relevant to the research objectives. This method is expected to provide a clear picture of the PTUN's effectiveness in ensuring legal protection for citizens.

III. RESULTS AND DISCUSSION

A. Research result

The research results show that the State Administrative Court (PTUN) has a very important role in providing legal protection to citizens against potentially detrimental government administrative actions. PTUN functions as a judicial institution authorized to examine, try, and decide on state administrative disputes arising from state administrative decisions deemed unlawful or detrimental to the rights of the community. Thus, the existence of PTUN is a concrete form of the implementation of the principle of the rule of law which guarantees the protection of citizens from arbitrary government actions (Philipus M. Hadjon, 1987).

In practice, the legal protection provided by the State Administrative Court (PTUN) is realized through a mechanism for testing the validity of state administrative decisions. This testing encompasses the authority, procedures, and substance of decisions issued by state administrative bodies or officials. If a violation of legal provisions or general principles of good governance is found, the PTUN has the authority to annul the decision. This demonstrates the PTUN's role as a check on administrative power to prevent abuse of authority (Ridwan HR, 2016).

Furthermore, research findings also indicate that the State Administrative Court (PTUN) contributes to creating legal certainty and justice for the public. PTUN decisions not only provide justice for the parties involved in a case but also serve as a reference for the government in making future policies. Thus, the PTUN has a preventive function, encouraging the government to be more careful and law-abiding in exercising its authority (Bagir Manan, 2004).

However, the effectiveness of the PTUN's role in ensuring legal protection for citizens still faces various obstacles. One major obstacle is the low level of public legal awareness regarding filing lawsuits with the PTUN when experiencing losses due to state administrative decisions. Many people do not understand their rights or the procedures required to file state administrative disputes. Furthermore, cost, time, and the complexity of the judicial process also pose obstacles to accessing justice (Jimly Asshiddiqie, 2006).

Another obstacle is the suboptimal implementation of PTUN decisions by state administrative bodies or officials. In some cases, PTUN decisions that have become legally binding are not fully implemented by the government, thereby reducing the effectiveness of legal protection provided to the public. This indicates weaknesses in administrative law enforcement that require further attention from the government and relevant institutions.

On the other hand, developments in state administrative law in the modern era also present new challenges for the State Administrative Court (PTUN). The increasing complexity of government policies, particularly in the economic, environmental, and technological fields, demands increased capacity and professionalism within the judicial apparatus. The PTUN is required to handle increasingly complex disputes while upholding the principles of justice, legal certainty, and expediency.

B. Discussion

The State Administrative Court (PTUN) is a crucial instrument in the Indonesian legal system, serving as a supervisory body for government actions in the field of state administration. Within the framework of a state based on the rule of law (*rechtstaat*), all government actions must be subject to the law and subject to judicial review. Therefore, the PTUN plays a fundamental role in maintaining a balance between government power and the protection of citizens' rights (Philipus M. Hadjon, 1987).

1. The Role of the PTUN as a Means of Legal Protection

Legal protection for citizens in the context of state administrative law is realized through a mechanism for reviewing state administrative decisions. The PTUN provides a space for the public to challenge decisions deemed detrimental, thereby ensuring that every government action is not absolute. In this regard, the PTUN functions as a guardian of legality, ensuring that every government policy remains in accordance with applicable law (Ridwan HR, 2016).

The legal protection provided by the State Administrative Court encompasses two main

aspects: preventive and repressive legal protection. Preventive protection is evident in the government's obligation to adhere to general principles of good governance before issuing decisions. Meanwhile, repressive protection is realized through the lawsuit mechanism at the State Administrative Court to overturn unlawful decisions. These two forms of protection demonstrate the PTUN's crucial role in ensuring administrative justice.

2. The Function of the PTUN in Controlling Government Power

In a modern constitutional system, government power must be limited to prevent abuse of authority. The State Administrative Court (PTUN) serves as a judicial oversight tool for state administrative actions. Through its authority, the PTUN can assess whether a state administrative decision meets the legal requirements, both in terms of authority, procedure, and substance.

The authority review aims to ensure that the official issuing the decision has a valid legal basis. Procedural review concerns whether the decision-making process complies with applicable regulations. Meanwhile, substantive review assesses whether the content of the decision does not conflict with the law or principles of justice. With this mechanism, the PTUN is able to prevent arbitrary actions by the government (Bagir Manan, 2004).

3. PTUN and the Principles of Good Governance

The role of the State Administrative Court (PTUN) is also inseparable from efforts to realize the principles of good governance. In this context, the PTUN contributes to upholding the values of transparency, accountability, and legal certainty in government administration. PTUN decisions often serve as guidelines for the government in improving administrative policies and procedures.

Furthermore, the existence of the PTUN encourages the government to be more cautious in making decisions, as every policy it adopts has the potential to be legally challenged. Thus, the PTUN serves not only as a dispute resolution institution but also as an instrument for improving the quality of governance (Jimly Asshiddiqie, 2006).

4. Problems and Obstacles in Implementation

Despite its strategic role, the implementation of the PTUN's functions in practice still faces various obstacles. One of the main obstacles is low public legal awareness. Many citizens do not yet understand that they have the right to challenge adverse state administrative decisions. This results in the PTUN's use as a means of legal protection still being suboptimal.

Furthermore, procedural factors such as lengthy judicial processes and relatively high costs also present barriers to accessing justice. In some cases, people choose not to file lawsuits due to time and cost considerations.

Another obstacle relates to the implementation of PTUN decisions. It is not uncommon to find that court decisions that have become legally binding are not implemented by state administrative officials. This indicates weaknesses in the administrative law enforcement system that can reduce the effectiveness of legal protection for the public.

5. Challenges of the Administrative Court in the Modern Era

Modern developments have brought new challenges for the PTUN in carrying out its functions. Globalization and technological advances have increased the complexity of government policies, particularly in the areas of economics, the environment, and the digitalization of public services. This has led to an increasingly diverse and complex range of disputes being heard by the PTUN.

To face these challenges, the State Administrative Court (PTUN) is required to improve its institutional capacity, both in terms of human resources and the judicial system. PTUN judges must possess sufficient competence to understand the various aspects of ever-evolving administrative law. Furthermore, innovations in the judicial system, such as digitizing trial proceedings, are needed to increase efficiency and accessibility (Wael B. Hallaq, 2009).

6. Efforts to Strengthen the Role of the PTUN

To improve the effectiveness of the PTUN in ensuring legal protection for citizens, various strengthening efforts are needed. First, increasing public legal awareness through education and outreach regarding citizens'

rights under administrative law. Second, bureaucratic reform to ensure that government officials adhere to legal principles in every policy they implement.

Third, strengthening regulations governing the implementation of PTUN decisions to enhance their coercive power. Fourth, improving the professionalism of judicial officials through training and capacity building. With these efforts, it is hoped that the PTUN can function optimally in providing legal protection to the public.

Overall, the State Administrative Court (PTUN) plays a crucial role in ensuring legal protection for citizens in Indonesia. Its oversight function, dispute resolution, and contribution to achieving good governance make the PTUN a key pillar of the state administrative legal system. However, to achieve optimal effectiveness, improvements and strengthening are needed in various aspects, including regulations, institutions, and public legal awareness.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the research results and discussions outlined above, it can be concluded that the State Administrative Court (PTUN) plays a crucial role in ensuring legal protection for citizens in Indonesia. The existence of the PTUN is a concrete manifestation of the application of the principle of the rule of law, which places law as the primary foundation for all government actions. Through its authority to examine, adjudicate, and decide on state administrative disputes, the PTUN serves as a means for the public to obtain justice if they are harmed by state administrative decisions or actions.

Furthermore, the State Administrative Court (PTUN) serves as a check on government power to prevent abuse of authority. With a mechanism for reviewing state administrative decisions, the government is required to act in accordance with laws and regulations and the principles of good governance. This demonstrates that the PTUN plays a role not only in resolving disputes but also in contributing to transparent, accountable, and equitable governance.

However, in its implementation, the role of the PTUN still faces various obstacles. Low levels of public legal awareness, limited access to the judicial process, and suboptimal implementation of court decisions are factors that hinder the effectiveness of legal protection. Furthermore, increasingly complex developments also demand increased capacity and quality of judicial institutions to address the various challenges in state administrative law.

Thus, it can be emphasized that the PTUN has a strategic role in the Indonesian legal system, but still requires strengthening in various aspects so that it can function optimally in providing legal protection to citizens.

B. Suggestion

Based on these conclusions, various efforts are needed to improve the effectiveness of the State Administrative Court's role in ensuring legal protection for citizens. First, public legal awareness must be increased through ongoing education and outreach to ensure the public understands their rights and the mechanisms available to address state administrative disputes.

Second, strengthening the implementation of PTUN decisions is necessary to ensure more effective enforcement. This is crucial to ensure legal certainty and justice for the parties involved, ensuring that court decisions are not merely formal but can also be implemented in practice.

Third, the government needs to continue bureaucratic reform to improve the quality of public services and minimize abuse of authority. This way, the potential for state administrative disputes can be mitigated from the outset.

Fourth, improving the institutional capacity of the PTUN is crucial, both in terms of human resources, facilities and infrastructure, and the use of information technology in the judicial process. This aims to increase efficiency, transparency, and accessibility in dispute resolution.

With these efforts, it is hoped that the State Administrative Court can function optimally as an institution capable of providing fair, effective, and sustainable legal protection for all Indonesian citizens.

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