

Implementation of the Basic Principles of State Administrative Justice in Ensuring Legal Certainty in Indonesia

Darwin wiboyo Sihombing¹ Fitri Amanda Hasibuan²

¹Law Office Saroha & Partner

²State Islamic University North Sumatra

Email: sihombingd878@gmail.com fitriamanda289@gmail.com

Info Article	Abstract
<p>Article History Received : 2020-07-07 Revised: 2020-07-16 Published: 2020-07-30</p> <p>Keywords: <i>PTUN, Legal Principles, State Of Law, Legal Protection, State Administration.</i></p>	<p>The State Administrative Court (PTUN) plays an important role in the Indonesian legal system as a means of legal protection for the public against government actions. The existence of the PTUN is an implementation of the principles of the rule of law (rechtsstaat) and the rule of law, which emphasizes that every government action must be based on law and can be tested legally. The PTUN was established based on Law Number 5 of 1986 which has been amended through Law Number 9 of 2004 and Law Number 51 of 2009. In its implementation, the PTUN not only functions as an institution for resolving administrative disputes, but also as an instrument for monitoring the actions of public officials to prevent abuse of authority. This paper aims to explain the meaning of the main principles in the PTUN, identify the types of principles that apply, and analyze their application in the practice of state administrative justice. The method used is a normative approach by reviewing laws and regulations, legal doctrines, and related literature. The discussion results show that the basic principles of the PTUN, such as the presumption of justice, the principle of simple, fast, and low-cost justice, the principle of judicial objectivity, and the principle of transparency, play a fundamental role in ensuring justice, legal certainty, and the protection of citizens' rights. In practice, these principles serve as guidelines for examining, adjudicating, and deciding state administrative disputes. Therefore, the application of the basic principles of the PTUN is crucial for the effectiveness of administrative justice in realizing justice and controlling government actions.</p>

I. INTRODUCTION

Indonesia, as a state based on the rule of law (rechtstaat), places law as the foundation for the organization of national and state life. This is affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that Indonesia is a state based on the rule of law. Within the concept of a state based on the rule of law, one of the main principles is the guarantee of protection of citizens' rights from arbitrary government action.

In the practice of governance, state administrative actions often harm the public. State administrative decisions issued by state administrative officials can give rise to disputes if they are deemed to be unlawful or violate citizens' rights. To address this, the State Administrative Court (PTUN) was established as an institution

authorized to examine, adjudicate, and decide on state administrative disputes.

The existence of the PTUN is 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. The PTUN functions as a means of controlling government actions and as a form of legal protection for the community.

In carrying out its functions, the PTUN is inseparable from the basic principles that underpin the judicial process. These principles play a crucial role in ensuring justice and legal certainty. However, in practice, the implementation of these principles still faces various obstacles that can hinder the achievement of judicial objectives.

II. RESEARCH METHOD

This research is a normative legal research (normative juridical), focusing on the study of legal norms contained in legislation, legal principles, and the doctrines or opinions of legal experts. This research is used to analyze the implementation of the basic principles of State Administrative Courts in ensuring legal certainty in Indonesia.

III. RESULTS AND DISCUSSION

A. Research result

Based on the results of a study of laws and regulations, legal doctrine, and judicial practice, the implementation of the basic principles of the State Administrative Court (PTUN) in ensuring legal certainty in Indonesia shows normative conformity, but is not yet fully optimal in practice.

B. Discussion

The State Administrative Court (PTUN) plays a strategic role in ensuring legal certainty for citizens regarding government administrative actions. Implementing the basic principles of the PTUN serves as the primary foundation for ensuring fairness, transparency, and optimal legal protection.

First, the principle of legal certainty requires that every court decision be based on clear, consistent, and predictable legislation. In practice, the PTUN must be able to render decisions that are not only formally valid but also reflect a sense of justice. However, inconsistent decisions have been found in several cases, potentially creating legal uncertainty. (Hadjon, Philipus M. 1987)

Second, the principle of simple, fast, and low-cost justice is an indicator of the effectiveness of the judicial system. The implementation of this principle in the PTUN aims to make it easier for the public to access to justice. However, in reality, the litigation process at the PTUN can sometimes take a long

time and be quite expensive, especially for the general public. (Indroharto, 1993)

Third, the principle of the presumption of legality (*vermoeden van rechtmatigheid*), which assumes that every state administrative decision is considered valid until a court decision states otherwise. This principle provides protection for the government in carrying out its functions, but on the other hand, it can be an obstacle for those who suffer losses, as they must first go through legal proceedings to prove the invalidity of the decision. (Marbun, SF 2003)

Fourth, the principle of *audi et alteram partem* (both parties must be heard) ensures that each party in a dispute has an equal opportunity to present arguments and evidence. In its implementation, PTUN judges are required to actively explore the legal facts so that the resulting decision is objective and balanced. (Muchsan 2007)

Fifth, the principle of an independent and impartial judiciary emphasizes that judges must be independent from the influence of any power. This is crucial given that disputes in the PTUN often involve the government as the defendant. Judicial independence is key to maintaining public trust in the judiciary (Seoroso, R 2011). Furthermore, the PTUN (State Administrative Court) also enforces the principle of active judicial involvement (*dominus litis*), where judges play an active role in seeking material truth. This differs from civil courts, which are generally more passive. This active judicial involvement is expected to balance the parties' positions, especially when the public, as the plaintiff, has limited evidence.

However, in its implementation, there are still several obstacles, such as low public understanding of the PTUN mechanism, limited access to legal aid, and less than optimal implementation of PTUN decisions by administrative bodies or officials. state efforts.

This condition can reduce the effectiveness of these principles in ensuring legal certainty.

Thus, the implementation of the basic principles of the PTUN has essentially provided a strong framework for ensuring legal certainty in Indonesia. However, ongoing efforts are needed to improve the consistency of decisions, the efficiency of the judicial process, and government compliance with court decisions to truly achieve the goal of legal certainty. (Kansil, CST 2002)

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the results of research on the implementation of the basic principles of the State Administrative Court (PTUN) in ensuring legal certainty in Indonesia, it can be concluded that: Normatively, the basic principles of the PTUN such as the principle of legal certainty, the principle of openness, the principle of judicial independence, the principle of fast, simple and low-cost justice, and the principle of audi et alteram partem have been clearly regulated in laws and regulations. These principles are the main foundation in the implementation of state administrative justice.

In practice, the implementation of these principles has been ongoing, but not yet fully optimized. This is evident in the persistence of obstacles such as slow judicial processes, high indirect costs, and limited public access to information.

The legal certainty envisioned through the existence of the PTUN has essentially been achieved in providing legal protection to citizens. However, inconsistent judicial decisions and differing legal interpretations in some cases remain challenges that can diminish the level of legal certainty.

The main inhibiting factors in the implementation of the PTUN principles include the complexity of the judicial bureaucracy, low

public legal awareness, and limited human resources and infrastructure.

Thus, it can be concluded that although the basic principles of the PTUN have been implemented, their effectiveness in ensuring legal certainty still needs to be improved.

B. Suggestion

Based on the conclusions above, the author provides several suggestions as follows:

For the Judicial Institution, it is necessary to simplify the trial procedures at the PTUN to make them more effective and efficient, and to minimize delays in the trial process.

For Judges and Judicial Officials

Improved professionalism, integrity, and consistency in adjudicating cases are needed to ensure decisions provide legal certainty and a sense of justice for all parties.

Support for judicial facilities and infrastructure is needed, including strengthening digital systems to promote transparency and access to public information. For the public, legal awareness needs to be increased through outreach and education regarding the PTUN's functions and mechanisms so that the public can utilize this institution optimally.

For Further Researchers

It is recommended to conduct empirical research to directly examine judicial practices in the field, so that a more comprehensive picture is obtained regarding the implementation of the PTUN principles.

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