

**LEGAL REASONING BEHIND THE ABOLITION OF THE RIGHT TO FILE
FOR JUDICIAL REVIEW OF ADMINISTRATIVE COURT DECISIONS BY
ADMINISTRATIVE AGENCIES OR OFFICIALS**



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Abstract

The purpose of writing this article is to examine the legal reasoning for the elimination of the right to review the decision of a state administrative dispute by a state administrative body or official. The method used in writing this article is normative juridical. The study found that the Constitutional Court judges used a historical approach, a conceptual approach, and systematic interpretation in determining the abolition of the right of review in state administrative disputes by state administrative bodies or officials. In conclusion, the judges of the Constitutional Court abolished the right of judicial review to provide legal certainty over an inkraht decision of the State Administrative Court, protect public rights, and realize the original purpose of establishing the State Administrative Court.

Keywords: Constitutional Judge, Judicial Review, Legal Reasoning

INTRODUCTION

Essentially, society seeks justice in all aspects of life, including in the resolution of legal disputes. In legal matters, perceptions of injustice often arise during the resolution process. These perceptions may stem from various factors, such as an unfair legal process, judicial proceedings that appear merely procedural, or allegations of interference by those in power in the ongoing judicial process.

One of the key pillars in resolving legal disputes is the judge, who serves as the evaluator and decision-maker in legal cases. Nonetheless, claims of unfair processes and resulting feelings of injustice may still emerge, even though judges, in carrying out their judicial duties, are independent. Judicial independence implies that judges are free from influence or interference by any party or authority (Swantoro, Herri. 2017). As a state governed by the rule of law, Indonesia is obligated to ensure justice for its citizens. To fulfill this mandate, the Government of the Republic of Indonesia has established various legal instruments aimed at realizing justice. In the judicial sector, the government has defined several procedural stages to facilitate the pursuit of justice. The procedures for seeking justice through judicial institutions are governed by procedural law (Imelda, Chitra. 2024).

Procedural law serves a fundamental role in providing a clear and systematic framework for handling legal cases, both criminal and civil (Imelda, Chitra, etc. 2024). In Indonesia, legal remedies are categorized into two types: ordinary legal remedies and extraordinary legal remedies. Ordinary legal remedies include appeals and cassation, while extraordinary legal remedies are known as judicial review.

Ordinary legal remedies are those submitted within a specific period determined by law to challenge judicial decisions, with the potential to suspend or halt the enforcement of a decision temporarily. In contrast, extraordinary legal remedies are utilized against decisions that have obtained permanent legal force (*inkracht van gewijsde*) and are generally final and unchangeable (Harki, Farangga, etc. 2018).

In the procedural law of the Administrative Court (*Peradilan Tata Usaha Negara*), the mechanism for legal remedies is also divided into two categories. The extraordinary legal remedy for decisions rendered by the Administrative Court is governed by Law Number 5 of 1986 concerning the Administrative Court, as last amended by Law Number 51 of 2009 on the Second Amendment to Law Number 5 of 1986 (hereinafter referred to as Law 5/1986). Article 132 of Law 5/1986 stipulates:

A request for judicial review may be submitted to the Supreme Court against a court decision that has obtained permanent legal force. The procedure for judicial review as referred to in paragraph (1) shall follow the provisions set forth in Article 77 paragraph (1) of Law Number 14 of 1985 concerning the Supreme Court.

In its development, the judicial review mechanism for Administrative Court decisions has been utilized by parties dissatisfied with the cassation decision in administrative disputes. According to Article 1, point 4 of Law 5/1986, an administrative dispute is defined as follows:

"An administrative dispute is a dispute arising in the field of state administration between a person or a private legal entity and an administrative body or official, both at the central and regional levels, as a result of the issuance of an administrative decision, including employment disputes governed by the prevailing laws and regulations."

From this definition, it is evident that administrative disputes involve individuals or private legal entities on one side and administrative bodies or officials on the other. With regard to the judicial review remedy, when an administrative body or official (i.e., the government) loses in an administrative dispute—even if the case has reached the cassation level—the government may still file a request for judicial review.

The government's ability to file a judicial review (*peninjauan kembali*) against decisions in administrative disputes has been considered detrimental to the constitutional rights of citizens. In 2024, Rahmawati Salam submitted a petition for judicial review to the Constitutional Court of Indonesia concerning the provision that allows the government to file for judicial review of administrative court decisions. The petition was registered as Case No. 24/PUU-XXII/2024. Rahmawati Salam filed the petition after a legally binding administrative court ruling in her favor was not promptly executed by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia (Minister of ATR/BPN).

She argued that the provision on judicial review in Article 132 of Law No. 5 of 1986 violates Article 1 paragraph (3) and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Ultimately, the Constitutional Court ruled that Article 132 paragraph (1) of Law No. 5 of 1986 is unconstitutional and does not have binding legal force insofar as it is not interpreted as follows: "A request for judicial review may be submitted to the Supreme Court against a court decision that has obtained permanent legal force, except by an Administrative Body or Official." As a result, the provision now reads: "A request for judicial review may be submitted to the Supreme Court against a court decision that has obtained permanent legal force, except by an Administrative Body or Official."

This ruling eliminates the government's right to submit a judicial review against a final and binding administrative court decision, even when new evidence related to the case is discovered. On the one hand, the absence of such a right ensures legal certainty for individuals or private legal entities involved in administrative disputes. This legal certainty allows for the prompt execution of decisions that have obtained permanent legal force. On the other hand, if, after a decision has been rendered and has become final, the government obtains substantive new facts or evidence that could materially affect the outcome of the case, such evidence can no longer be used to seek a modification of the decision.

Given the significant implications of the Verdict of the Constitutional Court in Case No. 24/PUU-XXII/2024 on administrative justice in Indonesia, it is important to examine the legal reasoning employed by the Constitutional Court Justices in reaching their decision.

RESEARCH METHOD

The type of research used is empirical legal research (Socio Legal), namely legal research conducted on real conditions that occur in the application of legal practices in society, and analyzing the actions of legal agencies related to the existence of these problems, which aim to provide legal certainty (Marzuki, 2007). In this study, the author uses a sociological legal research approach. The sociological legal research approach method is an approach that is used to analyze and provide answers to make the entire legal institutional structure work effectively. After conducting research approach using a sociological legal method, the researcher must ultimately produce a solution to the problem.

In this research, the author uses prescriptive data analysis techniques which are analytical techniques with the aim of getting suggestions about what should be done to overcome certain problems. Prescriptive means that the object of legal science is the coherence between legal norms and legal principles, the coherence between legal rules and legal norms, and the coherence between individual behavior and legal norms (Efendi & Susanti, 2018).

RESULTS AND DISCUSSION

The Constitutional Court is a high state institution established as a result of the amendments to the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). The regulation concerning the Constitutional Court is stipulated in Article 24, paragraph (2) of the 1945 Constitution, which states:

"Judicial power shall be exercised by a Supreme Court and judicial bodies beneath it within the general judiciary, the religious judiciary, the military judiciary, the administrative judiciary, and by a Constitutional Court."

Specifically, regarding the authority and the nature of the Constitutional Court's decisions, these are regulated in Article 24C paragraphs (1) and (2) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which read as follows:

- 1) The Constitutional Court has the authority to adjudicate at the first and final level, with decisions that are final and binding, to review laws against the Constitution, to resolve disputes concerning the authority of state institutions granted by the Constitution, to decide on the dissolution of political parties, and to resolve disputes concerning the results of general elections.
- 2) The Constitutional Court is obliged to issue a decision on the opinion of the House of Representatives regarding alleged violations committed by the President and/or Vice President pursuant to the Constitution.

An important aspect, in addition to the Constitutional Court's authority, relates to the nature of its decisions. The decisions of the Constitutional Court, as stipulated in Law Number 24 of 2023 concerning the Constitutional Court in conjunction with Law Number 8 of 2011 amending Law Number 24 of 2003 concerning the Constitutional Court, Law Number 4 of 2014 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2013 on the Second Amendment to Law Number 24 of 2003 concerning the Constitutional Court into Law, and Law Number 7 of 2020 concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court (Law 24/2003), are final and binding from the moment the decision is pronounced.

The final nature of the Constitutional Court's decisions means that the Constitutional Court acts as both the court of first and last instance, with decisions that cannot be subject to further legal remedies. In addition to being final, the decisions issued by the Constitutional Court are binding on all individuals, not merely on the parties involved in the case (*inter partes*). Similar to laws that apply to all citizens, the decisions of the Constitutional Court are binding and must be complied with by everyone within the country. Therefore, even if a Constitutional Court decision contains errors—whether clerical or substantive in nature—there is no mechanism for altering such decisions.

Although the Constitutional Court's rulings are final and binding, the Court must maintain the quality of its decisions. This responsibility positions the Constitutional Court as a key institution within Indonesia's constitutional system. Since its establishment and up to the time of writing this article, the Constitutional Court has handled thousands of cases. The data is as follows:

Litigation Cases	Number	Percentage
Judicial Review of Laws	1809	45,18%
Jurisdictional Disputes Among State Institutions	29	0,37%
General Election Result Disputes	975	24,69%
Dissolution of Political Parties	0	0%
Adjudicating the House of Representatives' Opinion on Alleged Legal Violations by the President and/or Vice President	0	0%
Disputes Over Regional Head Election Results	1136	28,77%
Total	3949	100%

The data above shows that the majority of petitions submitted to the Constitutional Court (MK) are related to judicial review of laws, accounting for 45.18% of a total of 3,949 cases. Examples of laws frequently subject to judicial review petitions include Law Number 7 of 2017 concerning General Elections; Law Number 8 of 1981 concerning the Criminal Procedure Code; and Law Number 10 of 2016 concerning Amendments to Law Number 1 of 2015 on the Establishment of Government Regulations in Lieu of Law Number 1 of 2014 regarding the Election of Governors, Regents, and Mayors into Law.

Several factors cause this phenomenon, namely:

- 1) The presence of ambiguous norms in the laws that lead to multiple interpretations, prompting parties to seek clarity through the Constitutional Court;
- 2) Changes in society that render existing laws inconsistent with current conditions;
- 3) Increased public awareness regarding constitutional rights.

In relation to the judicial review decision on Article 132 paragraph (1) of Law 5/1986, the petitioner essentially contends that Article 132 paragraph (1) creates legal uncertainty, injustice, is inconsistent with the rule of law, and contradicts constitutional principles regulating recognition, guarantees, protection, and fair legal certainty, as well as equal treatment before the law. The petitioner further requests that the provision allowing requests for judicial review of court decisions that have obtained permanent legal force to be

submitted to the Supreme Court be declared contrary to the 1945 Constitution and have no binding legal force, unless interpreted as, "Only individuals or civil legal entities may submit a request for judicial review of court decisions that have obtained permanent legal force to the Supreme Court."

Ultimately, the Constitutional Court partially granted the petitioner's request. The legal reasoning of the Constitutional Court in Decision Number 24/PUU-XXII/2024 is generally divided into several approaches and methods of interpretation, namely:

- a. Historical approach;
- b. Conceptual approach;
- c. Systematic interpretation.

The historical approach was applied by the Constitutional Court by narrating the origin of the Administrative Court (PTUN) (Ali, Abdullah. 2021). The Court emphasized that the existence of PTUN in Indonesia is fundamentally inseparable from the commitment to the principles of a rule of law (*rechtstaat*), based on the state philosophy and objectives as enshrined in the Preamble of the 1945 Constitution. This principle reinforces the commitment to governance based on law, as stipulated in Article 1, paragraph (2) of the 1945 Constitution of the Republic of Indonesia.

Philipus M. Hadjon asserted that the essence of a state based on the rule of law is to provide legal protection for the people, and that such legal protection against governmental actions is grounded in two fundamental principles: the principle of human rights and the principle of the rule of law. Hadjon's opinion underscores that in a legal state, government actions must not cause harm to the public. Therefore, as a rule-of-law state, Indonesia must also clearly define that state apparatuses are not instruments of power or arbitrariness against the people. This is in line with the Court's legal considerations, which emphasized that the government is required to exercise its public authority in accordance with legal norms and the principles of good governance, while citizens must consistently be guided and educated to comply with the law and become good citizens.

The Constitutional Court further emphasized in its decision that the presence of the Administrative Court (PTUN) serves to provide legal protection for the public. PTUN functions as a legal institution that facilitates the exercise of citizens' rights to seek annulment or compensation when harmed by governmental actions or decisions deemed unlawful by administrative courts.

It was also stated that the initial idea behind the establishment of PTUN was not only to serve as a legal protection mechanism for citizens but also to act as a safeguard against acts or decisions of State Administrative Bodies or Officials that are unlawful (*onrechtmatige overheidsdaad*), exceed authority (*détournement de pouvoir*), and/or are arbitrary (*daad van willekeur*) (Nurjamal, Ecep. 2023). However, the policy of abolishing the right to file for judicial review (Peninjauan Kembali or PK) by State Administrative Bodies or Officials in PTUN disputes raises a fundamental question: does this policy align with the original purpose of PTUN, or does it, in fact, weaken the legal protection afforded to the public?

Research indicates that the elimination of the right to PK for the government is grounded in the principle of finality of court decisions. Nevertheless, this may result in an imbalance in access to justice, given that private individuals or legal entities retain the right to PK, while the government does not.

Furthermore, the legal reasoning behind the removal of the government's right to PK is rooted in the objective of streamlining legal processes and reducing the case burden on the Supreme Court. However, this policy potentially undermines governmental accountability, as it eliminates a corrective mechanism for decisions that may contain substantive legal errors. This contradicts the principle of checks and balances that underpins the function of PTUN. Other scholars have emphasized that PK serves as a "safety valve" to address legally flawed judgments. Without the right to PK for the government, the risks of abuse of authority or misinterpretation of law in PTUN rulings cannot be adequately rectified.

On the other hand, the abolition of the right to file for judicial review (Peninjauan Kembali or PK) by State Administrative Bodies or Officials has not yet been supported by a comprehensive study regarding its impact on the protection of public rights. The research gap lies in the absence of empirical evaluations assessing the effectiveness of this policy in fostering legal certainty without sacrificing substantive justice. Therefore, more balanced policy recommendations are needed, such as strengthening appeal and cassation mechanisms, or establishing a specialized oversight institution to ensure that the removal of the PK right does not become a loophole for arbitrary governmental actions.

Thus, the integration of principles of good governance and transparency within the administrative judicial process must remain a priority, to ensure that the original purpose of PTUN—as a safeguard against governmental arbitrariness—remains intact.

The conceptual approach adopted by the Constitutional Court in Decision Number 24/PUU-XXII/2024, in the author's view, reflects the Court's effort to articulate the ideal role of the Administrative Court. Establishing the ideal role of the Administrative Court is crucial to maintaining its relevance in upholding legal certainty and protecting citizens' rights in their interactions with the government.

In the context of the Administrative Court, legal certainty and the protection of citizens' rights constitute guarantees and rights in the field of state administrative law. Understanding state administrative law is closely linked to the authority vested in the government. Such authority enables the government to take actions that may have an impact—either beneficial or detrimental—on society. Any governmental action that results in harm must be executed with due diligence. This diligence is essential to ensure that such actions are objective and are carried out solely for legitimate purposes, such as enforcing employee discipline regulations.

Because these actions affect the public, the exercise of such authority must be subject to limitations. The need to restrict governmental power and actions in the execution of public administration, to create a climate of order and legal certainty, and to provide legal protection for the public, led to the enactment of Law No. 5 of 1986 concerning the Administrative Court (PTUN).

In relation to the Administrative Court, the Constitutional Court emphasized that PTUN possesses distinct characteristics, namely:

1. In administrative disputes, only individuals or private legal entities may act as plaintiffs, while government bodies and/or officials are always in the position of defendants.
2. There is an inherent imbalance between the positions of the plaintiff and the defendant, as it is assumed that the plaintiff (an individual or private

legal entity) holds a weaker position compared to the defendant, who exercises public authority.

3. The judge's decision is not only binding upon the disputing parties, but also applies to third parties outside the case (*erga omnes effect*).

Furthermore, it is stated that the differences in characteristics between administrative disputes and civil cases constitute a *conditio sine qua non* for the enactment of Law No. 5 of 1986. Consequently, the law in question must comprehensively regulate the procedural mechanisms for resolving administrative disputes from the first instance, appeal, cassation, to judicial review without adopting procedures from civil litigation (Harki, Farangga, etc. 2018).

By examining the Constitutional Court's legal considerations, it is evident that the Court's stance regarding Article 132 of Law No. 5 of 1986 reflects the view that the judicial review mechanism in administrative disputes must be distinguished from that in civil cases (Siregar, B., 2021). Specifically, in State Administrative Disputes (TUN) handled by the Administrative Court (PTUN), including the judicial review stage, the Constitutional Court recognizes that there is often an imbalance between the positions of the plaintiff and the defendant, with the defendant typically a state official or body holding a psychologically and institutionally superior position to the plaintiff.

With respect to the judicial process, the Constitutional Court asserts that once a case has been adjudicated up to the cassation level by the Supreme Court, the decision should be considered final and binding. Thus, even if a party submits a request for *PK*, the decision at the cassation level does not hinder the enforcement (execution) of the ruling, as it has already obtained permanent legal force. In other words, once a final and binding decision is rendered *in casu* in an administrative dispute, the principle of *self-respect* should apply. This means that State Administrative Bodies or Officials are obligated to comply with and implement final court decisions.

The Constitutional Court also took into account its previous decisions regarding judicial review of *PK* provisions, particularly Decisions No. 16/PUU-VIII/2010 and No. 108/PUU-XIV/2016. The Court cited its reasoning in Decision No. 16/PUU-VIII/2010 as follows:

“Such a condition would result in legal uncertainty regarding when a case would truly come to an end, which contradicts the provisions of the 1945 Constitution that must guarantee recognition, protection, and fair legal certainty for every person. In the case *a quo*, there was no violation of the principle of recognition, guarantee, protection, and fair legal certainty for the Petitioner, as the Petitioner was not treated differently from other citizens. While it is true that everyone's right to seek and obtain justice is guaranteed by the Constitution, that right is not absolute. It may be limited in accordance with Article 28J paragraph (2) of the 1945 Constitution, which stipulates that in exercising their rights and freedoms, every person must submit to the restrictions established by law solely to ensure the recognition and respect of the rights and freedoms of others, and to fulfill the requirements of morality, religious values, security, and public order in a democratic society.”

“Therefore, in the Court's view, the limitation stipulated in the article of the law being reviewed in the *a quo* case is not discriminatory as referred to in Article 28I paragraph (2) of the 1945 Constitution, since the restriction applies objectively to all citizens within the context of legal proceedings in

court (Qamar, Nurul, etc. 2018). This limitation is intended to ensure legal certainty in the resolution of cases, so that individuals cannot easily submit repeated requests for judicial review (*peninjauan kembali*). Moreover, this restriction is consistent with the principle of judicial proceedings that require simplicity, speed, and low cost. Such limitations also help avoid prolonged litigation processes, which in turn delay access to justice and may ultimately result in a denial of justice itself, as captured by the adage ‘justice delayed is justice denied’.”

As for Decision No. 108/PUU-XIV/2016, the Constitutional Court stated:

“...Furthermore, if no restrictions were imposed on judicial review (PK) in non-criminal cases, it would potentially be misused by parties seeking to delay case resolution by continuously attempting to find new *novum* (new evidence), with the primary intent of postponing the execution of court decisions. If such practices were allowed, the provision of justice for litigants in non-criminal cases would face serious threats, as such a situation would lead to legal uncertainty and ambiguity—conditions that are clearly contrary to the 1945 Constitution.”

“This is in contrast to judicial review in criminal cases, where the objective is to seek material truth and ensure the protection of human rights from arbitrary state actions, especially those concerning the right to life and other fundamental rights. Therefore, through the *a quo* decision, the Court emphasized that criminal cases must be treated differently in terms of the judicial review mechanism compared to other types of cases.”

By examining the quoted considerations and further reviewing the subsequent legal reasoning presented by the Court, it can be concluded that the partial granting of the petition takes into account the following considerations:

1. Legal Certainty Regarding the Finality of a Case

The legal certainty referred to here concerns the enforceability of court decisions through the limitation of judicial review (*Peninjauan Kembali* or PK). In Constitutional Court Decision No. 16/PUU-VIII/2010, it was stated that the restriction on judicial review is not discriminatory and is intended to ensure legal certainty in the resolution of cases. This prevents individuals from easily and repeatedly filing for judicial review. Such limitations also help avoid prolonged litigation, which would otherwise result in a denial of justice, as captured by the legal maxim “*justice delayed is justice denied.*”

In the context of state administrative disputes, legal proceedings against the decisions or actions of State Administrative Bodies or Officials—which are contested between citizens and the government—should, within reasonable limits of legal reasoning, be considered concluded once a decision is rendered at the cassation level.

However, the restriction on the right to PK has sparked academic debate regarding the balance between legal certainty and the protection of substantive rights of the parties. While the limitation aims to prevent abuse of legal remedies, in practice, it may block access to correcting fundamental judicial errors (Haryono, A. 2023). Case studies have found that approximately **23%** of cassation-level decisions in PTUN cases potentially contain material errors or misapplications of law that only become evident after the rulings have obtained permanent legal force.

Within this framework, imposing an absolute restriction on judicial review (Peninjauan Kembali) could potentially compromise substantive justice in favor of formal legal certainty (Susanti, D. 2023). This issue highlights a core principle of continental legal systems, including Indonesia's, where PK is intended to serve as an extraordinary remedy of last resort a mechanism to address fundamental judicial mistakes rather than a routine legal avenue subject to rigid limitations.

On the other hand, arguments supporting PK restrictions must also be examined critically (Wahyuni, S., 2023). Without clear boundaries, PK may be exploited as a tool to unduly prolong disputes, particularly by government parties who have greater access to legal resources. However, data from the **Directorate General of State Administrative Judiciary** shows that only **8.5%** of PK applications filed by the government were granted, indicating that the Supreme Court already applies a strict filtering mechanism (Safa'at, M. A., 2011).

Therefore, scholars recommend not the **elimination or absolute restriction** of PK, but rather the **refinement of its application standards**, with clearer and more substantive criteria. This recommendation aligns with the **principle of due process of law**, which emphasizes the balance between the finality of judgments and the right to obtain substantive justice.

As affirmed in **Constitutional Court Decision No. 49/PUU-XIX/2021**, any restriction on legal remedies must satisfy the **principle of proportionality** and must not eliminate the **essence of legal protection**, which is a constitutional right of every citizen.

2. The Purpose of Establishing the Administrative Court (PTUN): To Protect Individual and Public Rights

The initial rationale for the establishment of the State Administrative Court was to provide a dedicated forum through which members of the public could seek legal redress when harmed by the actions or decisions of State Administrative Officials (Harahap, M. 2022). This court was conceived as a manifestation of the principle of the rule of law, particularly in safeguarding the rights of individuals from arbitrary or unlawful administrative conduct. In this context, the Constitutional Court has emphasized that State Administrative Bodies or Officials bear a **legal obligation** (*wettelijke verplichtingen*) to immediately implement or comply with decisions rendered by PTUN that have acquired **permanent legal force** (*inkracht van gewijsde*) (Tokan, Thomas. 2020). This obligation is rooted in the fundamental principles of good governance and legal accountability.

When a State Administrative Body or Official, after being found legally at fault, nevertheless pursues judicial review, such action represents a deviation from the **foundational purpose** (*khittah*) of PTUN's existence (Kurniawan, A., 2022). Instead of respecting and executing final court decisions, such attempts reflect resistance to legal finality and potentially obstruct justice. More critically, they risk transforming the role of PTUN from a forum of protection into a mere procedural battleground, where legal certainty is undermined by the very actors who hold public authority. This practice dilutes the authority of judicial institutions, disrupts the enforcement of lawful decisions, and threatens public confidence in the state's commitment to the rule of law (Wibowo, R., 2023).

Allowing government actors who have lost in court to initiate judicial review proceedings thus becomes **counterproductive**, as it no longer aligns with the core purpose of PTUN's establishment, namely, to **uphold the supremacy of law** and **provide legal protection** for citizens in the face of potential misuse of administrative power (Putra, D. 2024). Moreover, the inherent imbalance of power between citizens and the state makes such recourse by the losing government party a potential source of injustice, particularly when the citizen has already prevailed through all judicial levels. In this light, such actions may also be interpreted as a form of legal resistance by the state itself, undermining both procedural integrity and substantive justice (Satrio, J., 2021).

Consequently, to preserve the legitimacy and protective function of PTUN, it is essential to ensure that **final and binding judgments** are respected and executed, especially by public authorities (Sihombing, E., 2022). The legitimacy of public institutions depends not only on the fairness of legal processes but also on the **willingness of the state to submit to the rule of law**, even when it does not prevail. Any deviation from this principle poses a threat to constitutional values, disrupts the balance between citizens and the government, and erodes the institutional credibility of administrative justice.

CONCLUSION

Based on the foregoing discussion, it can be concluded that the elimination of the right to judicial review (Peninjauan Kembali) by State Administrative Bodies or Officials in administrative disputes is grounded in strong legal reasoning. First, this policy aims to provide legal certainty regarding the decisions of the State Administrative Court (PTUN) that have obtained permanent legal force, thereby preventing protracted legal proceedings. Second, the elimination of this right is intended to protect the rights of the public from potential abuse of power by the government, while at the same time ensuring justice for the injured party. Third, this measure is consistent with the original purpose of establishing PTUN, which is to serve as a legal instrument for the protection of citizens in the face of unjust administrative decisions made by the state.

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