IJALGOV
Indonesian Journal of Administrative Law and Local Government
Published by the Faculty of Law, Universitas Negeri Surabaya, Indonesia
e-ISSN: 3090-8965 | DOI Prefix: 10.26740/ijalgov

The Expansion of the Absolute Competence of Administrative Courts: A Comparative Legal Study with the French Conseil d'État

Muklis Al'anam[1], Lanny Ramli[2], Natyama Hemsanit[3]

[12] Faculty of Law, Universitas Airlangga, Indonesia
[3] Faculty of Law, Ramkhamhaeng University, Thailand
Corresponding Email: muklis.alanam-2023@fh.unair.ac.id

Abstract

The development of legal science is very rapid, especially in the aspect of administrative law as the first law enforcement part of other laws. So that in the theory of administrative law is inseparable from human rights, therefore the State Administrative Court is very narrow in its authority in terms of competence in handling administrative cases. Meanwhile, the Conseil d'État, which is the French administrative court, has the authority that all government actions can be disputed at the Conseil d'État. So, with the concept of the idea, this research uses normative research methods with a statutory approach, conceptual approach, and comparative approach. This research examines the concept of the competence of the Conseil d'État as a measure of the expansion of competence by the Indonesian state administrative court. Thus, this research will conclude the idea that it is important to amend Law No. 51/2009 on State Administrative Courts and Article 87 of Law No. 30/2014 on Government Administration which has an open norm regarding the concept of factual actions.

Keywords: State Administrative Court; Conseil d'État; Administrative Justice.

INTRODUCTION

The two dominant legal traditions, civil law and common law, each impart distinctive characteristics to the concept of administrative law. Administrative law serves both preventive and repressive functions. In Indonesia, as a preventive instrument, administrative law has not yet functioned optimally and has not been accorded a prominent position in legal development. Consequently, the fundamental concepts of administrative law remain unclear.[1] In Indonesia, the absence of substantive administrative law creates ambiguity. Although Law No. 30 of 2014 on Government Administration states that it encompasses aspects of administrative law, the rules it contains remain inconsistent in their conceptual framework. Consequently, the general theory asserting that these provisions constitute

[1] Tatiek Sri Djatmiati, *Hukum Administrasi Sebuah Bunga Rampai* (Yogyakarta: Laksbang Pressindo, 2020).

substantive law within the administrative justice system remains a significant question.[2]

The establishment of the idea of administrative courts, also referred to as state administrative courts, aims to counter state absolutism. This aligns with the primary objective of Rechtstaat adherents, which posits that law is created by the government to limit governmental authority, differing from the Rule of Law, where the law serves to restrict judicial authority. Indonesia, as a constitutional state, embodies this concept, with judicial power regulated under Article 24(1) of the 1945 Constitution, which states that:

> *"Judicial power is an independent authority tasked with administering justice to uphold law and fairness".*

The Supreme Court holds full authority as the highest judicial body in Indonesia, overseeing the general judiciary, religious courts, military courts, and administrative courts. Judicial power is also exercised by the Constitutional Court. The State Administrative Court (PTUN) in Indonesia was established on December 29, 1986, following the enactment of Law No. 5 of 1986 on Administrative Courts. This law was promulgated on December 9, 1986, affirming the PTUN's function based on the principle of harmonious relations between the government and the people, grounded in the fundamental idea of *Rechtstaat*.[3] The State Administrative Court was established as a means of protecting citizens seeking justice in response to the issuance of a State Administrative Decree by public officials.[4] Legal protection for citizens serves as an operational substantive measure, providing evidence and assurance of democracy and freedom within the state.[5]

All types of State Administrative Decrees (*KTUN*) can be disputed through the State Administrative Court, including matters such as licensing, dispensations, concessions, and the issuance of official correspondence in the form of decisions.[6] This falls within the scope of governmental actions as part of carrying out its duties and

---

[2] Philipus M. Hadjon, "Peradilan Tata Usaha Negara Dalam Konteks Undang-Undang No. 30 TH. 2014 Tentang Administasi Pemerintahan," *Jurnal Hukum dan Peradilan* 4, no. 1 (2015): 53.

[3] Hendry Julian Noor, "Application of Sanctions Against State Administrative Officials Failing to Implement Administrative Court Decisions," *Bestuur* 9, no. 1 (2021): 51.

[4] Muchsan, *Sistem Pengawasan Terhadap Perbuatan Aparat Pemerintah Dan Peradilan Tata Usaha Negara Di Indonesia* (Yogyakarta: Liberty, 1997).

[5] Muklis Al'anam & Radian Salman, "The Relevance of Jurgen Habermas's Theory of Communicative Action as the Philosophical Foundation of Rights Enforcement in Indonesia," *Mimbar Hukum* 36, no. 1 (2024): 40.

[6] Muchsan, *Sistem Pengawasan Terhadap Perbuatan Aparat Pemerintah Dan Peradilan Tata Usaha Negara Di Indonesia*.

functions, encompassing both private and public domains, including regulations (*regeling*), written determinations or decisions (*beschikking*), and policy rules (*beliedsregels*).[7] However, the object of disputes in the State Administrative Court is limited to *beschikkings* and has been expanded through Article 87 of Law No. 30 of 2014, which has sparked controversy in the study of administrative law concepts.

In terms of competence, the State Administrative Court deals with State Administrative Decrees (KTUN), as regulated under Law No. 5 of 1986. A KTUN is a written decision issued under the authority of a state administrative body/official, determining individual cases and binding judicial matters for state administration based on the relevant legislation. PTUN decisions are equivalent in status to statutory regulations, carrying the following implications: binding power, evidentiary power, and executive power.[8] Based on the draft of the State Administrative Court Bill, the competence of the State Administrative Court should not be limited to written decisions that are concrete, individual, and final. Instead, it should encompass all actions by government organs that can be considered unlawful (*onrechtmatige overheidsdaad*).[9]

The position of the State Administrative Court in each province, which handles fewer than 30 cases annually, presents an alarming empirical fact regarding the authority and influence of the PTUN. This situation falls significantly short of the expectations for ensuring the protection of citizens' fundamental rights.[10] In contrast, the judiciary in France has seen a significant increase in the number of cases, particularly in 2014, with 195,000 cases handled by 30 *Tribunaux Administratifs*, 30,000 cases by 8 *Cour Administratifs d'Appels*, and 10,000 cases by the *Conseil d'État*.[11]

The legal concept of France, which lies at the core of the civil law tradition, is based on the distinction between public law and private law, structured around rules that are not necessarily assimilable with private law. This is evident in the landmark decision by the Tribunal des Conflits in the 1873 Blanco case, which is identified as the birth of French administrative law. Consequently, such disputes must be adjudicated by specialized administrative judges, up to the highest administrative appellate court and the Conseil d'État.[12] French administrative law is structured

---

[7] Muklis Al'anam, *99 Tanya Jawab Hukum* (Banjar: Ruang Karya, 2023).

[8] Lanny Ramli & Aries Suparto, "Women Servant Official Versus Administrative Court Lawsuit: Mental Resistance or Mentar Disorder?," *BiLD Law Journal* 7, no. 2 (2022): 73–74.

[9] Paulus Effendi Lotulung, *Lintas Sejarah Dan Gerak Dinamika Peradilan Tata Usaha Negara (PERATUN)* (Jakarta: Salemba Humanika, 2013).

[10] Umar Dani, "Memahami Kedudukan Pengadilan Tata Usaha Negara Di Indonesia: Sistem Unity of Jurisdiction Atau Dualty of Jurisdiction? Sebuah Studi Tentang Struktur Dan Karakteristiknya," *Jurnal Hukum dan Peradilan* 7, no. 3 (2018): 408.

[11] Jean Massot, *Comparative Administrative Law* (Cheltenham: Edward Elgar, 2017).

[12] Marie-Claude Premont, *Droit Administratif* (Canada: Bibliothèque et Archives Canada, 2012).

around the principles of public authority, which has the privilege to act unilaterally, with the provision that its actions are driven by public interest in delivering public services, as determined by law. Regardless of its legal branch, administrative law is most often studied through two complementary and essential pathways: the study of the organization of the State and its organs, and the study of mechanisms for controlling administrative activities aimed at ensuring human rights and preventing the abuse of power by the state.[13]

Historically, in France, since the enactment of the Law of August 16 and 24, 1970, the right of appeal and the principle of equality before the court were established, along with the separation of two jurisdictions: the ordinary judiciary and the administrative judiciary.[14] The administrative judiciary in France is overseen by the Conseil d'État, which was established by Napoleon Bonaparte. At that time, it was empowered to provide advice to the executive authorities, whether the emperor, the king, or the government, depending on the period.[15] However, over time, the Conseil d'État evolved as the judicial function of administrative law based on two important decisions at that time:

1. In the decision of Blanco on February 8, 1873, the Tribunal des Conflicts held that the state is responsible for damages caused by public services, and it is up to administrative judges (rather than general court judges) to decide such cases. This decision, for the first time, established the responsibility of the state and laid the foundation for administrative law.
2. In the decision of Cadot on December 19, 1889, the Conseil d'État declared itself, for the first time, competent at the first instance to directly adjudicate an appeal requesting the annulment of a government action. Prior to this, the Conseil d'État only intervened at the appellate level, after a decision had been made by the relevant minister (the "minister-judge" theory).

Based on Articles 71 to 75 of the 1848 French Constitution, the Conseil d'État had the authority as the highest court for administrative disputes and as the state advisor. Thus, the function of the judiciary was separated from the function of administrative courts, in accordance with The Law of 16–24 August 1790 on Judicial Organisation, which stated;

> "The judicial function is separate from the administrative function, so the courts are prohibited from, under any pretext, seizing, interfering with, or summoning administrators to appear before them in relation to their duties/functions".

[13] Ibid.

[14] Courd Appel Justice France, *La Justice En France* (Arondisemen Pertama Paris, n.d.).

[15] Hugo Flavier & Charles Froger, "Administrative Justice in France: Between Singularity and Classicism," *BRICS Law Journal* 3, no. 2 (2016): 83.

The judicial power of the Conseil d'État is regulated by Article L.111-1 of the Code de Justice Administrative (CJA), which states that: The Conseil d'État is the highest administrative court, authorized to hear appeals on the merits of cases in the final level of administrative courts and tribunals, as well as cases designated as first-instance courts.[16] The Conseil d'État is essentially a court of cassation in the field of administrative law, with jurisdiction over decisions from the Cours Administratifs d'Appel (Administrative Appeal Courts) and Tribunaux Administratifs (first-instance administrative courts). It also has the authority to settle cassation disputes concerning rulings from specialized administrative courts. Moreover, the Conseil d'État acts as a first-instance judge for specific cases such as ministerial regulations, decisions made by collegiate bodies with national jurisdiction, individual actions affecting civil servants appointed by the President of the Republic, or cases where the geographical scope exceeds the jurisdiction of the Tribunaux Administratifs. Additionally, the Conseil d'État directly adjudicates disputes related to elections in regional councils and the European Parliament. While it remains an appellate judge, since 1987, appellate jurisdiction has been transferred to the Cours Administratifs d'Appel.[17] Currently, there are 42 Tribunaux Administratifs (Administrative Courts) and 8 Cours Administratives d'Appel (Administrative Appeal Courts) in France.[18]

The research addressing the absolute competence of the Administrative Court (PTUN) has been previously conducted by several researchers, such as the study by Nurhidayati and Wibowo (2023), which discusses PTUN's absolute competence after the enactment of the Government Administration Law.[19] Another study was conducted by Siregar et al. (2024), which discusses the authority of the Administrative Court (PTUN) in adjudicating the abuse of power by state administrative officials.[20] Another study was conducted by Tahir et al. (2024), which examines the absolute competence of the Administrative Court (PTUN) in relation to factual actions.[21] Based on the three previous studies, the research conducted by the author is original, as no previous studies have examined the absolute competence of the Administrative Court (PTUN) through a comparative legal approach with the Conseil d'État.

---

[16] Ibid.

[17] Consiel d'État, "La Justice Administrative En Bref," 2009.

[18] Ibid.

[19] Arif Wibowo Syssy Nurhidayati, "Konsekuensi Kompetensi Absolut Terhadap PTUN Pasca Berlakunya Undang-Undang Administrasi Pemerintahan," *Maqasidi* 3, no. 2 (2023): 118–128.

[20] Lendy Siar Siregar, Dahlia Ririyanti and Marthin L. Lambonan, "Wewenang Peradilan Tata Usaha Negara Dalam Menilai Penyalahgunaan Wewenang Pejabat Tata Usaha Negara," *Lex Privatum: Jurnal Fakultas Hukum Unsrat* 13, no. 3 (2024): 1–9.

[21] Jajang Arifin Tahir, Erdin, Rohendra Fathammubina, "Model-Model Penilaian Sengketa Tindakan Faktual Oleh Hakim Pengadilan Tata Usaha Negara," *Yustitia* 10, no. 2 (2024): 149–172.

RESEARCH METHODS

Legal science is sui generis, meaning it is a distinct field of study with unique characteristics in terms of its research objects. This legal research is normative research that examines existing legal norms with the aim of achieving coherent truth. Therefore, the research is based on three methodological approaches: (i) the statute approach, which in this research establishes something as lex specialis and lex generalis in its position,[22] (ii) The conceptual approach (conceptual approach) is used in this research, as it does not rely solely on existing regulations. This is also done because there may not be any regulations or legislative provisions addressing the issue at hand, and thus it is developed based on the opinions of scholars or doctrinal perspectives.[23] According to Terry Hutchinson, doctrinal research is research that systematically describes existing legal rules, analyzes the correlation between legal rules, outlines areas of legal problems, and predicts the expansion of law in the future. Thus, the conceptual foundation of legal principles is presented in this research[24], Furthermore, (iii) the comparative approach, in which this research compares the structure and legal system in the concept of administrative judiciary in France. According to Dworkin, legal research is a study to investigate the relationship between one set of doctrines and another, to examine the order created within the world of precedents (common law) with its isolated status.[25]

ANALYSIS AND DISCUSSION

A. The Indonesian Administrative Judiciary System

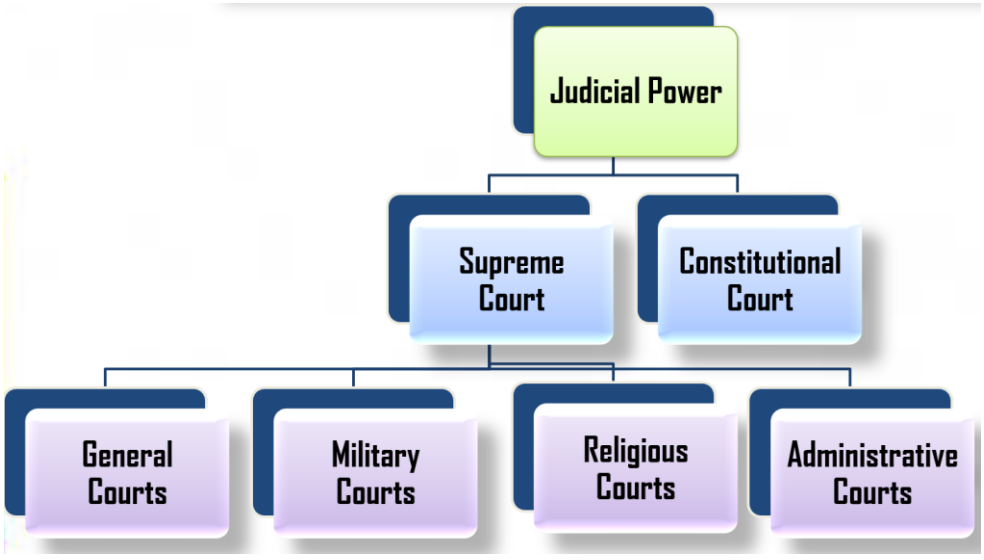
Article 24 (2) of the 1945 Constitution states that:
"Judicial power is exercised by a Supreme Court and other judicial bodies under it in the general judiciary, religious judiciary, military judiciary, administrative judiciary, and by a Constitutional Court."

This provision forms the basis for an independent judiciary, meaning that the Supreme Court (MA) and the Constitutional Court (MK), as the bodies exercising judicial power, must carry out their functions free from the influence of any party and have the authority to regulate their own internal affairs. Therefore, the independence

[22] Peter Mahmud Marzuki, *Penelitian Hukum*, 13th ed. (Jakarta: Kencana, 2017).
[23] Ibid.
[24] Terry Hutchinson, "The Doctrinal Method: Incorporating Interdisciplinary Methods in Reforming the Law," *The European Law Students' Association Law Review* 8, no. 3 (2015): 135.
[25] Ronald Dworkin, "Legal Research," *the MIT Press on Behalf of American Academy of Art & Sciences* 102, no. 2 (1973).

of judicial institutions is a crucial aspect because of adopting the concept of trias politica.[26]

The administrative law approach serves as a control mechanism for behavior and as a standard of ethical norms in government administration.[27] Therefore, administrative law consists of provisions that relate to how authority is obtained, as well as how to distinguish between the proper and improper use of that authority, and also to prevent or rectify violations of the exercise of that authority.[28] Similarly, the existence of administrative courts or the State Administrative Court (PTUN) cannot be separated from the theory of the rule of law, as a characteristic of the Rechtsstaat, according to Friedrich Julius Stahl, is administrative justice. This is different from the concept of the rule of law, which does not recognize administrative courts, but rather emphasizes equality before the law.[29] The authority of the State Administrative Court (PTUN) includes resolving disputes between individuals or legal entities and administrative bodies/officials, as well as being authorized to accept claims for compensation/reparation. The position of PTUN as a judicial body is to protect the human rights of citizens against the consequences of unlawful actions caused by the issuance of State Administrative Decisions (KTUN). Therefore, PTUN serves as a function of control over government actions. The position of PTUN can be described as follows:



[26] Hananto Widodo, Pudjiastuti, Budi Hermono, Dita Perwitasari, Dicky Eko Prasetio, "Implications of Regional Representative Council Supervision Arrangements According to the 1945 Constitution of the Republic of Indonesia," *Journal of Law, Policy and Globalization* 143, no. 1 (2024): 1–9.

[27] Lanny Ramli & Nur Syam, *Perilaku Pegawai Negeri Sipil Dalam Memberikan Pelayanan Publik Ditinjau Dari Sudut Pandang Hukum Administrasi* (Surabaya, 2006).

[28] Lanny Ramli, "Peran Negara Dalam Penyelesaian Perselisihan Hubungan Industrial," *Law Review* 12, no. 1 (2012): 78.

[29] Dani Habibi, "Perbandingan Hukum Peradilan Tata Usaha Negara Negara Dan Verwaltungsgerich Sebagai Bentuk Perlindungan Hukum Kepada Rakyat," *Jurnal Hukum& Pembangunan* 49, no. 2 (2019): 322.

Figure 1. Scheme of the Indonesian Judicial System

Administrative officials in making decisions must uphold the fundamental principles of general law, which include:

1. Laws, regulations, and/or decisions must not diminish legal certainty;
2. Laws or regulations must establish a transition period;
3. Regulations must not have retroactive effect;
4. No act can be considered as unlawful or criminal unless there is a clear provision stating so before the act takes place;
5. Laws or regulations must not create a legal vacuum, preventing the loss of legal grounds;
6. No one shall be required to defend a right they do not wish to retain.[30]

Therefore, in the concept of administrative law in Indonesia, there are three important principles: the principle of legality, the principle of jurisdiction, and the principle of discretion.

The foundations of the rule of law according to the Commission of International Jurists are:

a. The government must comply with and adhere to the law;
b. The government must protect the personal rights of citizens;
c. The judiciary must be independent and free from influence by any party.[31]

Thus, the concept of administrative law as legal protection for the public against unlawful acts of the government through the establishment of regulations and decisions (KTUN), there are two possible forms of legal protection commonly used in the context of Article 48 of Law No. 5 of 1986, namely administrative appeals (administratieve beroep) and administrative justice (administratieve rechtspraak).[32] The concept of administrative efforts that can be made includes, for example: in civil service disputes, labor disputes, and tax disputes. Conceptually, the first step in resolving administrative disputes (TUN) is through the Administrative Court (PTUN) via administrative efforts, which include administrative appeals and objections. Following this, the administrative court process consists of dismissal proceedings and preparatory examinations.

[30] Slamet Prajudi Atmosudirjo, "Peradilan Administratif 2," *Jurnal Hukum & Pembangunan* 5, no. 3 (1975): 200.

[31] Muhammad Kamil Akbar, "Peran Peradilan Tata Usaha Negara Dalam Mewujudkan Pemerintahan Yang Baik," *Jurnal Program Megister Hukum Fakultas Hukum Universitas Indonesia* 1, no. 1 (2020): 353.

[32] Hari Sugiharto dan Bagus Oktafian Abrianto, "Perlindungan Hukum Non Yudisial Terhadap Perbuatan Hukum Publik Oleh Pemerintah," *Yuridika* 33, no. 2 (2018): 43.

The system of the Administrative Court as an administrative judiciary includes the basis of the lawsuit, which serves as a parameter for the legality of the State Administrative Decree as the object of the administrative dispute (TUN). Additionally, it involves the methods of proof and the stages for drawing legal conclusions based on the results of the examination of the evidence. Based on the concept of *dominus litis* in examining KTUN, it serves as the main method within the PTUN system, realizing general and sectoral theories and norms as the foundation for testing the legality of KTUN in litigation at the PTUN.[33]

Based on Article 1, number 3 of Law No. 5 of 1986, it states that a State Administrative Decision is a written determination issued by a State Administrative Body or Officer that contains a State Administrative action based on applicable laws and regulations, which is concrete, individual, and final, and which has legal consequences for an individual or a legal entity. The elements contained in this article are:

1. Written determination: The decision must be in written form.
2. Issued by a State Administrative Body or Officer: The decision is made by an authorized body or official.
3. Based on applicable laws and regulations: The decision must comply with the existing legal framework.
4. Concrete: The decision must be specific and not abstract.
5. Individual: The decision must address a specific individual or entity.
6. Final: The decision must be definitive, with no further administrative appeal within the same structure.
7. Legal consequences: The decision must lead to legal consequences for the individual or legal entity involved.[34]

Regarding the definition of a State Administrative Decision (Keputusan Tata Usaha Negara or KTUN), it is further expanded through Law No. 30 of 2014, which is part of the extension of the objects of State Administrative Disputes (Sengketa Tata Usaha Negara or TUN) in the Administrative Court (PTUN) through its authority to examine, adjudicate, and decide:

a. The authority of the body and/or government officials to issue KTUN;
b. The authority of officials or other state organizers to carry out or not carry out concrete/factual actions.[35]

---

[33] Riawan Tjandra, "Perbandingan Sistem Peradilan Tata Usaha Negara Dan Consiel d'Etat Sebagai Institusi Pengawas Tindakan Hukum Tata Usaha Negara," *Jurnal Hukum IUS QUIA IUSTUM* 20, no. 3 (2013): 425.

[34] Aju Putrijanti, "Tinjauan Yuridis Terhadap Undang-Undang Tentang Peradilan Tata Usaha Negara," *Jurnal Masalah-Masalah Hukum* 40, no. 4 (2011): 402.

Article 87 of Law No. 30 of 2014 explains that a State Administrative Decision (KTUN) must be understood as:

1. A written determination that includes factual actions;
2. A decision made by a body/official within the executive, legislative, judicial organs, and other state organizers;
3. Based on statutory provisions and the General Principles of Good Governance (AUPB);
4. Final in a broader sense;
5. A decision that has the potential to cause legal consequences; and/or
6. A decision that applies to citizens.

The expansion of the jurisdiction of the Administrative Court as a result of Law No. 30 of 2014 includes several aspects:

a. The expansion of the meaning of State Administrative Decisions as an implication of Article 87 of Law No. 30 of 2014;
b. The jurisdiction of PTUN regarding its authority over administrative/factual actions by the government;
c. The shift in the concept from negative fictitious to positive fictitious;
d. The development of the scope of KTUN issuance as having the potential to become a subject of administrative dispute, such as KTUN issued by military institutions;
e. PTUN at the first level having jurisdiction over lawsuits after the administrative remedy process;
f. PTUN's authority to adjudicate/approve compensation claims without any nominal limits;
g. The introduction of dwangsom (coercive penalty) for administrative sanctions in the moderate category;
h. The development of the legal standing of the plaintiff; and
i. Legalizing decisions in electronic form.[36]

If we examine the error in Article 87 letter a of Law No. 30 of 2014, according to Enrico Simanjuntak, this provision equates administrative legal actions with non-legal actions, where written determinations include factual actions.[37] The definition of factual actions before the enactment of the Government Administration Law (UU

[35] Dola Riza, "Keputusan Tata Usaha Negara Menurut Undang-Undang Peradilan Tata Usaha Negara Dan Undang-Undang Administrasi Pemerintahan," *Jurnal Bina Mulia Hukum* 3, no. 1 (2018): 88.

[36] Indra Lorenly Nainggolan, "Peninjauan Kembali Permohonan Fiktif Positif," *Jurnal Yudisial* 13, no. 2 (2020): 231.

[37] Enrico Simanjuntak, "Restatement Tentang Yurisdiksi Peradilan Mengadili Perbuatan Melawan Hukum Pemerintah," *Jurnal Masalah-Masalah Hukum* 48, no. 1 (2019): 44.

AP) remained contradictory among scholars. For example, according to Philipus M. Hadjon, factual actions refer to material acts by administrative bodies, known as *feitelijke handelingen* or factual actions,[38] According to Ridwan HR, factual actions *feitelijke handelingen* are acts that do not produce legal consequences. Meanwhile, Kuntjoro Purbopranoto views governmental acts as actions based on facts.[39] Riawan Tjandra states that factual/material actions are actions carried out by the government aimed at meeting the factual/material needs of citizens, which are not intended to produce legal consequences.[40]

The issue with Article 87 letter a of Law No. 30 of 2014, which expands the meaning of KTUN as a written determination that includes factual actions, lies in the use of the word "includes" in the regulation. This term is an open norm, meaning it does not have a clear standard for interpretation. Therefore, if KTUN covers governmental factual actions, these actions could be considered objects for litigation at the Administrative Court. This makes Article 87 letter a contradictory to Article 1 number 8 of Law No. 30 of 2014. According to Philipus M. Hadjon, this suggests that Article 87 letter a of Law No. 30 of 2014 represents a *contradictio in termino* (it cannot be compared, like comparing a goat to a cat).[41] The question arises as to whether the provision in Article 87 letter a is an expansion of the absolute competence of the Administrative Court (PTUN) based on Article 1 number 10 of Law No. 51 of 2009. If this is the case, then it would be essential to amend the provision in Article 1 number 10 of Law No. 51 of 2009. This raises the issue of whether it is appropriate for the PTUN's competence, regarding absolute jurisdiction, to be altered through a transitional provision in Law No. 30 of 2014, rather than through the PTUN Law itself. Additionally, one might question whether the principle of *contarius actus* (the principle that laws should not contradict themselves) is no longer applicable in this context.[42] The placement of Article 87 in the transitional provisions serves to expand the meaning of KTUN in Law No. 50 of 2009. As a result, the decisions of the Administrative Court regarding the legal review of KTUN often become a subject of debate between justice and legal importance.[43]

In letter (b), it opens the scope for the definition of government in a broader sense. However, the question arises as to what constitutes legal actions and factual

---

[38] Philipus M.Hadjon et al., *Pengantar Hukum Administrasi Indonesia*, cet. IX. (Yogyakarta: Gadjah Mada University Press, 2005).

[39] Koentjoro Poerbopranoto, *Beberapa Catatan Hukum Tata Pemerintahan Dan Peradilan Administrasi* (Bandung: Alumni, 1981).

[40] Riawan Tjandra, *Hukum Administrasi Negara* (Jakarta: Sinar Grafika, 2018).

[41] Philipus M Hadjon, "Peradilan Tata Usaha Negara Dalam Konteks Undang-Undang No. 30 Tahun 2014 Tentang Administasi Pemerintahan," *Jurnal Hukum Dan Peradilan* 4, no. 1 (2015): 53.

[42] Ibid.

[43] Ibid.

actions within the legislative and executive fields? Then, in letter (c), what is the meaning of the provision? The General Principles of Good Governance (AUPB) are set as a guideline for legitimacy. Therefore, the phrase "applicable legislation" in Article 1, paragraph 9 of Law No. 51 of 2009 is already precise and redundant when combined with AUPB.[44]

In letter (d), it raises the question of "final" in the broad sense. Surely, there is an intention for "final" in a narrower sense. The explanation in Article 87 letter (d) states that "final" in the broad sense includes decisions taken over by a superior authority. But who is responsible for the decision that has been taken over? This is certainly difficult to comprehend. Then, in letter (e), regarding decisions that may have legal consequences, isn't it true that such decisions are consumptive and declarative in nature? Theoretically, both have legal consequences, as legal consequences arise from the establishment of legal relationships, meaning the creation of new rights and obligations or the termination of existing ones. In letter (f), there is still no clear example of what is meant by decisions that apply to the public. Theoretically, KTUN is addressed to a specific object or subject.

Then, regarding the term "other state organizers," does it refer to State-Owned Enterprises (BUMN) or private companies whose articles of incorporation are issued by the government? This certainly creates ambiguity and contradicts Articles 1, number 10, and 1, number 12 of Law No. 51 of 2009 on Administrative Court, which simply explains that the defendant is a body or official of the State Administration as a result of the issuance of a legal decision. This means there are no concrete or factual actions that can be the subject of a lawsuit in the Administrative Court (PTUN). Therefore, the term "other organizers," which has already caused controversy among scholars during the drafting of the Bill for Law No. 30 of 2014, should be revised. Consequently, Articles 1, number 9, and 1, number 10 of Law No. 50 of 2009 should be amended.[45] Revisiting the expert opinions on Law No. 30 of 2014, Frenadin Adegustara states that administrative lawsuits conducted by State-Owned Enterprises (BUMN) and private entities do not fall within the jurisdiction of administrative law procedures and, therefore, cannot be submitted through the Administrative Court.[46]

There are several contradictions regarding the interpretation by judges concerning other state organizers. When related to State-Owned Enterprises (BUMN), in the Constitutional Court Decision No. 55/PUU-XV/2017, the petitioner was a retired employee of BUMN. The Constitutional Court, in its decision, rejected

[44] Ibid.
[45] Ibid.
[46] DPR RI, *Cluster Pendapat Pakar Tentang RUU Administrasi Pemerintahan*, 2014.

the petitioner's request for judicial review of Articles 1, 7, 8, and 9 of Law No. 50 of 2009. Meanwhile, in the Bandung Administrative Court Decision No. 74/G/2014/PTUN-BDG, the court granted the lawsuit, where the plaintiff was PT. Bajatra, and the defendant was the Executive Vice President of Logistics at PT. Kereta Api Indonesia (Persero). In contrast, the Surabaya Administrative Court Decision No. 29/G/2020/PTUN-SBY rejected the plaintiff's lawsuit, where the defendant was PT. DOK and Perkapalan Surabaya (Persero), with the court reasoning that the defendant was not a state administrative body. It is noteworthy that, from these three decisions, there are various interpretations regarding whether BUMN can be an object of PTUN disputes, leading to conflicts in regulations. Therefore, a revision of Law No. 30 of 2014 is necessary. It can be concluded that Law No. 30 of 2014, which touches upon PTUN, lacks a clear conceptual approach. This results in the law being difficult to apply and causing complications in judicial practice, as the concepts it introduces are unclear and contradict established principles of administrative law.[47] Therefore, it is highly inappropriate to consider Law No. 30 of 2014 as the substantive law of the State Administrative Court in resolving disputes. This underscores the need for a compilation of administrative law similar to the Indonesian Criminal Code and Civil Code. If we look at other countries, for example, in the Netherlands, there is the Algemene Wet Bestuursrecht (AWB), France has the Code de Justice Administrative (CJA), and Germany has, among others, the Verwaltungsverfahrensgesetz (VwVfG), and others.

B. The Administrative Judicial System of France

French law does not always explicitly or precisely guarantee procedural rights. The reason for this is that, in the French approach, law is viewed as a means to ensure effective administration. Due to the conceptual ambiguity of individual rights, it is not always easy to identify and classify the relevant guarantees within a set of systemic standards. Nevertheless, the principles of effective remedy and fair trial are recognized, and they encompass the following requirements:

1. The equal right to access administration and administrative documents;
2. The principle of good administration and administrative transparency;
3. The right to receive the reasons for decisions and the obligation of administrative bodies to justify their decisions;
4. The principle of equality of standing between the parties in opposing administrative processes;
5. The right to defense;

[47] Hadjon, "Peradilan Tata Usaha Negara Dalam Konteks Undang-Undang No. 30 Tahun 2014 Tentang Administasi Pemerintahan."

2. The right to be heard;
3. The right to compensation and access to courts, where judges are independent and impartial, and where judges decide cases fairly.[48]

The Conseil d'État was established by Napoleon, who incorporated it into the Constitution of the 22nd of Frimaire, Year VIII (13 December 1799). Since then, the function of the Conseil d'État has been as a state advisory body, and over time, it has developed a role in protecting individual rights.[49] According to Article L111-1 of the Code de Justice Administrative, it states:

> "The Conseil d'État is the highest administrative jurisdiction. This law sovereignly governs appeals in cassation against decisions made as a final recourse by various administrative courts, as well as against first-instance judges or appellate judges."

The judicial system in France consists of two systems: the ordinary courts and the administrative courts. The ordinary courts are divided into civil and criminal jurisdictions. However, when disputes involve the government or corporations, the administrative courts have the authority to adjudicate.[50] However, there is also the Conseil Constitutionnel, which is the constitutional council responsible for the constitutionality of a law, and this institution is separate from the judiciary. This is based on Article 62 of the French Constitution, and the decisions of the Conseil Constitutionnel are final and binding. The Conseil Constitutionnel, which is empowered to conduct constitutional reviews of laws, employs several control techniques to protect rights and freedoms. It is generally described as follows:

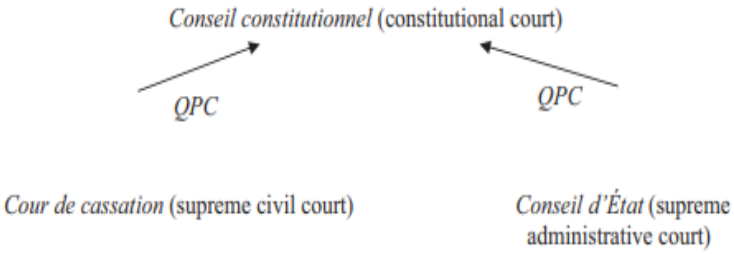


Figure 2: The Concept of Judicial Power in France

In the ordinary judiciary, the authority of the Court of Cassation, or the Supreme Court of France, serves as the highest court in the judicial system,

[48] Sylvia Calmes-Brunet, *The Principle Of Effective Legal Protection In French Administrative Law, Dalam Buku The Principle Of Effective Legal Protection In Administrative Law* (New York: Informa Law From Routledge, 2017).

[49] Andres Rodriguez Gutierrez, "Une Approche Comparative Entre Le Conseil d'État Colombien et Le Conseil d'État Français," *Revista Virtual Via Inveniendi Et Iudicandi* 7, no. 1 (2012): 16.

[50] Peter De Crus, *Comparative Law in a Changing World* (London: Cavendish Publlishing Limited, 1999).

responsible for verifying the conformity of appellate court decisions and certain first-instance rulings with the law, without re-examining the case. The Court of Cassation consists of six chambers, namely:

1. Three civil chambers;
2. One commercial chamber;
3. One social chamber; and
4. One criminal chamber.

Judges of the Court of Cassation also have other jurisdictions, namely:

a. The Cour de justice de la République, which is authorized to adjudicate crimes and offenses committed by members of the Government in the exercise of their functions;

b. The Tribunal des conflits, whose mission is to resolve jurisdictional conflicts between judicial and administrative jurisdictions.

The French Revolution, as an idea within the legal framework, differentiated between the judicial system and the administrative order, where the judiciary operates within the judicial domain and administration within the executive domain. Historically, based on the law of August 16-24, 1790, concerning the Organization of the Judiciary, which is still in effect today, it affirms that: "the function of the judiciary is separate from the function of administration." This rule was reiterated through the Fructidor Decree of Year III, Article 16, which states: "a repeated prohibition is imposed on the courts to review administrative actions, regardless of their nature. They must therefore be subject to penalties determined by law and the principles of administrative justice that have been established.".[51]

[51] Froger, "Administrative Justice in France: Between Singularity and Classicism."

Thus, the structure of the judiciary power in France can be observed as follows:

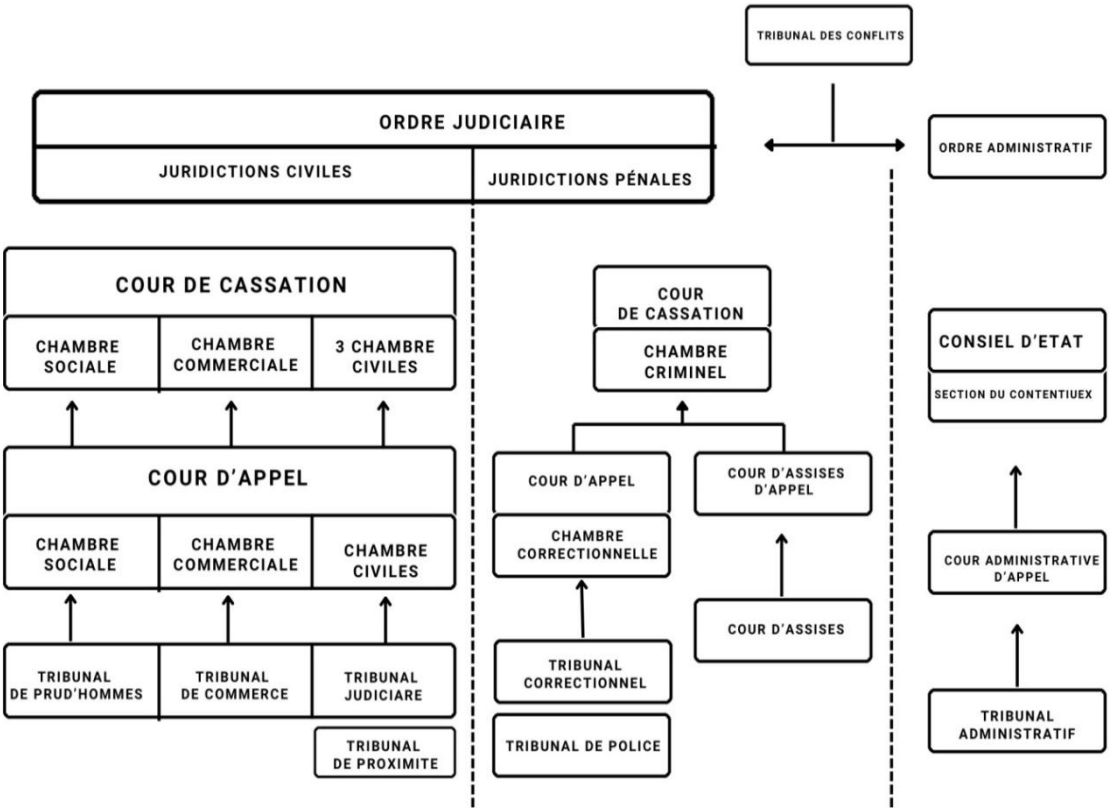


Figure 3. Schematic of the Judicial System in France

In the diagram, it is shown that the Conseil d'État holds the highest authority in administrative dispute resolution. However, it is also authorized to provide legal opinions to the Government and Parliament regarding draft laws and regulations in France. According to Article L112-1 of the Code de Justice Administrative, it is explained that:

a. The Conseil d'État participates in the drafting of laws and regulations. It is informed by the Prime Minister about projects initiated by the Government;
b. The Conseil d'État issues opinions on legislative proposals, which are submitted to the parliamentary assembly and have not yet been examined by the committee, referred to by the president of the assembly;
c. The Conseil d'État provides its opinion on draft decisions and other draft texts whose intervention is regulated by constitutional, legislative, or regulatory provisions or proposed by the Government;
d. The Conseil d'État provides its opinion and suggests modifications that it deems necessary;
e. Furthermore, the Conseil d'État prepares and drafts texts requested from it.

As the highest authority in administrative disputes, the Conseil d'État has the authority to act as an appellate judge in certain cases:

a. Disputes related to regional and European elections,
b. Appeals directed against orders from the President of the Republic, ministerial decisions, regulations, and other authorities with national jurisdiction.

In terms of compliance with administrative court decisions, the Conseil d'État does not adjudicate disputes at lower courts but only verifies the application of the law and the absence of procedural defects. Consequently, the Conseil d'État can either reject an appeal or annul the decision of the first-instance court. If the Conseil d'État annuls the decision, it returns the case to the court that issued the decision or to another court. Currently, the Conseil d'État oversees 42 administrative tribunals and 9 administrative courts of appeal.

The concept of procedural law in administrative courts in France, regarding the submission of lawsuits, consists of two types:

1. If the contested action originates from the government or an independent administrative authority, citizens will directly refer the issue to the Conseil d'État;
2. If the action is taken by a local government, citizen or legal entity, they must first submit a request to the nearest administrative tribunal. If the decision of the administrative tribunal is unfavorable, they can appeal to the administrative courts of appeal and then to the Conseil d'État.

The competence of the Conseil d'État is regulated in Articles L311-1 to L311-13 of the Code de Justice Administrative, where disputes that fall under general jurisdiction can be transferred to administrative court jurisdiction, as outlined in the following:

a. The Conseil d'État, as the first and final instance, has the authority to reject name change requests announced under Article 61 of the Civil Code;
b. The Conseil d'État, as the first and final instance, is authorized to resolve disputes related to the election of Members of the European Parliament, in accordance with Article 25 of Law No. 77-729 of July 7, 1977, regarding the election of Members of the European Parliament, the election of regional councils and the Corsican Assembly in accordance with Articles L. 361 and L. 381 of the Electoral Law, the election of the Congress and Provincial Assembly of New Caledonia, as per Article 199 of Organic Law No. 99-209 of March 19, 1999, on New Caledonia, as well as the election of members, president, and vice president of the government of New Caledonia, and appeals concerning the automatic resignation of members of the government, congress, and provincial assembly of New Caledonia, the election of the French Polynesia

Assembly in accordance with Article 116 of Organic Law No. 2004-192 of February 27, 2004, establishing the autonomy status of French Polynesia, the election of the Territorial Assembly of Wallis and Futuna, under Article 13-12 of Law No. 61 814 of July 29, 1961, granting overseas territory status to Wallis and Futuna Islands, the election of the Territorial Council of Saint-Barthélemy, according to Article LO 497 of the Election Law, as well as the election of the president of the territorial council and members of the executive council and appeals related to the automatic resignation of members of the Territorial Council, the election of the Territorial Council of Saint-Martin, the election of the Territorial Council of Saint-Pierre-et-Miquelon, the election of consular advisors and delegations, and advisors of the French National Assembly Abroad, with consultations held according to the application of Articles 72-4 and 73 of the Constitution regarding territorial consultation.

c. The Conseil d'État, as the first and final instance, has full jurisdiction over appeals granted to it based on:
    1. Article L. 612-16 of the Monetary and Financial Code concerning sanction decisions made by the Prudential Supervision and Resolution Authority;
    2. Articles L. 342-14 and L. 342-15 of the Construction and Housing Law concerning sanction decisions made by the minister responsible for housing, or jointly by the minister responsible for housing and local governments;
    3. Articles L. 5-3 and L. 36-11 of the Postal and Electronic Communications Code, and Article 24 of Law No. 47-585 of April 2, 1947, regarding the status of publishing and transport companies for periodicals, concerning sanction decisions made by the Electronic Communications, Postal, and Press Distribution Regulatory Authority;
    4. Article L. 824-14 of the Commercial Code;
    5. Article 42-8 of Law No. 86-1067 of September 30, 1986, concerning decisions of the Audiovisual and Digital Communications Regulatory Authority as stated in Articles 42-1, 42-3, and 42-4 of this law;
    6. Article 71 of Law No. 96-597 of July 2, 1996, concerning sanction decisions made by the Financial Market Authority against approved investment service providers;
    7. Article L. 623-3 of the Monetary and Financial Code;
    8. Articles L. 232-24 and L. 241-8 of the Sports Code;
    9. Article 40 of Law No. 2000-108 of February 10, 2000, concerning sanction decisions made by the Energy Regulatory Commission;
    10. Article 17 of Law No. 2009-1503 of December 8, 2009, regarding the

organization and regulation of railway transport and the establishment of provisions related to transport, concerning sanction decisions made by the Transport Regulatory Authority.

d. The Conseil d'État has the authority to hear, in the first and final instance, requests concerning the application of intelligence techniques referred to in Title V of Book VIII of the Internal Security Code and the application of Article 52 of Law No. 78-17 of January 6, 1978, regarding the processing of data, archives, and freedom, for specific processing operations or parts of processing operations that affect national security;
e. Administrative disputes may be resolved through arbitration in specific cases:
    1. Articles L. 2197-6 and L. 2236-1 of the Public Procurement Code;
    2. Article 7 of Law No. 75-596 of July 9, 1975, containing various provisions related to civil procedure reforms;
    3. Article L. 321-4 of the Research Code;
    4. Articles L. 2102-6, L. 2111-14, and L. 2141-5 of the Transport Code;
    5. Article 9 of Law No. 86-972 of August 19, 1986, containing various provisions related to local government;
    6. Article 28 of Law No. 90-568 of July 2, 1990, concerning the provision of postal services and public telecommunications;
    7. Article 24 of Law No. 95-877 of August 3, 1995, amending Directive 93/7 of March 15, 1993, of the European Community Council concerning the return of cultural property that has been unlawfully removed from a Member State;
    8. The Conseil d'État has the authority to adjudicate, in the first and final instance, appeals related to decisions regarding the installation of renewable energy production facilities at sea, as well as related works concerning public electricity networks and port infrastructure necessary for the development of these installations, storage, pre-assembly, operation, and maintenance of these installations and works. A list of such decisions is established by decision of the Conseil d'État.

The broad scope of administrative jurisdiction in France means that the concept of filing a lawsuit must first go through mediation between the parties involved. According to Article L213-12 of the Administrative Code, it is explained that:

"When mediation is a mandatory prerequisite in the litigation process, the costs are exclusively borne by the government that issued the contested decision"

There are two options for mediation: first, mediation initiated by the parties, and second, mediation initiated by the judge. In mediation initiated by the judge, when an administrative tribunal or court of appeal handles a dispute, the presiding judge,

after obtaining the consent of the parties, may order mediation to attempt to reach an agreement between them. The mediator then reports to the judge on whether the parties have reached an agreement or not. The result of this mediation decision is final and cannot be appealed, as stipulated by Article L213-10.

Regarding the execution of the Conseil d'État's decisions, the Conseil d'État orders the government to act or alter its actions, and it carefully monitors the implementation. If the government fails to act, the Conseil d'État can compel it to do so. On its own initiative or at the request of the petitioner, the Conseil d'État can initiate enforcement proceedings. After questioning the relevant government, it may reopen the case if it finds that the government has not implemented what was ordered. The Conseil d'État may then issue a new court decision and impose financial sanctions on the government to compel it to take action.

C. Legal Reform on Law No. 30 of 2014 and Law No. 51 of 2009

According to Gustav Radbruch, the government must create legal certainty and advocate for justice. Legal certainty (which is characteristic of every law as positive law) occupies a central position between two other values, namely purpose and justice, because it is necessary not only for the public interest but also for justice. The law must be certain and applied consistently, interpreted and enforced in the same way here and now, in contrast to different interpretations elsewhere and in the future, as it is also a requirement of justice. When a conflict arises between legal certainty and justice, between a law that is unjust yet duly enacted and a law that is just, it presents a dilemma.[52] According to Terry Hutchinson, law is a coherent network of principles and regulations, thus the context of applying legal certainty needs to be carried out through legal reform with a comparative law study.[53]

According to Roderick A. Macdonald, the purpose of legal reform is to renew the substance of a law into a contemporary concept, as well as to update its institutional framework as a means of strengthening the objectives of law.[54] Therefore, the judiciary, as the primary entity in the application of law, must continue to address laws that conflict with justice, so that a law that lacks the value of justice must be deemed void by law.[55]

---

[52] Gustav Radbruch, "Statutory Lawlessness and Supra-Statutory Law," *Oxford Journal of Legal Studies* 26, no. 1 (2006): 6.

[53] Terry Hutchinson, "The Doctrinal Method: Incorporating Interdisciplinary Methods in Reforming the Law."

[54] Roderick A. Macdonald, "Recommissioning Law Reform," *Alberta Law Review* 35, no. 4 (1997): 882.

[55] Stanley L. Paulson, "Radbruch on Unjust Laws: Competing Earlier and Later Views?," *Oxford Journal of Legal Studies* 15, no. 3 (1995): 491.

Legal reform in the context of Law No. 30 of 2014 jo. Law No. 51 of 2009, both of which serve as key regulations for the application of legal certainty in administrative law, is necessary. One of the ambiguities that needs to be addressed is the controversial article in Law No. 30 of 2014, which broadens the definition of administrative decisions (KTUN) in Law No. 51 of 2009. Article 87 of Law No. 30 of 2014 stipulates that KTUN in Law No. 51 of 2009 must be interpreted as follows*:*

a. Written determination, which also includes factual actions;
b. Decisions by bodies/officers of administrative law in the executive, legislative, judicial, and other state administrative bodies;
c. Based on legal provisions and general principles of good governance (AUPB);
d. Final in a broad sense;
e. Decisions with the potential to cause legal consequences; and
f. Decisions that apply to the public.

The concept in Article 87 of Law No. 30 of 2014 has generated contradictions regarding the concept of administrative law. Therefore, the concept of legal reform becomes crucial in relation to the ideas that legal institutions play an independent and significant role in the development of law. As such, reform should be carried out through both formal and material regulations, as well as institutional structures.[56] The reform of substantive and procedural administrative court law in Indonesia, as well as its competence, is emphasized by the author as stated by Lanny Ramli in the expert testimony presented at the Jakarta Administrative Court with Case Number: 451/G/2023/PTUN.Jkt. He stressed that competence is a part of the delegation of power, authority, or rights to an administrative judiciary body, aimed at ensuring that a petition or lawsuit submitted by a body or court can be examined and decided by the competent authority.[57]

CONCLUSION

The Administrative Court, as a judiciary body resolving disputes between citizens and the government, is limited to administrative decisions (KTUN). There is ambiguity regarding the expanded concept of KTUN in Article 87 of Law No. 30 of 2014.

The Conseil d'État, as the highest administrative court, also functions as an advisor to the government and parliament in France. According to its concept, the competence of the Conseil d'État, as outlined in the Code de Justice Administrative, is vast, allowing all administrative disputes to be brought before the administrative judiciary. This ensures the supremacy of administrative law theory concerning the funda-

[56] Kevin E Davis & Michael J Trebilcock, "Legal Reforms and Development," *Third World Quarterly* 22, no. 1 (2001): 21.
[57] Lanny Ramli, *Keterangan Ahli Perkata TUN No. 451/G/2023/PTUN.Jkt* (Jakarta, 2024).

mental rights of citizens in France. The Conseil d'État also has the authority to handle election disputes at the regional level.

The reform of both formal and substantive law regarding the Administrative Court is essential, as it no longer aligns with current conditions, given the numerous contradictions between the provisions in Law No. 30 of 2014 and those in Law No. 51 of 2009.

REFERENCES

Achmad Edi Subiyanto. "Mendesain Kewenangan Kekuasaan Kehakiman Setelah Perubahan UUD 1945." *Jurnal Konstitusi* 9, no. 4 (2012).

Aju Putrijanti. "Tinjauan Yuridis Terhadap Undang-Undang Tentang Peradilan Tata Usaha Negara." *Jurnal Masalah-Masalah Hukum* 40, no. 4 (2011): 402.

Al'anam, Muklis. *99 Tanya Jawab Hukum*. Banjar: Ruang Karya, 2023.

Andres Rodriguez Gutierrez. "Une Approche Comparative Entre Le Conseil d'État Colombien et Le Conseil d'État Français." *Revista Virtual Via Inveniendi Et Iudicandi* 7, no. 1 (2012): 16.

Consiel d'État. "La Justice Administrative En Bref," 2009.

Dani Habibi. "Perbandingan Hukum Peradilan Tata Usaha Negara Negara Dan Verwaltungsgerich Sebagai Bentuk Perlindungan Hukum Kepada Rakyat." *Jurnal Hukum& Pembangunan* 49, no. 2 (2019): 322.

Dani, Umar. "Memahami Kedudukan Pengadilan Tata Usaha Negara Di Indonesia: Sistem Unity of Jurisdiction Atau Dualty of Jurisdiction? Sebuah Studi Tentang Struktur Dan Karakteristiknya." *Jurnal Hukum dan Peradilan* 7, no. 3 (2018): 408.

Dola Riza. "Keputusan Tata Usaha Negara Menurut Undang-Undang Peradilan Tata Usaha Negara Dan Undang-Undang Administrasi Pemerintahan." *Jurnal Bina Mulia Hukum* 3, no. 1 (2018): 88.

DPR RI. *Cluster Pendapat Pakar Tentang RUU Administrasi Pemerintahan*, 2014.

Dworkin, Ronald. "Legal Research." *the MIT Press on Behalf of American Academy of Art & Sciences* 102, no. 2 (1973).

Enrico Simanjuntak. "Restatement Tentang Yurisdiksi Peradilan Mengadili Perbuatan Melawan Hukum Pemerintah." *Jurnal Masalah-Masalah Hukum* 48, no. 1 (2019): 44.

France, Courd Appel Justice. *La Justice En France*. Arondisemen Pertama Paris, n.d.

Froger, Hugo Flavier & Charles. "Administrative Justice in France: Between Singularity and Classicism." *BRICS Law Journal* 3, no. 2 (2016): 83.

Gustav Radbruch. "Statutory Lawlessness and Supra-Statutory Law." *Oxford Journal of Legal Studies* 26, no. 1 (2006): 6.

Hadjon, Philipus M. "Peradilan Tata Usaha Negara Dalam Konteks Undang-Undang No. 30 Tahun 2014 Tentang Administasi Pemerintahan." *Jurnal Hukum Dan Peradilan* 4, no. 1 (2015): 53.

Hananto Widodo, Pudjiastuti, Budi Hermono, Dita Perwitasari, Dicky Eko Prasetio. "Implications of Regional Representative Council Supervision Arrangements According to the 1945 Constitution of the Republic of Indonesia." *Journal of Law, Policy and Globalization* 143, no. 1 (2024): 1–9.

Hari Sugiharto dan Bagus Oktafian Abrianto. "Perlindungan Hukum Non Yudisial Terhadap Perbuatan Hukum Publik Oleh Pemerintah." *Yuridika* 33, no. 2 (2018): 43.

HR, Ridwan. *Hukum Administrasi Negara*. Rajawali, Jakarta, 2011.

Indra Lorenly Nainggolan. "Peninjauan Kembali Permohonan Fiktif Positif." *Jurnal Yudisial* 13, no. 2 (2020): 231.

Jean Massot. *Comparative Administrative Law*. Cheltenham: Edward Elgar, 2017.

Koentjoro Poerbopranoto. *Beberapa Catatan Hukum Tata Pemerintahan Dan Peradilan Administrasi*. Bandung: Alumni, 1981.

Lanny Ramli. "Peran Negara Dalam Penyelesaian Perselisihan Hubungan Industrial." *Law Review* 12, no. 1 (2012): 78.

Lanny Ramli & Aries Suparto. "Women Servant Official Versus Administrative Court Lawsuit: Mental Resistance or Mentar Disorder?" *BiLD Law Journal* 7, no. 2 (2022): 73–74.

Lanny Ramli & Nur Syam. *Perilaku Pegawai Negeri Sipil Dalam Memberikan Pelayanan Publik Ditinjau Dari Sudut Pandang Hukum Administrasi*. Surabaya, 2006.

Lotulung, Paulus Effendi. *Lintas Sejarah Dan Gerak Dinamika Peradilan Tata Usaha Negara (PERATUN)*. Jakarta: Salemba Humanika, 2013.

Muchsan. *Sistem Pengawasan Terhadap Perbuatan Aparat Pemerintah Dan Peradilan Tata Usaha Negara Di Indonesia*. Yogyakarta: Liberty, 1997.

Muhammad Kamil Akbar. "Peran Peradilan Tata Usaha Negara Dalam Mewujudkan Pemerintahan Yang Baik." *Jurnal Program Megister Hukum Fakultas Hukum Universitas Indonesia* 1, no. 1 (2020): 353.

Muklis Al'anam & Radian Salman. "The Relevance of Jurgen Habermas's Theory of Communicative Action as the Philosophical Foundation of Rights Enforcement in Indonesia." *Mimbar Hukum* 36, no. 1 (2024): 40.

Noor, Hendry Julian. "Application of Sanctions Against State Administrative Officials Failing to Implement Administrative Court Decisions." *Bestuur* 9, no. 1 (2021): 51.

Peter De Crus. *Comparative Law in a Changing World*. London: Cavendish Publlishing Limited, 1999.

Peter Mahmud Marzuki. *Penelitian Hukum*. 13th ed. Jakarta: Kencana, 2017.

Philipus M. Hadjon. "Peradilan Tata Usaha Negara Dalam Konteks Undang-Undang No. 30 TH. 2014 Tentang Administasi Pemerintahan." *Jurnal Hukum dan Peradilan* 4, no. 1 (2015): 53.

Philipus M.Hadjon et al. *Pengantar Hukum Administrasi Indonesia*. Cet. IX. Yogyakarta: Gadjah Mada University Press, 2005.

Premont, Marie-Claude. *Droit Administratif*. Canada: Bibliothèque et Archives Canada, 2012.

Ramli, Lanny. *Keterangan Ahli Perkata TUN No. 451/G/2023/PTUN.Jkt*. Jakarta, 2024.

Riawan Tjandra. "Perbandingan Sistem Peradilan Tata Usaha Negara Dan Consiel d'Etat Sebagai Institusi Pengawas Tindakan Hukum Tata Usaha Negara." *Jurnal Hukum IUS QUIA IUSTUM* 20, no. 3 (2013): 425.

Roderick A. Macdonald. "Recommissioning Law Reform." *Alberta Law Review* 35, no. 4 (1997): 882.

Siregar, Dahlia Ririyanti, Lendy Siar, and Marthin L. Lambonan. "Wewenang Peradilan Tata Usaha Negara Dalam Menilai Penyalahgunaan Wewenang Pejabat Tata Usaha Negara." *Lex Privatum: Jurnal Fakultas Hukum Unsrat* 13, no. 3 (2024): 1–9.

Slamet Prajudi Atmosudirjo. "Peradilan Administratif 2." *Jurnal Hukum & Pembangunan* 5, no. 3 (1975): 200.

Stanley L. Paulson. "Radbruch on Unjust Laws: Competing Earlier and Later Views?" *Oxford Journal of Legal Studies* 15, no. 3 (1995): 491.

Sylvia Calmes-Brunet. *The Principle Of Effective Legal Protection In French Administrative Law, Dalam Buku The Principle Of Effective Legal Protection In Administrative Law*. New York: Informa Law From Routledge, 2017.

Syssy Nurhidayati, Arif Wibowo. "Konsekuensi Kompetensi Absolut Terhadap PTUN Pasca Berlakunya Undang-Undang Administrasi Pemerintahan." *Maqasidi* 3, no. 2 (2023): 118–128.

Tahir, Erdin, Rohendra Fathammubina, Jajang Arifin. "Model-Model Penilaian Sengketa Tindakan Faktual Oleh Hakim Pengadilan Tata Usaha Negara." *Yustitia* 10, no. 2 (2024): 149–172.

Tatiek Sri Djatmiati, Et-al. *Hukum Administrasi Sebuah Bunga Rampai*. Yogyakarta: Laksbang Pressindo, 2020.

Terry Hutchinson. "The Doctrinal Method: Incorporating Interdisciplinary Methods in Reforming the Law." *The European Law Students' Association Law Review* 8, no. 3 (2015): 135.

Tjandra, Riawan. *Hukum Administrasi Negara*. Jakarta: Sinar Grafika, 2018.

Trebilcock, Kevin E Davis & Michael J. "Legal Reforms and Development." *Third*

World Quarterly 22, no. 1 (2001): 21.

Victor Imanuel W. Nalle. "The Scope of Discretion in Government Administration Law, Constitutional or Unconstitutional?" *Hasanuddin Law Review* 4, no. 1 (2018): 5.