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Capacity Building Of The State Administrative Court In Handling Onrechtmatige Overheidsdaad Cases: Challenges And Optimization Efforts

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ABSTRAK

The State Administrative Court (PTUN) in Indonesia faces a number of challenges in adjudicating cases of *onrechtmatige overheidsdaad*, which is an unlawful act of government administration. The new regulation through Supreme Court Regulation (PERMA) Number 2 of 2019 gives the PTUN clearer authority in adjudicating cases like this. However, the problem of unclear administrative law concepts and undetailed regulations in PERMA still hamper the legal process. This research aims to address the problem. With a focus on increasing the capacity of PTUN in dealing with *onrechtmatige overheidsdaad* cases. The study proposes five important steps to achieve this goal. First, it is necessary to increase the capacity of PTUN through increased budget allocation, human resources, and technology utilization. Secondly, it is necessary to simplify the proceedings in administrative law and mediation should be applied as an effective dispute resolution method. Third, the study suggests evaluation of similar cases as a first step in resolving cases, and mediation should be considered to reduce the backlog of cases that slow down the process. Fourth, it is necessary to strengthen law enforcement authority through the establishment of an independent law enforcement body that can impose sanctions for violations of PTUN decisions. Finally, it is necessary to increase public awareness about their rights and procedures for filing a lawsuit to PTUN through the establishment of legal information centers and education campaigns. The result of this research is a series of concrete solutions that can help PTUN in facing the challenges of adjudicating *onrechtmatige overheidsdaad* more effectively, ensuring better legal protection for the community, and ensuring government compliance with PTUN decisions.

1. Introduction

The State Administrative Court is one of the branches of the judicial system in Indonesia under the Supreme Court in addition to the General Court, Religious Court and Military Court. The State Administrative Court (PTUN) was established based on a Presidential Decree, which was then followed by the establishment of the High Administrative Court based on Law Number 5 of 1986 concerning Articles 9 and 10 of the State Administrative Court.¹ This Law was later amended through Law Number 9 of 2004 concerning Amendments to Law Number 5 of 1986 concerning the State Administrative Court, which was considered to have reached the standards necessary to make the State Administrative Court into a professional entity in carrying out its role through judicial control.¹

In carrying out its duties, the State Administrative Court has two competencies, namely: relative competence and absolute competence. Relative competence relates to the authority of the State Administrative Court in examining and adjudicating a case in accordance with its jurisdiction. Currently, PTUN in Indonesia is only available in 26 provinces, while for the TUN High Court there are only in 4 cities, namely: Medan, Jakarta, Surabaya and Makassar. While absolute competence relates to the authority of the State Administrative Court in adjudicating a case based on the object or material or subject matter of the dispute. In the context of PTUN, the object of dispute is a written State Administrative Decree (KPTUN) issued by the State Administrative Agency or Officer. This has been explained in Article 1 number 9 of Law Number 51 of 2009 which is the second amendment of Law Number 5 of 1986 concerning State Administrative Court

Basically, the State Administrative Decree (KPTUN) is an administrative action issued by the TUN Agency or Officer in order to carry out its concrete, individual, and final administrative duties and authorities.

This KTUN is in the form of binding written decisions, where the making of these decisions has direct implications for individuals, legal entities or related parties. So if these parties feel that this KTUN violates the law or their rights, then they have the right to file a lawsuit with the State Administrative Court to be able to review the decision. In this case, the State Administrative Court is authorized to check the legality and validity of the KPTUN and cancellation can be made if it is proven to be unlawful or invalid.

The definition of KPTUN as a written decision issued by the TUN Agency or Officer is not intrinsically wrong. However, if KPTUN is only interpreted as a written decision, it is not true. This is because based on Article 87 letter a, KPTUN has expanded its meaning which also includes factual actions as part of the object of the lawsuit at the PTUN. This expansion provides access for the public to file a lawsuit against government actions that harm them, both contrary to applicable laws and regulations and with general principles of good governance. Previously, lawsuits related to factual actions could not be filed in the State Administrative Court, but with this expansion, PTUN has the competence to adjudicate claims related to factual actions that violate the law by the government.⁴

Basically, *onrechtmatige overheidsdaad* or unlawful acts committed by the government are not much different from unlawful acts in general. The fundamental thing that needs to be considered in the existence of *onrechtmatige overheidsdaad* is in the form of losses arising from actions that have been done by the government and people who do not approve of actions the government.⁵ It can be seen that the difference between *onrechtmatige overheidsdaad* and PMH generally lies only in the subject.

The Onrechtmatige Overheidsdaad was previously only widely known without any specific rules in people's lives.⁶ However, currently the normative rules regarding *onrechtmatige overheidsdaad* are only regulated in Supreme Court Regulation (PERMA) Number 2 of 2019. In PERMA Number 2 of 2019, it is stated that the *onrechtmatige overheidsdaad case* is the authority of the PTUN so that the PTUN can adjudicate disputes over government actions after taking administrative efforts

The authority of the PTUN in adjudicating *onrechtmatige overheidsdaad cases* has various challenges and obstacles that need to be straightened out in order to achieve legal certainty. The main challenge in dealing with *onrechtmatige overheidsdaad is that there are some errors in understanding the meaning of onrechtmatige overheidsdaad*. This needs to be highlighted because in PTUN the procedures and paradigms for completing tests between KTUN and legal actions are clearly different. The difference lies in the KTUN test related to aspects of rights and obligations.⁸ The next challenge lies in the elements of *onrechtmatige overheidsdaad* listed in PERMA Number 2 of 2019 which are still not clearly regulated. This will make it difficult for PTUN judges to determine criteria and restrictions related to *onrechtmatige overheidsdaad*. In addition, the compensation criteria for the occurrence of *onrechtmatige overheidsdaad* are not regulated in PERMA Number 2 of 2019, making it difficult to determine compensation from the government to the community. In fact, the essence of *onrechtmatige overheidsdaad* is the existence of compensation sanctions for the aggrieved community.⁹

The research conducted by the author on *onrechtmatige overheidsdaad* does not escape from previous research that has been developed by the author. Previous research conducted by Beni Kurnia Illahi, et al., in a journal entitled "Optimization of the Competence of the State Administrative Court in Resolving Cases of Government Unlawful Acts (*Onrechtmatige Overheidsdaad*)" discussed the limits of the authority of the general court and PTUN in resolving cases and the competence of PTUN in handling disputes of unlawful acts from the government (*onrechtmatige overheidsdaad*). The difference between this study and the study lies in the main focus of the discussion. In previous studies, the main focus was on the limits of the authority of the PTUN and the general judiciary as well as the competence of the PTUN in handling *onrechtmatige overheidsdaad* disputes, while this study focused on the aspects of challenges and efforts to optimize the capacity building of PTUN in handling *onrechtmatige overheidsdaad cases*.

Based on the description above, in this case the author would like to examine legal issues related to the title "Increasing the Capacity of the State Administrative Court in Handling *Onrechtmatige Overheidsdaad Cases: Challenges and Optimization Efforts*". With regard to this title, there are two formulations of problems that will be discussed, namely how are the challenges in increasing the capacity of the State Administrative Court in handling *onrechtmatige overheidsdaad cases*? Also, how to optimize the expansion of the authority of the State Administrative Court in handling *onrechtmatige overheidsdaad cases*?

2. Results and Discussion

Challenges in Improving the Capacity of the State Administrative Court in Handling *Onrechtmatige Overheidsdaad* Cases

The State Administrative Court (PTUN) has a central role in maintaining the principles of justice, accountability, and protection of citizens' rights in the context of *onrechtmatige overheidsdaad* actions, which can be translated as government actions that violate the law or individual rights. PTUN is a legal institution that has the authority to assess the legitimacy or not of action such, ensuring compliance with the rule of law, and providing necessary compensation. However, in carrying out this vital role, PTUN is often faced with a number of challenges that affect its ability to carry out its duties effectively. In this discussion, we will discuss in more detail the concept of *onrechtmatige overheidsdaad* as an object of dispute in PTUN, as well as what challenges exist in efforts to increase the capacity of PTUN in terms of handling *onrechtmatige overheidsdaad* cases.

Basically the term "*Onrechtmatige overheidsdaad*" is a Dutch phrase that refers to an act committed by a government or government body that violates the law or individual rights. In the context of administrative law, the term describes actions that are declared to be invalid or in violation of legal principles. Because based on this concept, every government action must be in accordance with applicable laws and procedures. If government actions are deemed to violate the law or individual rights, then individuals or parties affected by such actions can file a lawsuit in court seeking justice or compensation.

Contrary to the legal obligation of the offender: the first element of "Against the Law" is when an act or deed violates the legal obligation established for that legal subject. This refers to violations of applicable laws and regulations.

Violating the subjective rights of others: this element means that an act or acts that

are considered "Unlawful" are actions that can harm the rights of legal subjects or other individuals. In this context, such actions may prejudice property rights, liberties, or other legally recognized rights.

Violating the rules of decency (*Goede Zeden*): this element includes moral and ethical aspects. The meaning of the phrase "Against the Law" can include actions or deeds that are contrary to the ethical norms and moral procedures accepted and lived in society. It emphasizes on the importance of maintaining morality and decency in every action.

Contrary to the principles of propriety, thoroughness, and prudence in the association of people's lives: this element relates to the attitude that should be followed in society. It involves actions or deeds that are contrary to moral principles and good conduct in society.

In the context of government administration or state administration, this "Against the Law" element has special relevance. It is related to the assessment of whether an administrative act of government violates the law or not. Thus, if an act of government administration violates any of these criteria, it can be categorized as "Unlawful." These elements underlie the "Touchstone" used in Article 53 paragraph (2) of the Law on State Administrative Court (UU PERATUN) to assess whether a State Administrative Decision in government administration is in accordance with applicable law or violates the law. In other words, the "Against the Law" element is an important legal basis in determining whether the administrative actions of a government conform to legal and moral principles.

With the expansion of the interpretation of what is considered "Against the Law". This can open more opportunities for the community to get wider legal protection. However, in judicial practice this expansion of interpretation can create difficulties. In Indroharto's view,

This difficulty arises because the government in interacting with the community will more often use a special approach. So that the way the government behaves will tend to focus more on rules and

norms that apply specifically in its administrative actions. This difficulty is based on the existence of propriety or ethical measures that are expected to be applied in the context of justice which can actually only apply in daily interactions between community members.¹¹ This then creates complexity when trying to apply these norms of behavior in the relationship between government and society. In the interaction between citizens, these social ethical norms have grown and evolved over time. However, in relations with the government such norms do not yet have a solid basis or have not yet fully developed.

In Indonesia, there are two Supreme Court rulings that reflect changes in the criteria for acts deemed "unlawful" by the government. First, in Supreme Court Decision No. 66K/Sip/1952 involving the Kasum case. The Supreme Court held that such an action can be considered as "Unlawful" when there is an arbitrary action on the part of the government or the action does not adequately consider public interest factors. However, later based on Supreme Court Decision No. 838K/Sip/1970 the Supreme Court changed this approach. The Supreme Court held that the criteria for determining the existence of *onrechtmatige overheidsdaad* involved aspects such as applicable formal laws and regulations, rules of decency that must be followed by the government in society, and acts of government policy that are not within the competence of the court.¹²

So it can be concluded based on both rulings, that the criteria for assessing whether a government action is considered "Unlawful" are:

1. Government actions that violate applicable laws and regulations.
2. Government actions that violate the norms of ethics and social decency that should be followed by the government in society.

With this change in approach, the Supreme Court tries to be clearer in determining when government actions are considered unlawful or violate ethical norms prevailing in society.¹³ This change in approach also reflects the Supreme Court's efforts to ensure that individuals and groups who feel their rights have been violated have stronger access to legal protection. This is in line with legal principles that affirm the importance of justice, adherence to the rule of law, and protection of individual human rights. With this change in legal views, it is hoped that government actions that are contrary to the law or ethics can be identified and corrected more effectively, so as to maintain the integrity of administrative law and ensure fairness in interactions between government and society can be carried out properly.

Increasing the capacity of the State Administrative Court (PTUN) in handling *cases of onrechtmatige overheidsdaad*, or unlawful acts by government agencies or officials is a crucial issue that requires serious attention. Although there is already a legal framework governing the transfer of such cases from the General Court to the PTUN, there are still a number of challenges that must be overcome in an effort to improve the ability of the PTUN to handle *onrechtmatige overheidsdaad cases*.

Until 2020, cases of Unlawful Acts that drag Government Bodies/Officials continue to be filed in the General Court, without undergoing a transfer process to the State Administrative Court (TUN). As a concrete example, there is an Unlawful Action lawsuit that is still ongoing in the Central Jakarta District Court, as seen in Case Register Number: 783/Pdt.G/2019/PN Jkt.Pst., where the Office, S.H., CN. facing the Government of the Republic of Indonesia through the President of the Republic of Indonesia as a defendant.¹⁴ Similarly, there is another case with Register Number: 33/Pdt.G/2020/PN Jkt.Pst., involving Johan Louis Lasut and other parties who filed a lawsuit against the Synod Assembly of the Protestant Church in

Western Indonesia and the Government of the Republic of Indonesia through the Regional Government Level I of West Java.¹⁵

The interesting thing is that, although there have been provisions governing the transfer of such cases to the State Administrative Court, as stipulated in Article 10 of PERMA 2/2019, in reality, the transfer has not been applied consistently. Article 10 of PERMA 2/2019 mandates that any case of Unlawful Acts involving government bodies or officials that have been submitted to the District Court, but have not yet been processed, must be transferred to the State Administrative Court in accordance with the provisions of the applicable laws and regulations.¹⁶ However, as of 2020 this is still not a common practice in the field.

This can be seen from the relatively low number of Government Administration Action (TAP) cases filed with the State Administrative Court (PTUN). One of the main causes of this is the vagueness in some legal concepts related to Government Actions as the subject of disputes in PTUN. The lack of understanding of these concepts, both among the justice-seeking community and among law enforcement, makes it difficult to understand exactly what can be the object of dispute in the PTUN. The legal concepts that need to be clarified are contained in the Government Administration Law (UUAP), which includes two main concepts related to Actions, namely Government Administration Actions and Factual Actions, as well as the concept of Unlawful Acts by the Government (OOD) regulated in Supreme Court Regulation Number 2 of 2019. All these concepts can be the subject of dispute in PTUN.

The importance of clarifying and understanding that these concepts in the context of administrative law is intended to ensure that legal processes run transparently, fairly, and in accordance with applicable legal provisions. This ambiguity can also result in legal uncertainty and affect people's access to

administrative justice. Therefore, efforts need to be made to provide clearer guidance on how to identify and file cases for Government Administration Actions in PTUN, so that the legal process becomes more open and effective. In addition, a better understanding of these concepts will help in strengthening legal protection for individuals and entities interacting with the government.¹⁷

In addition to the complexity of the concepts of dispute objects based on administrative law, other challenges that exist in handling *onrechtmatige overheidsdaad* cases are related to limited human and financial resources. PTUN often has an insufficient number of judges, lawyers, and support staff to cope with the growing volume of cases along with the increasing complexity of administrative law. The immediate impact of this limitation is the length of time it takes to resolve the case. As cases are delayed and pile up, case resolution can be very slow. This can result in dissatisfaction for the parties involved in the trial, especially the petitioners who have to wait a long time for a decision.

Limited resources can also affect the quality of legal decisions produced by PTUN. Judges burdened by excessive volumes of work do not have sufficient time or resources to thoroughly analyze cases. In addition, the handling of cases *onrechtmatige overheidsdaad* (deeds Unlawful acts by government agencies or officials) that tend to be complicated often result in the judicial process taking a long time before a final decision can be given. In such cases, the legal decision taken by the judge can be inaccurate or unfair, which of course will be detrimental to all parties involved in the case. To overcome this challenge, investment is needed in improving human and financial resources in PTUN. This includes increasing the number of judges and support staff, as well as building their capacity through training and professional development. In addition, increased budgets and greater resource allocation can help PTUN to operate more efficiently and provide better legal services

to the community.

With regard to delays in resolving cases, this can also be detrimental to applicants who continue to wait for justice. Parties involved in cases, especially those directly affected by alleged unlawful government actions, often have to be patient in waiting for a legal decision that will decide their fate. This delay can cause frustration, uncertainty, and dissatisfaction among applicants, which can ultimately hurt people's perception of the administrative justice system. To overcome this problem, effective measures are needed to increase efficiency in handling cases. This includes providing sufficient resources, better use of information technology, and increased training of judges and support staff to expedite legal proceedings. With this holistic approach, delays in case resolution can be overcome.

The next challenge is related to the importance of the government to be able to comply with and implement decisions issued by the State Administrative Court (PTUN) as the core of the legal process and maintenance of *the rule of law*. Although PTUN has an important role in enforcing the law and protecting the rights of citizens, there are still challenges in ensuring that PTUN decisions are carried out correctly by the government. Some factors that cause obstacles in the implementation of PTUN decisions that need to be considered are:

First, it should be noted that the government may have strong reasons for not complying with the PTUN decision. This can be related to considerations national interest, public policy, or national security issues. The government must have the authority to assess whether the implementation of a PTUN decision will harm the larger interest. Therefore, adequate legal resources and effective communication channels between PTUN and the government are needed to achieve a good balance between the provision of decisions that support the law and government policies. Second, there needs to be a clear mechanism to resolve disputes

between PTUN and the government related to the implementation of decisions. If the government has any doubts about the PTUN's decision, appropriate legal steps should be taken to resolve the issue. This can involve an appeals process or other attempts to reach consensus. However, it is important to ensure that this kind of mechanism is not used as a tool to ignore the decisions of the PTUN, but rather as a means to reach a common understanding.

Third, in situations where the government does not comply with PTUN decisions for no apparent reason, this can undermine the integrity of the administrative justice system. It may also raise questions as to whether the PTUN has sufficient authority and authority to be able to ensure effective law enforcement. Further research and discussion is urgently needed to identify barriers and pursue solutions that can ensure that PTUN decisions are treated seriously and that the government complies with them properly. And fourth, related to the participation of the community and NGOs in terms of monitoring the implementation of PTUN decisions is important. Civil society can play a significant role in ensuring government compliance with PTUN decisions by monitoring and disclosing suspicious non-compliance. This can enable transparency and accountability in the implementation of legal decisions.

The next challenge regarding public awareness of their rights and related to how to file a lawsuit with the State Administrative Court (PTUN) in the case of *onrechtmatige overheidsdaad* (unlawful acts by government agencies or officials) which is an important factor in maintaining the integrity of the administrative justice system. However, in many cases society may not fully understand their rights or the actions they can take if they feel they have been violated. This creates a number of challenges that need to be addressed in terms of legal education and efforts to raise public awareness of their rights and relevant legal procedures.

The first step, related to effective and affordable legal education, is a key step in

raising public awareness. Many individuals do not have knowledge of administrative law or how it relates to the systematics of filing a lawsuit to the PTUN. Therefore, legal education programs organized by the government, non-profit institutions, or educational institutions can help people to understand their rights and how to carry out legal processes in accordance with applicable laws and regulations. Furthermore, the second relates to easily accessible information about PTUN and its procedures need to be available to the public. This can include online guides, informative brochures, and simple-language resources that explain your rights and the steps to take if those rights are violated. This ease of access can help people who may be caught in a conflict situation with the government but do not know what steps they should take when disputing the conflict in the PTUN.

The third step is the need for an active counseling campaign to increase public awareness. The more information conveyed to the public about the existence of PTUN, their rights, and the importance of undergoing a fair legal process, the more individuals will benefit from it. The fourth step, related to cooperation between PTUN, government, and NGOs is important to create an effective legal education ecosystem. Then, the fifth final step, it is important to support communities with adequate legal resources. This includes providing legal assistance, especially for those who may not be able or need support in filing a lawsuit with the PTUN. This effort can ensure that people who feel their rights have been violated have equal access to be able to use the administrative justice system to solve their problems.

Efforts to Optimize the Expansion of the Authority of the State Administrative Court in Handling *Onrechtmatige Overheidsdaad* Cases

Law Number 5 of 1986 concerning State Administrative Court has undergone two amendments, namely the first Law Number 9 of 2004 concerning Amendments to Law Number 5 of 1986 concerning State Administrative Court and Law Number 51 of 2009 concerning Second Amendment to Law Number 5 of 1986 concerning State Administrative Court. Referring to Article 24 of the PTUN Law, the capacity of the PTUN is to examine, decide, and resolve TUN disputes. Then, after the enactment of Law Number 30 of 2014 concerning Government Administration, the capacity to prosecute PTUN became wider and more significant. This law states that PTUN can adjudicate the object of the dispute other than a written decision, namely administrative action.¹⁸ This law is also used as the basis of material law, while the PTUN Law is used as the basis of formal law. The authority of the PTUN Law in adjudicating disputes over factual actions (*onrechtmatige overheidsdaad*) will be easier to understand if the meaning of factual actions cannot be separated from the actions of government administration. This is by leaving aside Article 87 Letter (a) of the Government Administration Law which uses the phrase 'factual action'. However, the composition of the rules in Article 75 and Article 76 of the Government Administration Law connected with Article 1 Number 18 of the Government Administration Law is the basis for the PTUN Law in adjudicating the object of cases outside the written decision, namely administrative actions. Based on his theory, the difference in the actions of government administration is classified into two, namely factual actions and legal actions.¹⁹ Both forms are acts of government administration, but in their meanings, they have different meanings. Factual action points to actions that have no administrative legal implications, while legal action is an action that has legal implications in the form

of loss or emergence of rights and obligations. The subject of *the onrechtmatige overheidsdaad* dispute are government officials because they are elements that carry out government functions within the scope of state and government.

In the previous discussion, there were several challenges that arose related to the authority of the PTUN in adjudicating *onrechtmatige overheidsdaad* cases. For this reason, efforts are needed that are able to mediate these challenges and problems so that the authority of the PTUN in adjudicating *onrechtmatige overheidsdaad* cases can run as it should.

The Administrative Courts need to ensure that they have sufficient capacity, both in terms of personnel and resources, to handle *these onrechtmatige overheidsdaad* cases effectively and efficiently. The capacity of qualified human resources in the form of competent judges and competent PTUN staff is needed to deal with the high volume of cases that continue to increase from year to year. Clean and effective court services are elements that must be fulfilled by every PTUN. Court service is a series of activities to meet the service needs of all people who seek justice through PTUN for alleged acts of *onrechtmatige overheidsdaad*.²⁰ Court services shall be provided by the Supreme Court and its subordinate judicial bodies, including state courts whose operations follow the rules of law and the principles of public service that litigate cases. Public service standards can also be a very important element to create certainty, justice, and equality that are the hallmarks of a good government.²¹ Relating to the government that is able to provide certainty in every service as stated in Article 1 of the Public Service Law. The article can create effective and efficient services

In resolving administrative law cases, one can use several administrative bodies that can be categorized as *state auxiliary agencies* or *independent regulatory agencies*.²⁵ These bodies are refined with

quasi-judicial authority and can make independent regulations. However, these cases are more detailed if

Compared to legal cases related to other public rights and interests, one of them is decision-making by public officials that harm the community. This case can be said to be a complex and complicated case to be decided by the judges because the verdict issued will have an impact on the wider community. For this reason, it is necessary to conduct a legal study of the concepts of government administrative actions, concrete actions, and *onrechtmatige overheidsdaad*. More clearly, these three concepts will provide better legal protection to the community when the public knows the forms of government actions that can be taken to obtain legal protection through PTUN, Government Officials will be more careful in carrying out Government actions so as not to violate the law and be prosecuted before the PTUN, then the PTUN judges will get clarity on the concept of Government Administration Action, factual actions, as well as *onrechtmatige overheidsdaad* so that they can assess matters related to government actions and can make good decisions of PTUN.²⁶ One of the other efforts that can be made to facilitate trials in the PTUN in order to avoid the complexity of administrative law that complicates is to carry out legal guidance. Related to legal guidance, it needs to be done by the government by opening legal guidance or consulting services that allow applicants to get guidance on procedures and administrative legal requirements before filing a case. This has been stated implicitly in the Government Administration Law.

In addition, to simplify the complexity in solving *onrechtmatige overheidsdaad* cases, it is necessary to supervise the stages of the trial so that the trial is carried out in accordance with the provisions of the law and does not deviate from what it should be. Law Number 48 of 2009 concerning Judicial Power, Article 42 states that "... *The Judicial Commission may analyze court decisions that have acquired permanent*

legal force as a basis for recommendations for the mutation of judges". In addition, the Judicial Power Law also gives authority and duty to KY to supervise the behavior of judges based on the established Code of Ethics and Code of Conduct for Judges by MA and KY.²⁷ Supervision of PTUN judges is important to be improved to create a smooth trial process according to procedures. However, it should also be noted about the stages of the *onrechtmatige overheidsdaad* case resolution trial in the laws and regulations, whether it has met the principles of simple, fast, and light trial costs or not. This is the initial foundation at the formulation level so that the trial is not long-winded and time-consuming. The complexity of administrative law arrangements takes a long time to understand by both litigants. Thus, it is the duty of the PTUN to simplify and provide good legal services for litigants.

In practice, the code of ethics and code of conduct for judges are sources of code of conduct that must be optimized for effective use by a judge especially in carrying out his institutional duties in court institutions, especially PTUN to handle *onrechtmatige overheidsdaad* cases. In handling this case, the judge must strictly uphold the principle of justice even though the conditions of the defendant and the plaintiff at the trial can be said to be unbalanced. Plaintiffs who are civilians and defendants who are government officials sometimes make it difficult for a judge to decide cases. These difficulties are not impossible to be one of the things that make the trial more complex, long, and complicated to resolve, causing the plaintiff's position to be increasingly disadvantaged. The need for supervision of PTUN judges in *resolving onrechtmatige overheidsdaad* cases that are independent and free from interference from any party must certainly be prioritized in order to maintain the honor, dignity and behavior of judges so as to create a good and clean government.²⁹

3. Conclusion

Increasing the capacity of PTUN in handling *onrechtmatige overheidsdaad* cases has various challenges that need to be considered by the government. The vagueness in some legal concepts related to Government Actions as the subject of disputes in PTUN is one of the difficult challenges to solve. Coupled with a lack of understanding of these concepts, both among the justice-seeking community and among law enforcement. This shows the complexity of the concepts of dispute objects in PTUN. In addition, another challenge that exists in handling *onrechtmatige overheidsdaad* cases is related to the limited human and financial resources within the scope of PTUN. The next challenge relates to delays in resolving cases, this can also harm litigants in PTUN. Finally, related to the importance of the government to comply and implement the decisions issued by the PTUN as the main foundation of the legal process and the maintenance *of the rule of law*.

Based on the challenges and obstacles that have been raised in the first discussion, efforts were formulated to optimize the expansion of the authority of the PTUN in handling *onrechtmatige overheidsdaad cases*. These efforts consist of five things, namely increasing the capacity of PTUN, efforts to facilitate trials, effective case resolution, strengthening law enforcement authority, and optimizing public awareness improvement. In increasing the capacity of PTUN, the government can focus on increasing the budget, optimizing human resources within the PTUN, using technology, prioritizing more urgent cases, and consistent evaluation. Furthermore, in terms of efforts to facilitate trials, it can be done by avoiding the complexity of administrative law that complicates it by conducting legal guidance. Then, with regard to effective case resolution, the government can prioritize mediation for *onrechtmatige overheidsdaad cases*. To strengthen the authority of law enforcement, the strategy that can be implemented is to expand the authority and

independence of the PTUN to adjudicate *onrechtmatige overheidsdaad* cases is a priority. Finally, optimizing public awareness raising is a closing effort that can be done by establishing a legal information center whose function is to provide guidance on community rights and procedures for filing a lawsuit to the PTUN.

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