

THE ROLE OF PTUN IN ADMINISTRATIVE SUPERVISION OF THE PROTECTION OF CITIZENS' RIGHTS

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Abstract

In line with developments in science and sociology in society, there are currently many disputes related to state administrative law between state administrative agencies/officials and the community. This article will discuss decisions made by state administrative agencies or officials that are considered to have harmed the interests of the community in legal terms. The research method used is normative jurisprudence through literature study and case study. Primary data was obtained from official copies of decisions from the Supreme Court Decision Directory, while secondary data consisted of relevant administrative law literature and scientific articles. The research questions are: 1) What is the background of the administrative dispute between the State Administrative Body and the Business Entity in the Jakarta Administrative Court Decision No. 425/G/2024/PTUN/Jakarta? 2) What are the implications of this decision for future administrative practices in government (*Ius Constituendum*)? The findings and conclusions are as follows: First, the background of the administrative dispute in this case is related to an administrative decision (*Beschikking*) issued by the BKPM, which was deemed detrimental to the legal interests of PT. Global Akses Sinergi, according to the Indonesian legal system, as regulated by the Administrative Court. Second, this decision will contribute to the development of Indonesian administrative law toward the creation of better and more transparent law in the future (*Ius Constituendum*).

Keywords : State Administration, *Beschikking*, Administrative Court, Dispute

INTRODUCTION

In the state administrative law system, government officials are given the authority to issue administrative decisions as part of their duties, and based on the provisions, this authority is not absolute, but is limited by legal principles, general principles of good governance (AUPB), and applicable laws and regulations.

Although the authority of State Administrative Officials is not absolute according to the provisions, in practice, there are many State Administrative Decisions (KTUN) that appear to be forced, thereby considered detrimental to the rights of citizens and legal entities, either due to procedural violations or abuse of authority.

Indonesia, as a country governed by the rule of law, has established the protection of human rights and legal certainty as fundamental principles. In the context of government administration, decisions issued by state administrative officials must adhere to the principles of legality, accountability, and transparency. However, in practice, conflicts often arise between the decisions of state administrative bodies or officials and the interests of citizens or legal entities.

Legally, in the abstract, one form of control over state administrative actions is through the State Administrative Court (PTUN), which has the authority to review the legality of TUN decisions. In this regard, the PTUN plays a central role in ensuring that administrative practices do not deviate from legal norms and do not infringe upon the rights of the public.

At the *In Concreto* legal level, PTUN Jakarta Decision No. 425/G/2024/PTUN.JKT serves as a concrete example of how judicial oversight by the PTUN functions as a safeguard against administrative arbitrariness. In this case, PT. Global Akses Sinergi challenged a decision (Beschikking) by the Investment Coordinating Board (BKPM) that was deemed detrimental to its legal interests. This decision not only resolves the legal entity dispute but also has systemic implications for future administrative practices in Indonesia.

One of the key instruments in ensuring that administrative decisions remain within the legal framework is the existence of the State Administrative Court (PTUN). The PTUN acts as a legal oversight body for the actions of state administrative officials and as a judicial forum providing legal protection for citizens against harmful administrative deviations.

The Jakarta PTUN's decision to grant the lawsuit is not only relevant on a case-by-case basis but also important as a precedent for future administrative reforms. In the context of *Ius Constituendum*, this decision holds strategic value in driving improvements in public administrative governance in Indonesia, particularly regarding decision-making that significantly impacts citizens' legal rights. Therefore, this study is not only important for understanding the legal aspects of this case, but also serves as an academic basis for assessing the extent to which the Administrative Court carries out its administrative oversight role and its implications for the development of state administrative law in the future.

RESEARCH METHODS

This study uses a normative legal approach, which is a method that focuses on analyzing applicable positive legal norms and relevant legal principles. Normative legal research examines legal materials as the main source for answering the research questions, including legal principles, general principles of good governance (AUPB), and legal provisions in the field of state administrative law.

The types of data used in this research consist of:

Primary data, namely an official copy of the Jakarta Administrative Court Decision Number 425/G/2024/PTUN.JKT obtained from the Directory of Decisions of the Supreme Court of the Republic of Indonesia;

Secondary data, which includes state administrative law literature, law textbooks, and scientific articles from accredited national journals and relevant international journals.

Data collection techniques were carried out through:

Library research on legislation such as Law No. 5 of 1986 on Administrative Court jo. Law No. 9 of 2004 and Law No. 51 of 2009, as well as Law No. 30 of 2014 on Government Administration;

Review of court decisions to analyze the application of law in practice, particularly in administrative disputes between business entities and government officials;

Analysis of academic documents and legal literature to explore legal concepts such as *Beschikking*, administrative legality, and *Ius Constituendum*.

Data analysis techniques are conducted using a qualitative-descriptive approach, involving the description, interpretation, and evaluation of collected legal data, which is then synthesized into a scientific conclusion addressing the legal issues under investigation. This qualitative approach enables the author to explore the meaning of law in a concrete (in concreto) and prospective (*ius constituendum*) context.

RESULT AND DISCUSSION

This study aims to examine the background of the administrative dispute addressed in Jakarta Administrative Court Decision Number 425/G/2024/PTUN.JKT, focusing specifically on the decision issued by BKPM that was contested by PT. Global Akses Sinergi. The analysis highlights the role of the Administrative Court (PTUN) in safeguarding the rights of citizens against administrative decisions that may be detrimental to their legal interests. Furthermore, this study explores the broader legal and administrative implications of the court's decision for the future conduct of government administration particularly in the context of *ius constituendum*, or the formulation of future law. By doing so, it seeks to contribute academic insight into the strategic function of PTUN as a mechanism of administrative supervision within the Indonesian legal system.

In terms of legal theory, administrative law as described by Philipus M. Hadjon (2007)—is a set of legal norms that governs the authority of administrative agencies and officials in performing governmental duties. All administrative decisions, therefore, must comply with the general principles of good governance (*Asas Umum Pemerintahan yang Baik* / AUPB). Supporting this view, S.F. Marbun (1999) emphasizes that administrative law serves not only to prevent abuse of power by state officials but also as a legal control mechanism to protect public interests.

Administrative decisions, or *Keputusan Tata Usaha Negara* (KTUN), are defined in Article 1, point 9 of Law No. 30 of 2014 on Government Administration as written determinations issued by government bodies or officials in the context of executing governmental functions. These decisions may be brought before the Administrative Court (PTUN) if they are alleged to violate the rights of individuals or legal entities. M. Yahya Harahap (2011) explains that the object of a lawsuit in PTUN must be a decision that is concrete, individual, and final, and that results in legal consequences for the concerned party.

The PTUN plays a vital role as a judicial institution specializing in disputes between citizens and state administrative authorities. Bagir Manan (1993) asserts that PTUN acts as a legal safeguard against arbitrary or unlawful administrative acts, ensuring that the implementation of governmental functions adheres to legal standards and respects the rights of citizens. This supervisory function includes reviewing the legality of discretionary decisions and is increasingly reinforced by post-reform regulations and Supreme Court jurisprudence.

Moreover, the concept of *ius constituendum*—referring to laws that are yet to be established—underscores the potential of PTUN rulings to shape future legal developments. Progressive court decisions that correct flawed administrative actions can serve as normative references for the formulation of new legal instruments or the refinement of existing ones. As Satjipto Rahardjo (2006) argues, law should not be seen merely as a collection of formal

statutes, but as a dynamic tool for achieving social justice. In this regard, the rulings of PTUN should not only resolve individual cases but also provide a foundation for broader administrative legal reform.

Background of the Administrative Court Dispute in Jakarta Administrative Court Decision Number 425/G/2024/PTUN/Jakarta

The Jakarta Administrative Court Decision No. 425/G/2024/PTUN.JKT stems from the objection of PT. Global Akses Sinergi to the administrative action taken by the Investment Coordinating Board (BKPM), in the form of unilateral revocation of the operational permit. The decision was deemed procedurally flawed because it was not preceded by a clarification and defense mechanism (*audi et alteram partem*) and did not reflect the principle of prudence as stipulated in Article 10 of Law No. 30 of 2014 on Government Administration. According to Ridwan HR, administrative decisions that do not meet formal and material requirements can be overturned through judicial review by the Administrative Court (PTUN). In this case, the PTUN ruled that BKPM's actions violated the principles of proportionality and transparency, which are part of the AUPB. As a result of the revocation of the license, PT. Global Akses Sinergi suffered financial losses, lost business partners, and had its business reputation tarnished, which should have been protected under the framework of legal certainty as mandated by the principle of the rule of law (*rechtsstaat*). The PTUN, through its decision, declared that BKPM's actions were unlawful and null and void, and ordered the restoration of the original state (*restitutio in integrum*). This aligns with Philipus M. Hadjon's theory of administrative law, which states that the review of administrative legality is a form of legal protection for citizens against arbitrary actions by government officials.

The case of PT Global Akses Sinergi vs. the Minister of Investment/Head of BKPM, with decision number 425/G/2024/PTUN.JKT, serves as a concrete example of the importance of the PTUN in upholding administrative justice. The case originated from the revocation of PT Global Akses Sinergi's business license by BKPM, which was alleged to have been done without following legal procedures and did not reflect the principles of caution and proportionality. As a result of this decision, the plaintiff suffered significant economic and reputational losses, prompting the legal entity to pursue legal action at the PTUN. The Jakarta Administrative Court's decision No. 425/G/2024/PTUN.JKT, which was read on April 16, 2025, was the result of a lawsuit filed by PT Global Akses Sinergi against the Minister of Investment/Head of the Investment Coordinating Board (BKPM). This lawsuit pertains to the revocation of the business license issued by BKPM to PT. Global Akses Sinergi. Supreme Court Ruling. During the court proceedings, PT. Global Akses Sinergi claimed that the revocation of the license was carried out without following procedures consistent with the principles of good governance (AUPB), such as the principles of transparency, prudence, and protection of citizens' rights. They also emphasized that there was no opportunity to provide clarification or defense before the revocation decision was issued. The Jakarta Administrative Court, after considering the evidence and arguments from both parties, decided to grant PT. Global Akses Sinergi's lawsuit. The court stated that the revocation of the license by BKPM was unlawful and contrary to state administrative law. As a consequence, the court ordered that PT. Global Akses Sinergi's business license be restored to its original state. Supreme Court Ruling

This decision underscores the importance of applying the AUPB in every administrative action by public officials and reinforces the role of the Administrative Court as an institution that provides legal protection to citizens from unfair or arbitrary administrative actions.

Implications of Decision Number 425/G/2024/PTUN/Jakarta on Future Government Administrative Practices (*Ius Constituendum*)?

Judgment No. 425/G/2024/PTUN.JKT of the Jakarta Administrative Court holds

significant importance as a form of judicial correction against administrative actions that do not align with the principles of good governance. Within the context of *ius constituendum* or the law as it should be, this judgment contributes to strengthening a more fair, transparent, and accountable national administrative system. First, this decision emphasizes the urgency of applying the general principles of good governance (AUPB) substantively, not merely as administrative formalities. According to Philipus M. Hadjon, AUPB encompasses the principles of legal certainty, diligence, and non-abuse of authority, all of which must serve as guidelines in administrative decision-making.

Second, this decision implies the need to improve the quality of regulations in the field of public services, particularly in terms of the revocation or cancellation of permits. As stated by Ridwan HR, good administrative regulations must ensure due process of law, so that businesses or citizens have the opportunity to defend themselves before being subject to administrative sanctions. Third, from a legal development perspective, Satjipto Rahardjo states that law should not be viewed as an instrument of power, but rather as an instrument of fair social change. Therefore, every court decision, especially those concerning public rights, must be able to drive structural reforms to a legal system that is not yet responsive to justice. Fourth, legally, this decision opens up space for the formulation of new, more participatory public policies. Bagir Manan emphasizes that public participation in decision-making is a characteristic of a democratic state governed by the rule of law, and the judiciary has an important role in ensuring this. Finally, through this decision, the Administrative Court demonstrates its role not only as a resolver of administrative disputes but also as a driving force for administrative law reform. In *ius constituendum*, every progressive decision like this should serve as a basis for reflection and the formation of new law, as emphasized by Hans Kelsen that law is not static but a product of evolving rationality in response to the demands of justice.

Thus, the long-term implications of Decision No. 425/G/2024/PTUN/JKT are the opening of the path toward a more humane, open to correction, and substantively just administrative governance system.

CONCLUSIONS

First, the background of the dispute in Jakarta Administrative Court Decision No. 425/G/2024/PTUN.JKT reveals that administrative actions taken by the Investment Coordinating Board (BKPM) were found to be in violation of the general principles of good governance (Asas Umum Pemerintahan yang Baik – AUPB), particularly the principles of transparency and prudence. The unilateral decision that disadvantaged PT Global Akses Sinergi, made without providing a mechanism for self-defense, was declared legally defective by the Administrative Court. The role of the Administrative Court in this case illustrates its function in conducting judicial review over government actions. The court serves a strategic role as a corrective legal mechanism and as a protector of the rights of citizens and legal entities harmed by administrative decisions.

Second, this decision carries forward-looking implications (*ius constituendum*) for the development of a more transparent and accountable government administration system. The Administrative Court (PTUN) acts as a key reference point in shaping an administrative legal framework that upholds justice, legal certainty, and the protection of citizens' rights.

It is recommended that the government, particularly administrative institutions such as the Investment Coordinating Board (BKPM), improve the quality of decision-making procedures by strictly upholding the general principles of good governance (AUPB), with a particular emphasis on participation and transparency. Furthermore, the Supreme Court and other judicial bodies are encouraged to strengthen the institutional position of the Administrative Court (PTUN) within the Indonesian legal system by offering technical assistance and specialized training for PTUN judges. This support would enable them to deliver

progressive and precedent-setting decisions that can guide the development of administrative law. Lastly, academics and policymakers in the field of administrative law should utilize landmark rulings such as Case No. 425/G/2024/PTUN.JKT as valuable references for evaluation, study, and the formulation of future administrative regulations that are more just, transparent, and accountable.

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