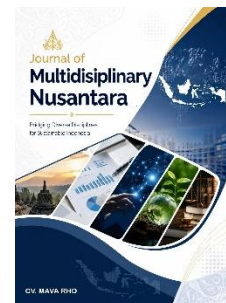


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The Role of State Administrative Procedure Law in Fulfilling Human Rights in Indonesia

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Abstract

The State Administrative Court (PTUN) is an important pillar of the Indonesian judicial system, overseeing government actions to prevent violations of citizens' rights. The procedural law applicable within the PTUN, as stipulated in Law Number 5 of 1986 concerning the State Administrative Court and its amendments, is designed with specific principles such as the active dominus litis principle of judges, the principle of independent evidence, and the presumption of *rechmatig*, which aim to protect the interests of the public when confronted with state power. This paper aims to examine the extent to which PTUN procedural law plays a role in fulfilling and protecting human rights (HAM) in Indonesia, particularly the right to administrative justice and the right to redress for detrimental government actions. The method used is normative legal research with a statutory and conceptual approach. The results of the study indicate that PTUN procedural law, through its lawsuit mechanism, administrative remedies, the principle of mitigating evidence for the plaintiff, and the authority of judges to decide on delays in the implementation of state administrative decisions, provides an effective legal means for citizens to demand government accountability. However, several challenges remain, including the limited number of disputed matters that can be sued, the lengthy process of executing decisions, and low compliance by state administrative officials with court decisions.

Keywords: Procedural Law, State Administrative Court, Human Rights, Administrative Justice

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Introduction

The Republic of Indonesia is a state of law as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The consequence of the principle of the rule of law is that every action of state administrators, including the government in carrying out administrative functions, must be subject to the law and can be held accountable if their actions harm the rights of citizens. One concrete manifestation of this principle is the establishment of the State Administrative Court (PTUN) through Law Number 5 of 1986 concerning the State Administrative Court, which was later amended by Law Number 9 of 2004 and Law Number 51 of 2009 (Evans & Grant, 2024; Irwansyah & Idaman, 2026; Satria, 2025).

The existence of the PTUN cannot be separated from the need to protect citizens' human rights from the possibility of arbitrary action (abuse of power) by state administrative officials. The human rights referred to in this context are not only civil and political rights, but also include the right to fair treatment in government administration processes, the right to be heard, the right to information, and the right to access remedies in the event of violations by government agencies or officials (I. Ali & Ryan, 2023; Jamilah et al., 2026).

Administrative court procedural law has distinct characteristics from civil and criminal procedural law. These characteristics include a more active role for judges in seeking material truth (*dominus litis*), the presumption of legality for state administrative decisions, ease of proof for plaintiffs, and the authority of judges to declare an administrative decision null and void. These characteristics are essentially designed to balance the unequal position between citizens as plaintiffs and government officials as defendants, so that the judicial process can proceed fairly and equitably (Suhardi, 2025; Syam et al., 2025).

Although the PTUN procedural law has been normatively designed to protect citizens' rights, in practice, various problems are still found that hinder the optimization of this role. Some of these problems include the limited scope of disputed objects that can be submitted to the PTUN, the lengthy legal process, the low level of compliance of state administrative officials in implementing court decisions, and the limited public understanding of the mechanisms and their rights in litigation at the PTUN (Fadeli, 2025). Based on this description, this paper will examine in more depth the role of PTUN procedural law in fulfilling human rights in Indonesia, accompanied by identification of challenges and recommendations for improvement.

Method

This research uses a normative legal research method (normative juridical), namely research that analyzes applicable positive legal norms, especially those related to State Administrative Court procedural law and human rights (Andini & Boer, 2025; Mangku & Yuliartini, 2019). The approaches used include a statute approach, which examines related laws and regulations, as well as a conceptual approach that examines

legal concepts such as the principle of *dominus litis*, the principle of presumption of *rechtmatic*, and the concept of administrative justice. The legal materials used consist of primary legal materials in the form of laws and regulations, secondary legal materials in the form of books, journals, and previous research results, and tertiary legal materials in the form of legal dictionaries and encyclopedias. The analysis was conducted descriptively and qualitatively using the legal interpretation method.

Result and Discussion

Position and Characteristics of State Administrative Court Procedural Law

The State Administrative Court is one of the judicial environments in the judicial power system in Indonesia as regulated in Article 24 paragraph (2) of the 1945 Constitution and Law Number 48 of 2009 concerning Judicial Power. The PTUN has the authority to examine, try, and decide on state administrative disputes, namely disputes that arise between individuals or civil legal entities with state administrative bodies or officials as a result of the issuance of state administrative decisions.

Administrative court procedural law has several unique principles that distinguish it from civil procedural law. First, the principle of *dominus litis*, or active judge, which gives judges broader authority to order parties to submit additional evidence, order third parties to enter into disputes, and conduct on-site inspections to obtain material truth. Second, the principle of presumption of legality, which considers every state administrative decision valid and enforceable until a court decision states otherwise. However, this principle is balanced by the judge's authority to order a postponement of the implementation of state administrative decisions in urgent circumstances. Third, ease of proof for plaintiffs, where the burden of proof is not entirely borne by the plaintiff due to the unequal position between citizens and government officials who control administrative data and documents (Satria, 2025).

The Role of PTUN Procedural Law in Fulfilling Human Rights

Human rights in the context of the relationship between citizens and the government are not limited to classical civil and political rights, but also include the right to administrative justice, namely the right of every person to be treated fairly, transparently, and accountably by state officials. The PTUN procedural law plays a crucial role in fulfilling this right through the following mechanisms (Dewi, 2026; Ningtyas et al., 2026; Utomo, 2025).

First, the PTUN procedural law provides access to justice for citizens harmed by government decisions or actions. Through the lawsuit mechanism at the PTUN, citizens can challenge the validity of a state administrative decision, both in terms of authority, procedure, and substance, as stipulated in Article 53 of Law Number 5 of 1986 in conjunction with Article 30 of Law Number 30 of 2014.

Second, the principle of ease of proof and the active role of judges reflect efforts to fulfill the right to equality before the law, given that the plaintiff's position as a citizen is fundamentally unequal to that of the defendant, who represents state power. With this principle, citizens with less resources and access to information still have a reasonable opportunity to defend their rights in court (Aneta et al., 2025; Asphianto et al., 2026; Hidayat et al., 2025).

Third, the judge's authority to decide on a suspension of the implementation of a state administrative decision (schorsing) is a form of temporary legal protection (voorlopige rechtsbescherming) that is important to prevent irreparable harm to citizens during the trial process. This mechanism is directly related to the fulfillment of the right to an effective remedy as recognized in various international human rights instruments, including the International Covenant on Civil and Political Rights, which Indonesia has ratified through Law Number 12 of 2005 (S. Ali, 2025; Haritjahjono & Herman, 2025; Sutrisno, 2025).

Fourth, a PTUN decision declaring a state administrative decision null and void, accompanied by an obligation for the official to revoke the decision and/or issue a new one, constitutes a concrete form of redress for aggrieved citizens. This aligns with the principle that every violation of rights must be accompanied by appropriate and adequate redress (Prasetyo et al., 2025; Simanjuntak & Waluyo, 2025; Wahyuningrum, 2021).

Fifth, the transparency of the trial process and the obligation of state administrative officials to provide information and documents requested by the court also supports the fulfillment of the right to information and government transparency, which is an important part of the principle of good governance and the protection of human rights in the field of state administration.

Challenges in Optimizing the Role of PTUN Procedural Law

Although normatively, PTUN procedural law has been designed to protect the human rights of citizens, there are a number of challenges that hinder the optimization of this role in practice (Ardiansyah et al., 2025; Bahutala et al., 2025).

Recommendations for Strengthening the Role of PTUN Procedural Law

Based on these challenges, several strengthening steps are needed, including: first, expanding and clarifying the objects of state administrative disputes to cover a wider range of government actions, including factual actions that have the potential to violate citizens' rights; second, strengthening the mechanism for executing PTUN decisions, including stricter sanctions against officials who do not comply with court decisions; third, increasing socialization and legal education to the public regarding the rights and mechanisms for litigation at PTUN; and fourth, strengthening the institutional capacity of PTUN by increasing human resources and infrastructure, especially in areas with minimal access to state administrative court services (Maulidyna, 2025; Ritonga et al., 2025).

Conclusion

State Administrative Court procedural law plays a crucial role in protecting human rights in Indonesia, particularly the right to administrative justice and the right to redress for detrimental government actions. Through principles such as *dominus litis*, ease of proof, and the judge's authority to suspend the implementation of state administrative decisions, PTUN procedural law seeks to create a balance between citizens and government officials in the judicial process. However, in practice, this role has not been optimally implemented. This is due to several challenges, such as the limited number of disputed objects that can be submitted to the PTUN, weak implementation of decision execution, low public understanding of the law, and limited institutional capacity of the PTUN, both in terms of the number of judges and infrastructure, particularly in areas far from the center of government. Therefore, continuous strengthening of regulations, institutions, and legal socialization is needed so that the PTUN can function more effectively as a means of protecting human rights.

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