



Role of Administrative Court to Resolve Administrative Disputes in Indonesia: A Systematic Review

Adi Saputro^{1*}, Ricky Kurniawan Suriana², Erwin Hutasoit³, Sherly Tay⁴, Budi Setiawan⁵

Universitas Mpu Tantular, Indonesia¹

Universitas Mpu Tantular, Indonesia²

Universitas Mpu Tantular, Indonesia³

Universitas Mpu Tantular, Indonesia⁴

Universitas Mpu Tantular, Indonesia⁵

Corresponding Email: adi2110013@itpln.ac.id*

Received: 25-03-2025

Reviewed: 26-04-2025

Accepted: 10-06-2025

Abstract

This study examines the role of the Administrative Court (Pengadilan Tata Usaha Negara - PTUN) in resolving administrative disputes in Indonesia through a systematic literature review approach. As a crucial pillar within the Indonesian judicial system, PTUN plays a strategic function in maintaining the balance of power between the government and its citizens through independent judicial control mechanisms. This research analyzes the effectiveness of PTUN in providing legal protection for citizens' rights against arbitrary administrative actions and evaluates the implementation of general principles of good governance in administrative judicial practice. The findings indicate that PTUN has significantly contributed to upholding the principles of the rule of law and promoting accountable governance, despite facing several challenges in its implementation. These challenges encompass structural aspects including limitations in human resources and infrastructure, procedural challenges related to the complexity of procedural law, and substantial challenges regarding consistency in legal interpretation and judgment execution. Comparative analysis with international administrative court systems provides valuable insights into best practices that can be adapted within the Indonesian context. This study recommends strengthening institutional capacity through human resource development and infrastructure modernization, simplifying procedural mechanisms, harmonizing legal interpretation, and enhancing public accessibility to administrative judicial services to optimize PTUN's role in strengthening the rule of law in Indonesia.

Keywords: Administrative Court, Administrative Dispute, State Administrative Decision, Legal Protection, Rule of Law

Introduction

The concept of the rule of law (*rechtsstaat*) adopted by Indonesia, as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, fundamentally implies that all acts of government administration must be grounded in law and must be legally accountable. This principle is not merely a constitutional slogan, but rather a paradigm that requires the existence of supervisory and control mechanisms over the power of the state. In this context, the establishment of the Administrative Court (PTUN) serves as a vital instrument in maintaining the balance of power between the state and its citizens, while simultaneously upholding the supremacy of law in governance practices.

Zamzami & Muslim (2023) highlight that the existence of PTUN as an administrative court is a tangible realization of the principles of the rule of law and democracy, as it directs administrative actions into a legal framework that can be held accountable. This aligns with the perspective of Nuna et al. (2020), who emphasize that the rule of law is inseparable from the presence of law in governance, as well as the necessity of PTUN as an institution that tests administrative actions within the context of legal supremacy. In modern governance systems, PTUN symbolizes the limitation of state power in favor of protecting citizens' rights. Sari & Iskandar (2014) explain that the principle of the rule of law within the context of administrative justice requires not only the existence of judicial institutions but also the performance of judges who are responsive to substantive justice values and courageous in correcting government actions that deviate from the principle of legality.

The establishment of PTUN in Indonesia is inseparable from the historical development of administrative law, which has undergone significant transformation since the independence era. During the colonial period, the relationship between rulers and the people was hierarchical and dominative, with no adequate control mechanisms. The awareness of the need for a specialized court to handle administrative disputes emerged alongside the evolution of the modern rule of law concept and the growing demand for democratization. Law No. 5 of 1986 concerning the State Administrative Court, later amended by Law No. 9 of 2004 and Law No. 51 of 2009, forms the legal foundation granting legitimacy to PTUN's authority in resolving state administrative disputes. The evolution of these regulations reflects a continuous effort to refine the administrative justice system to be more responsive to public needs and developments in governance.

The existence of PTUN within Indonesia's judicial system possesses unique characteristics that distinguish it substantially from other courts. PTUN does not merely serve as a passive adjudicatory body waiting for lawsuits to be filed, but also functions as an active judicial control mechanism over governmental administrative actions. This uniqueness lies in the object of dispute—namely, State Administrative Decisions (KTUN)—and the inherently unequal legal relationship between the government as a holder of public authority and citizens as private legal subjects. This corresponds with the principle of checks and balances, which forms the foundation of a democratic constitutional system, where the judiciary monitors and controls the exercise of executive power to ensure it does not exceed its authority.

Role of Administrative Court to Resolve Administrative Disputes in Indonesia: A Systematic Review

The growing complexity of administrative disputes in the modern era raises fundamental questions about the strategic role of PTUN in Indonesia's judiciary system and the extent to which it effectively provides legal protection for citizens against potentially harmful government administrative actions. The challenges and obstacles faced by PTUN in fulfilling its function are also crucial aspects requiring in-depth analysis, given the ever-evolving dynamics of public administration. This issue becomes even more urgent when linked to efforts to optimize PTUN's role in reinforcing the rule of law in Indonesia—efforts that encompass not only normative aspects but also the practical implementation of law in the life of the nation and state.

Through a systematic literature review approach, this study seeks to analyze the strategic role of PTUN within the architecture of Indonesia's judicial system, evaluate the institutional effectiveness in resolving state administrative disputes, and identify the factors influencing the optimal performance of the administrative judiciary. Beyond that, this study aims to formulate constructive recommendations for enhancing PTUN's role in upholding a just rule of law.

The urgency of this research lies in its expected contribution, both theoretically and practically, to the development of administrative law. Theoretically, this study will enrich the body of knowledge in administrative law, particularly in the field of administrative justice, which still requires deeper conceptual understanding and empirical analysis. Practically, the findings are expected to serve as valuable considerations for policymakers, legal practitioners, and academics in reforming and improving Indonesia's administrative justice system so that it may become more responsive to demands for justice and contemporary developments.

Literature Review

A review of the literature concerning the role of the Administrative Court (PTUN) in resolving administrative disputes indicates its crucial significance in safeguarding the principles of the rule of law (*rechtsstaat*) and in controlling executive actions that potentially deviate from legal norms. Research by Nuna et al. (2020) and Zamzami & Muslim (2023) reveals that the existence of PTUN as a specialized court within Indonesia's judicial system is not only a structural necessity but also part of the democratization agenda, which demands the presence of a judicial institution capable of balancing the relationship between the state and its citizens. In this regard, PTUN functions as a reviewer of administrative actions through the mechanism of judicial review of *Keputusan Tata Usaha Negara* (KTUN or State Administrative Decisions), which serves as the core object in administrative disputes.

Several studies also emphasize the unique characteristics of PTUN in comparison to other branches of the judiciary. According to Pratama (2023) and Muqsitha & Wibowo (2023), PTUN holds both absolute and relative jurisdiction, allowing it to assess administrative actions based on the criteria of being concrete, individual, and final. Thus, PTUN does not merely act as an institution that examines the formal legality of decisions but also serves as a guardian of substantive justice in the vertical relationship between the government and citizens. This

assertion strengthens the argument that PTUN is an integral part of the checks and balances system within a modern democratic state.

Furthermore, the challenges encountered by PTUN in carrying out its functions are widely discussed in academic literature. Herlambang et al. (2023) highlight structural constraints such as inadequate infrastructure and limited human resources, while Saeipul et al. (2024) draw attention to procedural challenges, particularly the complexity of administrative procedural law. Meanwhile, Masrufah & Wibowo (2023) focus on substantive issues, especially the weak enforcement mechanisms of PTUN rulings, which have led to a prevailing culture of impunity. These various studies provide a relevant theoretical framework for understanding the position and effectiveness of PTUN within Indonesia's legal system and serve as a critical foundation for formulating future reform agendas in administrative justice.

Research Method

This study employs the systematic literature review method, which is a comprehensive research approach used to identify, evaluate, and synthesize scholarly literature relevant to the research topic. This approach was chosen to provide a holistic overview of the role of the Administrative Court (PTUN) in resolving administrative disputes based on the available empirical evidence.

Results and Discussion

A. Position of the Administrative Court (PTUN) in Indonesia's Judicial System

1. Constitutional and Legal Foundation

The Administrative Court (PTUN) holds a strategic position within the architecture of Indonesia's judicial power, as regulated under Article 24 of the 1945 Constitution of the Republic of Indonesia, which affirms that judicial authority is an independent power to administer justice in upholding law and justice. As one of the four judicial environments under the Supreme Court, PTUN possesses distinct characteristics that fundamentally differentiate it from the general, religious, and military courts. These special characteristics are not only formal-juridical but also relate to the substantive matters it handles—namely, disputes involving public legal relationships between citizens and the government.

Candra et al. (2023) emphasize that the effectiveness of PTUN in carrying out its function greatly depends on the optimization of administrative remedies as the initial mechanism for dispute resolution, highlighting the importance of strengthening procedural aspects before proceeding to formal litigation. Nainggolan & Zukriadi (2024) state that although PTUN exists to resolve state administrative disputes, its effectiveness in providing legal protection has not been fully felt by the public, indicating a lingering doubt about the strength of this institution in controlling administrative actions that deviate from the principle of legality.

The legal foundation for the establishment of PTUN can be traced to the philosophy of the rule of law, which demands the existence of effective control mechanisms over executive power. This philosophical construction is rooted in the understanding that in a rule of law state, no power should be absolute or unchecked, including the government's authority in carrying out its administrative functions. Law No. 5 of 1986 on the State Administrative Court, which underwent substantial amendments through Law No. 9 of 2004 and Law No. 51 of 2009, provides a comprehensive legal basis for the operation of PTUN. The evolution of these laws reflects the dynamic public need for stronger legal protection and the adaptation to increasingly complex public governance in the era of reform and democratization.

2. Jurisdiction and Authority

The jurisdiction of PTUN as a specialized judicial institution involves complex dimensions that are inseparable from the philosophy of separation of powers and the principle of specialization within the judicial system. Doctrinally, PTUN's jurisdiction comprises two interrelated and fundamental categories that determine the effectiveness of judicial functions in the realm of administrative law. As outlined by Spaltani et al. (2023), the specific jurisdiction of PTUN reflects the principle of judicial differentiation, placing the review of State Administrative Decisions (KTUN) within a public legal framework distinct from general courts, and requiring substantive understanding of complex administrative norms.

Absolute jurisdiction refers to the substantive authority of PTUN to examine, adjudicate, and resolve state administrative disputes whose object is a KTUN that meets the criteria of being concrete, individual, and final. This jurisdiction is exclusive, meaning it cannot be delegated to other courts. The concreteness element requires the KTUN to concern a specific and identifiable object, not abstract or general in nature. The individual element means that the KTUN must be directed toward a specific legal subject, whether an individual or legal entity. The final element affirms that the KTUN constitutes a definitive decision that has produced legal consequences for its recipient.

Relative jurisdiction relates to the territorial and geographical jurisdiction of PTUN, determined based on the principles of proximity and judicial efficiency. The determination of relative jurisdiction is based on the location of the defendant or where the KTUN was issued, taking into account ease of access for the parties and effectiveness of case examination. This construction reflects the principle of forum conveniens, which considers practical aspects in administering equitable justice.

3. Organizational Structure and Hierarchy

The organizational structure of PTUN is built upon a tiered hierarchical principle that reflects the concept of unity of command within Indonesia's judicial system. This hierarchy not only governs administrative workflows but also establishes a quality control mechanism for decisions through the appeal and cassation system, which serves as a corrective tool for possible errors in legal interpretation and application.

At the first level, PTUN serves as the court of first instance (*judex facti*), with the authority to examine and decide cases based on legal facts presented during trial. This strategic

position places PTUN at the forefront of legal protection for citizens against administrative actions that may infringe upon their constitutional rights.

The State Administrative High Court (PTTUN) functions as the appellate court, reviewing PTUN decisions both in terms of legal application and factual assessment. The existence of PTTUN ensures a double-check mechanism, essential for upholding the principle of due process of law.

At the top of the hierarchy, the Supreme Court acts as the court of cassation and judicial review, focusing on legal interpretation (*judex juris*). Its role in legal unification through jurisprudence serves as a vital instrument in maintaining consistency in the interpretation of administrative law across Indonesia, thereby reinforcing legal certainty as a fundamental pillar of the rule of law.

B. Mechanism of Administrative Dispute Resolution

1. Characteristics of State Administrative Disputes

Disputes within the jurisdiction of the Administrative Court (PTUN) possess *sui generis* characteristics that fundamentally distinguish them from disputes handled in other judicial domains, particularly in terms of subject matter, legal object, and the nature of the legal relationship involved. This uniqueness lies in the asymmetric public legal relationship between the government, as the holder of prerogative power, and the citizen, as a legal subject in a subordinate position.

The primary object of dispute is the State Administrative Decision (*Keputusan Tata Usaha Negara* or KTUN), which is normatively defined as a written decision issued by a state administrative body or official, containing a legal administrative action based on prevailing laws and regulations. This definition reflects the *rechtsstaat* paradigm, which requires that every administrative action be grounded in clear and legally accountable norms.

A KTUN that may serve as the object of a lawsuit must fulfill three cumulative and inseparable criteria. Concrete: The decision must concern a specific, identifiable object—not an abstract or hypothetical matter. Individual: The decision must be addressed to a specific legal subject, whether an individual or a legal entity—not to the public at large. Final: The decision must represent a definitive expression of will that creates concrete legal consequences for the recipient, not merely a draft or a proposal awaiting further approval.

2. Procedural Process in the Administrative Court

The procedural law of PTUN adopts a mixed system that combines elements of both adversarial and inquisitorial models, reflecting the need for a balance between the principle of equality of arms and the pursuit of material truth. This procedural construction is designed to accommodate the specific nature of administrative disputes, which involve public interest. Here, judges play not only a passive role as arbiters but also have the authority to actively investigate legal facts in the interest of achieving substantive justice.

Sutrisno (2024) notes that the development of PTUN procedural law in the last decade has undergone significant transformation, particularly in the expansion of absolute jurisdiction,

the integration of technology (e.g., e-Court systems), and the use of mediation as a more efficient and participatory dispute resolution mechanism.

The process begins with the filing of a lawsuit, which must meet both formal and material requirements as outlined in legislation. The formal aspect includes complete identification of the parties, a clearly defined object of the lawsuit, and a coherent *fundamentum petendi* (legal basis). The material aspect pertains to the legality (*rechtmatigheid*) of the administrative action being challenged.

The examination process follows a structured sequence; Preliminary Examination serves as an initial screening to verify the completeness and validity of the lawsuit, including the court's jurisdiction and the standing of the parties. Substantive Examination (Examination of the Merits) is the central stage where the *contradictoire* process takes place through hearings that allow equal opportunity for both parties to present their arguments. Evidence involves the submission of materials supporting each party's claims, applying the principle of *presumptio iustae causa*, which shifts the burden of proof to the defendant to justify the legality of the administrative action. The Judgment is the culmination point, in which the judge determines the validity of the KTUN based on a comprehensive assessment of all legal facts and reasoning.

In this context, PTUN adheres to a limited free evidence system, allowing the judge discretionary power in evaluating evidence based on personal conviction, while still being bound by a minimum evidentiary threshold set by law (Muqsitha & Wibowo, 2023).

3. Types of PTUN Judgments

The typology of PTUN decisions reflects the complexity of administrative law and the variety of possible dispute resolutions, depending on the substantive merit of each case. This classification is not merely a formal categorization, but a manifestation of the principle of individualized justice, which requires that each ruling be tailored to the specific characteristics and legal interests involved in the dispute.

A Judgment Granting the Claim (*Putusan Mengabulkan*) is a declaratory judgment stating that the KTUN in question violates prevailing laws or breaches general principles of good governance (*Asas-Asas Umum Pemerintahan yang Baik – AUPB*). The legal consequence is the retroactive annulment of the KTUN, meaning it is deemed to have never existed (*ex tunc*). In some cases, the judgment may include a condemnatory element, obliging the defendant to issue a new KTUN that complies with legal requirements. In this regard, core procedural principles such as the presumption of legality, *dominus litis*, and equality before the law play a vital role in assessing the legality of the disputed administrative action (Pratama, 2023).

Blegur (2022) underscores the importance of understanding procedural law principles—including legality, equality before the law, and the protection of rights—as essential to upholding administrative justice. Neglecting these principles may result in distortions in the judicial assessment of KTUNs by either judges or litigants.

A Judgment Rejecting the Claim (*Putusan Menolak*) is issued when the judge believes the KTUN is compliant with laws and does not violate AUPB. Such a decision reinforces the legitimacy of administrative actions and provides legal certainty for stable governance.

A Judgment of Inadmissibility (*Niet Ontvankelijk Verklaard* / NO) is a procedural ruling declaring the lawsuit inadmissible due to failure to meet formal or material requirements. Grounds for such a ruling include premature filing, non-KTUN object, or lack of legal standing on the part of the plaintiff. Although final in nature, this ruling does not preclude the possibility of refiling the lawsuit once the procedural deficiencies are rectified. As Wantu (2014) affirms, the right to sue in administrative cases is bound by specific formal requirements, including direct legal interest and the existence of a definite, individual, and final KTUN as the object of the claim.

C. The Role of the Administrative Court (PTUN) in the Protection of Citizens' Rights

1. Judicial Control Function

The PTUN performs a cardinal function as a mechanism of judicial control over government administrative actions, serving as a concrete embodiment of the principle of checks and balances within Indonesia's constitutional system. This function is not merely formal supervision but a manifestation of the separation of powers doctrine, which requires the limitation of state authority through interbranch accountability.

Through its authority to conduct judicial review of State Administrative Decisions (KTUN), the PTUN fulfills a constitutional mandate to ensure that every administrative action of the government remains within the bounds of law and does not infringe upon the fundamental rights of citizens. This judicial review is conducted *ex post facto*, meaning the PTUN examines the *rechtmatigheid* (legality) of a KTUN after it has been issued and has caused legal consequences for the concerned party. As explained by Malaka & Isa (2023), the authority of PTUN is limited and applies only to decisions that are concrete, individual, and final. Thus, general policy or discretionary actions without direct legal effect are not within PTUN's jurisdiction.

The judicial control dimension of PTUN is both repressive and preventive. Repressively, the PTUN provides remedies for victims of unlawful administrative actions through annulment of KTUNs and compensation. Preventively, its existence serves as a deterrent, compelling government officials to act prudently, knowing that their decisions may be subject to judicial scrutiny. Ashwarina et al. (2024) emphasize that PTUN's corrective function has a transformational impact on public administration practices—not only serving as a legal safeguard but also regulating the ethics and propriety of public officials, who must act within the bounds of legality and accountability.

This control function also operates through the precedential value of PTUN decisions. Final and binding judgments serve as guidance for government agencies in future decision-making, fostering consistency and predictability in rule-of-law-based governance. As noted by Mujiburohman (2022), administrative courts are essential for testing the lawful use of executive

power and act as a last line of defense against the abuse of administrative authority, protecting the rights of citizens.

2. Upholding the General Principles of Good Governance (AUPB)

PTUN plays a fundamental role in enforcing the General Principles of Good Governance (AUPB) as normative standards for evaluating the legality and legitimacy of government administrative actions. AUPB is not merely a set of abstract principles; it is an operational standard that binds officials when exercising discretionary authority. The conceptualization of AUPB in Indonesian administrative jurisprudence draws from Continental European doctrines, contextualized to the nation's legal and bureaucratic culture.

The principle of legal certainty requires that every KTUN have a clear legal basis and predictable legal consequences. The principle of proportionality demands a balance between individual and public interests in every administrative decision. The principle of equality obliges officials to treat similar situations consistently and without unjustified discrimination.

The principle of due care mandates that officials undertake thorough fact-finding and legal analysis before making a decision. The principle of motivation requires that every KTUN be accompanied by adequate and transparent reasoning, allowing for effective judicial review.

The principle of prohibition of abuse of power prevents officials from using authority beyond their competence or for unauthorized purposes. The principle of fair play requires procedural fairness, including the obligation to hear interested parties (*audi alteram partem*) before a decision is made.

3. Protection of Human Rights

In the context of human rights protection, the PTUN carries a constitutional mission as the guardian of fundamental rights, ensuring that every citizen has meaningful access to justice when their rights are violated by government administrative actions. This role transcends conventional adjudication—it is a manifestation of constitutional commitment to uphold individual dignity and liberty against potential abuses of power by the state apparatus.

PTUN protects human rights through the horizontal effect, enabling citizens to enforce their constitutional rights in a vertical relationship with the government. This aligns with the principle of due process of law in a democratic rule-of-law system, whereby any administrative action that restricts or harms individual rights must follow a fair and legal procedure.

The PTUN serves as a last resort mechanism for citizens who have no alternative avenues for resolving administrative disputes. With its authority to annul KTUNs that violate human rights and order compensation, PTUN provides an effective remedy, as required by international human rights law. Khoiriyyah (2022) stresses that administrative remedies are foundational within PTUN's dispute resolution scheme. Before initiating judicial proceedings, internal remedies through mediation or administrative appeals are mandatory, preserving the efficiency of public administration.

Beyond legal redress, PTUN fosters a culture of accountability in public administration, where officials recognize that their actions are subject to judicial scrutiny. This encourages the internalization of human rights values in administrative decision-making, promoting preventive protection that is more sustainable than post-hoc remedies alone.

D. Challenges and Obstacles: Inadequate Judicial Infrastructure

1. Structural Challenges

The structural challenges faced by the Administrative Court (PTUN) reflect systemic complexity in the administration of administrative justice, which directly impacts the quality and accessibility of judicial services. These problems cannot be seen as isolated phenomena, but rather as manifestations of multidimensional resource constraints that are interrelated and form comprehensive institutional barriers.

Limited human resources represent a fundamental bottleneck affecting the operational effectiveness of PTUN. Quantitatively, the judge-to-case ratio is disproportionate, leading to case overload that can reduce the quality of examinations and prolong case resolution. Abid (2023) emphasizes that the low ratio of judges to case burden not only delays proceedings but also reduces the depth and accuracy of legal assessment, especially in complex and multidimensional cases. From a qualitative perspective, there is a lack of specialized competence among judges to handle increasingly sophisticated administrative disputes, including those involving information technology, environmental issues, and digital economy, which require specific expertise.

Herlambang et al. (2023) state that the implementation of the e-Court system within PTUN, such as at the Semarang Administrative Court, is a strategic step to improve judicial service efficiency and transparency. However, the implementation still faces challenges regarding infrastructure readiness and the digital literacy of litigants.

Inadequate judicial infrastructure in various regions remains a significant obstacle to equitable access to justice. Limitations in court facilities, suboptimal integration of information systems, and disparity in infrastructure quality between metropolitan and remote PTUNs create inequalities in judicial services. This condition is exacerbated by the under-optimized implementation of the electronic court system (e-Court), which should serve as a solution to geographic barriers and improve administrative efficiency, but still faces technical challenges and human resource adaptation. Ramadhani (2022) explains that procedural law functions as a guide to address substantive law in practice, while case administration reflects the technical dimension of transparent and accountable judicial governance. He underscores the importance of e-Court implementation as a manifestation of administrative integrity and judicial accountability in a digital-based framework.

2. Procedural Challenges

The procedural challenges faced by PTUN reflect an inherent tension between the need for technical precision in administrative procedural law and the principle of access to justice, which demands ease for the public in obtaining legal protection. This complexity cannot be

reduced to merely a technical problem but represents a fundamental dilemma between legal certainty and legal accessibility in a democratic justice system.

The relative sophistication of PTUN procedural law often becomes a significant barrier for laypersons in accessing administrative justice services. As explained in the book "*Hukum Acara Tata Usaha Negara*" by Siallagan et al. (2019), the complexity of administrative procedural law is worsened by multilayered formal norms that often confuse justice seekers, as well as a lack of harmonization between administrative provisions and technical trial rules. The procedures involve strict formal requirements, specialized legal terminology, and multi-level examination stages, creating procedural complexity that may have an intimidation effect on justiciables. This is compounded by the limited legal literacy among the public regarding their rights in facing potentially harmful administrative actions by the government.

The effectiveness of PTUN procedural law in ensuring administrative legal protection is heavily influenced by judges' ability to apply the principles of legality and procedural justice. Many administrative disputes fail to be resolved fairly not due to weak regulatory substance, but due to inconsistent application of procedural law (Saeipul et al., 2024).

The relatively long duration of case resolution presents a crucial challenge that can reduce the substantive effectiveness of legal protection. Prolonged litigation not only causes financial burdens for the parties but also can result in irreparable harm when the contested administrative decision remains in effect during trial. This creates a paradox where the remedy provided by PTUN becomes less meaningful due to the harm already caused by the prolonged process, thereby reducing the deterrent effect against potentially unlawful administrative acts.

3. Substantive Challenges

The substantive challenges faced by PTUN relate to the material aspects of administrative law that influence the consistency and effectiveness of rulings in upholding the principles of the rule of law. These issues are not merely juridical-technical but touch on the substance of justice and legal certainty, which are legitimate expectations of justice seekers regarding the administrative justice system.

Interpretation of administrative decisions (KTUN) still results in significant divergences, both in determining contestable objects and the scope of PTUN's jurisdiction. The lack of uniform interpretation of the concepts of "concrete, individual, and final" creates legal uncertainty that may lead to forum shopping and inconsistent jurisprudence. The complexity increases when dealing with emerging issues such as digital decisions, hybrid public policies, and administrative actions in the context of government digitalization, which are not yet fully accommodated within the existing legal framework.

The execution of rulings is a chronic issue that substantially reduces PTUN's effectiveness. Institutional resistance from defendant agencies—either through explicit non-compliance or passive resistance via bureaucratic inertia—renders PTUN rulings ineffective as a remedy. This non-compliance harms winning parties and undermines the credibility of the administrative justice system as a whole. The weak enforcement mechanism and lack of meaningful sanctions for officials who fail to comply with court decisions foster a culture of

impunity that is counterproductive to fair administrative law enforcement. In this regard, Masrufah & Wibowo (2023) noted that the absence of an independent executor institution causes PTUN rulings to often depend solely on officials' goodwill, without strong legal compulsion for enforcement. Meanwhile, Elsy & Muslim (2020) explained that the execution of PTUN decisions not only faces structural challenges but also suffers from low legal awareness among officials and the absence of an independent and effective enforcement agency.

E. Effectiveness of PTUN in Practice

1. Quantitative Analysis

Statistical data show that the number of cases filed with PTUN fluctuates, reflecting a complex dynamic between public legal awareness, government administrative effectiveness, and the accessibility of administrative judicial services. This quantitative trend should not be interpreted as mere figures, but rather as empirical indicators of the pulse of the relationship between the state and its citizens within the context of administrative law enforcement.

A longitudinal analysis of case data over the past decade reveals cyclical patterns that correlate with political momentum and bureaucratic reform in Indonesia. Significant increases in litigation typically follow the implementation of deregulation policies or substantial administrative reforms, indicating that paradigm shifts in governance are often accompanied by adjustment periods involving trial-and-error in applying new policies.

Case resolution rates show a positive trend with a consistent improvement rate, although case accumulation persists in some PTUNs experiencing overload. Data show that PTUNs in metropolitan areas tend to have higher disposal rates than those in rural regions, reflecting disparities in institutional capacity and resources. This phenomenon creates geographical inequality in access to efficient judicial services, which potentially leads to forum shopping and procedural injustice.

The composition of case types has evolved to reflect the transformation of administrative dispute characteristics in the digital era. Business licensing, employment, and land disputes still dominate, but there has been a significant rise in cases involving digital public policies, environmental governance, and regulatory compliance in the creative economy sector. This diversification requires methodological adaptation in examinations and enhanced specialized knowledge among judges.

The success rate of lawsuits shows substantial variation across case categories, with the highest success rate in procedural disputes and the lowest in cases involving complex administrative discretion. This indicates that PTUN is more effective in addressing violations of procedural requirements than in adjudicating substantive administrative decisions requiring sophisticated policy judgment.

2. Qualitative Analysis

From the perspective of ruling quality, PTUN has demonstrated encouraging progressivity in applying sophisticated principles of administrative law, particularly in

Role of Administrative Court to Resolve Administrative Disputes in Indonesia: A Systematic Review

operationalizing general principles of good governance as evaluative parameters for the legality of administrative actions. This evolution reflects a maturation process in Indonesia's administrative justice system, which increasingly adapts international doctrinal developments in administrative law to the specific context of the national legal system.

Consistency in legal application has significantly improved, especially in interpretations of fundamental concepts such as legality (*rechtmatigheid*), interest, and legal standing. An analysis of landmark decisions reveals that PTUN has developed a more coherent interpretative framework for assessing the validity of administrative decisions (KTUN), although methodological nuances remain among judges, reflecting differences in academic backgrounds and practical experience.

However, variations in legal interpretation across PTUNs remain a substantial concern in efforts to create unified jurisprudence. These disparities are particularly evident in handling cases involving complex administrative discretion, where the boundaries between justiciable administrative decisions and political questions often blur, requiring prudent judicial restraint. This inconsistency not only leads to legal uncertainty for justice seekers but also reduces the overall predictability of the administrative legal system.

The quality of legal reasoning in PTUN rulings has substantially improved, especially in articulating the ratio decidendi and integrating comparative legal analysis. PTUN judges increasingly demonstrate the ability to conduct contextual interpretation that considers not only normative-formal aspects but also the teleological and sociological dimensions of the regulations being reviewed.

This transformation is also reflected in the increasingly sophisticated use of precedential reasoning, where prior rulings are not only cited as authoritative references but are also critically analyzed to identify underlying principles that can be applied to similar cases, thus creating building blocks for systematic jurisprudence development in Indonesian administrative law.

3. Social Impact

The existence of PTUN has had a substantial transformative impact in catalyzing fundamental changes in the culture of governance and the social contract between the state and its citizens in Indonesia. This transformation should not be viewed as a superficial change but rather as a manifestation of deep structural shifts in power relations that affect the redefinition of public accountability and responsive governance.

The most visible spillover effect of PTUN's presence is the enhancement of government accountability. The institutional presence of administrative courts establishes a continuous and systematic accountability mechanism, promoting the internalization of good governance principles at all bureaucratic levels. This phenomenon has led to behavioral changes among state officials, who are increasingly prudent in making administrative decisions due to the possibility of judicial scrutiny that could result in the annulment of decisions and liability for damages.

Citizen empowerment through access to judicial review mechanisms has fostered the democratization of administrative justice, where individuals are no longer completely powerless when facing arbitrary executive actions. PTUN functions as an equalizing institution, providing a level playing field for citizens to interact with the government, while simultaneously strengthening civic awareness of constitutional rights and their enforcement mechanisms.

Nevertheless, public awareness of the existence and function of PTUN still requires significant enhancement. Public awareness campaigns and legal education initiatives have not yet achieved adequate penetration, especially among grassroots communities, which demographically represent the most vulnerable groups to administrative abuse. This limitation creates an access gap that may result in unequal protection, where only segments of the population with sufficient legal literacy and economic capacity can optimally utilize PTUN services.

The social capital generated through PTUN's existence also contributes to strengthening the rule of law culture in society, although this process unfolds gradually and requires generational change to reach optimal institutional maturity. The long-term impact envisioned is the formation of an informed citizenry capable of actively participating in democratic governance through effective utilization of available checks and balances mechanisms.

F. Comparison with International Administrative Judicial Systems

1. Continental European Model

The administrative judicial systems in Continental European countries, particularly France and Germany, provide foundational inspiration for the development of Indonesia's PTUN (Administrative Court) through the adoption of a dualistic court system paradigm that institutionally separates general judiciary from administrative judiciary. This model is rooted in the philosophical premise that disputes involving public authority require specialized adjudication that fundamentally differs from private legal disputes due to the unique characteristics of the legal relationship between the state and its citizens, which is inherently asymmetrical and involves prerogatives of power.

France's Conseil d'État, as the prototype of the modern administrative court system, has developed a sophisticated doctrinal framework for reviewing the legality of administrative actions through concepts such as *détournement de pouvoir* and *excès de pouvoir*, which have been adopted into the Indonesian legal system as the concept of abuse of power. The evolutionary development of the French system illustrates how administrative jurisdiction can evolve from merely an advisory body into a full judicial institution with comprehensive authority for judicial review of executive actions.

Germany's *Verwaltungsgerichtsbarkeit* presents a more structured and systematic model in terms of organizational hierarchy, with a clear distribution of authority between *Verwaltungsgericht* (first instance court), *Oberverwaltungsgericht* (appellate court), and *Bundesverwaltungsgericht* (supreme administrative court). The German system has also

Role of Administrative Court to Resolve Administrative Disputes in Indonesia: A Systematic Review

developed the concept of *Rechtsschutzgarantie*, which guarantees the constitutional right to effective judicial protection against administrative action. This concept has inspired the development of legal protection within Indonesia's PTUN system.

The comparative advantage of the Continental European model lies in the specialized expertise developed by administrative judges who are specifically trained to understand the complexities of administrative law and public policy considerations. These systems have also introduced procedural innovations such as the *référé* procedure for urgent cases and *médiateur administratif* for alternative dispute resolution, demonstrating the adaptability of the administrative court system in responding to the needs of contemporary governance. As explained by Marshaal et al. (2002), the Continental model features dedicated administrative courts that operate alongside the general judiciary, enabling faster dispute resolution based on principles of legality and citizen protection against state actions.

The institutional culture developed in the Continental European tradition emphasizes judicial independence combined with an understanding of the public interest, creating a delicate balance between protecting individual rights and respecting legitimate governmental authority in a democratic society.

2. Lessons Learned

International experience in developing administrative judicial systems offers valuable insights that can serve as references for optimizing the role of PTUN in the Indonesian context. Comparative analysis of best practices from various jurisdictions reveals that the success of administrative judicial systems depends not solely on sophisticated legal frameworks but also on the complex interplay of institutional design, human resource development, procedural efficiency, and political commitment to the rule of law.

Judicial specialization is a key success factor consistently found across all effective administrative judicial systems. Experiences from France's Conseil d'État and Germany's administrative courts show that judicial expertise in administrative law requires continuous professional development encompassing not only technical legal knowledge but also understanding of public administration dynamics, policy analysis, and contemporary governance challenges. Comprehensive training programs, including exposure to comparative administrative law and international best practices, are essential for improving judicial quality and jurisprudential consistency.

Simplification of procedures is a universal necessity for increasing access to justice without sacrificing the requirements of due process. Successful administrative court systems have developed efficient procedures that balance procedural safeguards with efficiency considerations. Innovations such as electronic filing systems, case management technology, and alternative dispute resolution mechanisms have proven effective in reducing case backlogs and improving user satisfaction. Experiences from the Netherlands and the UK's Upper Tribunal indicate that procedural simplification must be accompanied by strong judicial case management to ensure quality control. In this context, Al Amin & Wibowo (2023) emphasize that administrative remedies must be exhausted before filing a claim with PTUN unless

otherwise stipulated by statutory law. This principle aligns with the doctrine of exhaustion of administrative remedies, which prioritizes internal resolution before burdening the judicial system.

Strengthening the enforcement mechanisms of court decisions remains a major weakness in many administrative judicial systems, including those in developed countries. Comparative studies show that effective enforcement requires a combination of legal sanctions, institutional accountability measures, and political will. The French system, with its progressive penalty mechanisms, and the German approach of *Zwangsgeld* (coercive fines), offer enforceability models that could be adapted. Meanwhile, Scandinavian countries emphasize the role of the ombudsman as a complementary mechanism to ensure compliance with judicial rulings.

Integration with the broader governance ecosystem is another key lesson. Administrative courts that function effectively are those that see themselves as integral parts of democratic governance, rather than isolated judicial entities.

Conclusion

Based on a comprehensive review of the role of the Administrative Court (PTUN) within Indonesia's legal system, it can be concluded that PTUN holds a strategic position as the guardian of the rule of law and protector of citizens' rights against arbitrary administrative actions. PTUN plays a significant judicial control function through judicial review of state administrative decisions (KTUN), thereby reinforcing the principles of good governance in public administration. However, despite this critical role, its effectiveness faces structural, procedural, and substantive challenges that, if left unaddressed, could undermine its role as a legal safeguard.

From a structural perspective, limitations in human resources and infrastructure result in uneven service quality across regions. The digitization of courts via the e-Court system is a commendable initial step, but implementation remains inconsistent and hampered by technical challenges and low digital literacy. Procedural challenges include complex litigation procedures that are not easily accessible to the general public. The use of technical legal jargon and stringent formal requirements often hinder vulnerable groups from seeking fair and equal administrative justice.

On the substantive side, the main issues lie in inconsistent legal interpretations among PTUN judges and weak enforcement mechanisms for court decisions. Discrepancies in interpreting the "concrete, individual, and final" criteria continue to generate legal uncertainty. Furthermore, low compliance by government institutions with PTUN rulings fosters a culture of impunity that undermines legal enforcement. The true power of judicial decisions lies not only in their content but also in their effective implementation.

To address these issues, a comprehensive and continuous reform agenda is needed. Institutional capacity should be strengthened through ongoing training for judges and court staff, digital infrastructure modernization, and the development of simpler, more participatory

procedural systems. Legal harmonization is essential to ensure consistent jurisprudence, and enforcement mechanisms must be bolstered with stronger and more actionable regulations. Equally important is increasing public awareness of PTUN's role and expanding legal aid services for vulnerable groups, so that administrative justice becomes truly accessible to all. With this multidimensional approach, PTUN can fulfill its constitutional mandate more effectively and inclusively, strengthening the rule of law in Indonesia.

References

- Al Amin, A. Y., & Wibowo, A. (2023). Penyelesaian Sengketa di Peradilan Tata Usaha Negara Melalui Upaya Administratif. *Jurnal Penelitian Multidisiplin*, 2(1), 128–134. <https://doi.org/10.58705/jpm.v2i1.111>
- Ashwarina, N., Hidayah, H., Azka, F., & Maulid, A. (2024). Pengadilan Tata Usaha Negara. *Pemuliaan Keadilan*, 1(4), 128–134. <https://doi.org/10.62383/pk.v1i4.191>
- Blegur, S. B. (2022). “Asas-Asas Utama dalam Hukum Acara Peradilan Tata Usaha Negara. *Jurnal Hukum Peratun*, 5(1), 39–56. <https://doi.org/10.25216/peratun.512022.39-56>
- Candra, M., Ismail, I., & Avriantara, F. (2023). Mengoptimalkan Upaya Administratif Dalam Penyelesaian Sengketa Tata Usaha Negara. *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum*, 2(4), 401–409. <https://doi.org/10.55681/seikat.v2i4.703>
- Elsye, R., & Muslim. (2020). *Modul mata kuliah Hukum Tata Usaha Negara* (Cetakan Pertama). Fakultas Manajemen Pemerintahan IPDN.
- Herlambang, P. H., Utama, Y. J., & Putrijanti, A. (2023). Upaya Peningkatan dan Penerapan Penggunaan E-Court pada Pengadilan Tata Usaha Negara Semarang. *Jurnal Hukum Progresif*, 11(2), 157–173. <https://doi.org/10.37276/sjh.v2i2.106>
- Malaka, Z., & Isa, A. (2023). Organisasi Peradilan Tata Usaha Negara Dalam Peradilan di Indonesia. *TARUNALAW: Journal of Law and Syariah*, 1(01), 22–32. <https://doi.org/10.54298/tarunalaw.v1i01.63>
- Masrufah, & Wibowo, A. (2023). Perihal Putusan dan Upaya Hukum di Pengadilan Tata Usaha Negara. *Jurnal Penelitian Multidisiplin*, 2(1), 113–118. <https://doi.org/10.58705/jpm.v2i1.109>
- Mujiburohman, D. A. (2022). *Hukum Acara Peradilan Tata Usaha Negara* (Cetakan Pertama). STPN Press.
- Muqsitha, S., & Wibowo, A. (2023). Kompetensi Peradilan Tata Usaha Negara Terhadap Perihal Acara Pembuktian Dalam Sengketa Tata Usaha Negara. *Jurnal Penelitian Multidisiplin*, 2(1), 10–17. <https://doi.org/10.58705/jpm.v2i1.80>
- Nainggolan, S. C., & Zukriadi, D. (2024). Peran PTUN Dalam Melindungi Hak Hukum Warga Negara Terhadap Tindakan Administrasi Negara. *Jurnal Hukum Dan Kewarganegaraan*, 5(10). <https://doi.org/10.3783/causa.v2i9.2461>
- Nuna, M., Moonti, R. M., Tumuhulawa, A., & Kodai, D. A. (2020). Kewenangan Penyelesaian Sengketa Tata Usaha Negara Terhadap Putusan Pemberhentian Tidak Dengan Hormat. *Univesity of Bengkulu Law Journal*, 5(2), 106–118.

- Pratama, R. (2023). Asas-Asas Hukum Dalam Hukum Acara Peradilan Tata Usaha Negara. *Jurnal Penelitian Multidisiplin*, 2(1), 18–21. <https://doi.org/10.58705/jpm.v2i1.86>
- Ramadhani, N. S. (2022). Eksistensi Peradilan Tata Usaha Negara Dalam Penggunaan E-Court Sebagai Upaya Tata Kelola Pemerintah Yang Baik. *Jurnal Hukum Lex Generalis*, 3(8). <https://jhlrg.rewangrencang.com/>
- Saeipul, Adepio, M. F., & Ardhan, M. U. (2024). Peran Peradilan Tata Usaha Negara Dalam Menegakkan Prinsip Kepentingan Umum Dalam Hukum Administrasi di Indonesia. *Action Research Literate*, 8(5). <https://arl.ridwaninstitute.co.id/index.php/arl>
- Siallagan, H., Siburian, K., & Tampubolon, F. Z. (2019). *Hukum Acara Peradilan Tata Usaha Negara* (Cetakan Pertama). Lembaga Pemberdayaan Media dan Komunikasi.
- Spaltani, B. G., Sulistiyono, A., & Sudarwanto, A. S. (2023). Pelembagaan Upaya Administrasi dalam Rangka Perbaikan Birokrasi dan Pelayanan Publik di Indonesia. *Journal of Contemporary Public Administration (JCPA)*, 3(2), 83–90. <https://doi.org/10.22225/jcpa.3.2.2023.83-90>
- Sutrisno, A. (2024). Analysis of state administrative court procedural law: A recent review and its practical implications. *Indonesian Journal of Multidisciplinary Science*, 3(8).
- Wantu, F. M. (2014). *Hukum Acara Peradilan Tata Usaha Negara* (Cetakan I). REVIVA CENDEKIA.
- Zamzami, A., & Muslim, S. (2023). Pengadilan Tata Usaha Negara Dalam Memberikan Perlindungan Hukum Kepada Masyarakat. *Widya Yuridika: Jurnal Hukum*, 6(3), 405–414. <http://publishing-widyagama.ac.id/ejournal-v2/index.php/yuridika/>