

The Expansion of the Administrative Court's Jurisdiction in Examining Governmental Factual Actions

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Abstrak

This study aims to analyze the expansion of the jurisdiction of the Administrative Court (Peradilan Tata Usaha Negara, PTUN) in reviewing factual actions undertaken by administrative officials as an implementation of the rule of law principle in Indonesia. Within the framework of a rule of law state, PTUN functions as a judicial body that ensures oversight of administrative actions that may infringe upon citizens' rights. Legal developments in the Administrative Government Act (Undang-Undang Administrasi Pemerintahan, UUAP), as regulated in Law No. 30 of 2014 and its amendment through Law No. 6 of 2023 on Job Creation, have expanded the scope of PTUN's jurisdiction beyond written administrative decisions (Keputusan Tata Usaha Negara, KTUN) to include factual actions by administrative officials. This research employs a qualitative approach through normative legal analysis of statutory provisions and judicial practices to explore the implications of this expanded authority. The findings indicate that this expansion enables greater access to legal protection for citizens, reinforces the supremacy of law, and enhances the accountability of public administration. The study's main contribution lies in identifying the emerging role of PTUN in overseeing factual actions of government officials, while emphasizing the need for a more comprehensive understanding of its implementation within the framework of Indonesian administrative law.

Keywords: Administrative Court; Factual Actions; Administrative Decisions; Rule of Law; Government Accountability

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1. Introduction

Constitutionally, Indonesia is a state based on the rule of law. According to Julius F. Stahl, the essential elements of a rule of law state include: recognition of human rights, limitation of power, the restriction of state or governmental authority, governance based on laws, and the existence of an Administrative Court.¹

The implementation of these rule of law elements, particularly regarding the Administrative Court, is reflected in the establishment of the State Administrative Court (Pengadilan Tata Usaha Negara or PTUN) in Indonesia through the enactment of Law Number 5 of 1986 concerning the State Administrative Court on December 29, 1986. The establishment of PTUN aims

¹ Faridy Faridy, "Menuju Kekuasaan Kehakiman Yang Bebas Dan Mandiri," *HAKAM: Jurnal Kajian Hukum Islam Dan Hukum Ekonomi Islam* 01, no. 1 (2017).

to protect the fundamental rights of citizens and to provide them with access to justice in cases where the actions of state administrative officials may cause harm. PTUN serves as a specialized judicial body in Indonesia with the authority to review government policies that impact citizens' rights.²

According to Article 47 of Law Number 5 of 1986 on PTUN, as amended several times, most recently by Law Number 51 of 2009, it is stated that: "The court is tasked with and authorized to examine, adjudicate, and resolve disputes in the field of state administrative law." However, this provision primarily pertains to the resolution of disputes involving State Administrative Decisions (Keputusan Tata Usaha Negara or KTUN).

To address the shortcomings in the provisions of the State Administrative Court Law (Law No. 5 of 1986), the Government of Indonesia enacted Law Number 30 of 2014 on Government Administration (UUAP), which was later amended by Law Number 6 of 2023 on Job Creation. The UUAP was enacted to ensure that the administration of government functions operates in an orderly and lawful manner, as a response to the public's need for justice and protection of their rights in relation to administrative governance. The overarching aim of the UUAP is to promote public welfare by preventing corrupt practices, protecting citizens' rights from state administrative decisions and/or actions, and formulating a proper framework for administrative governance.³

The UUAP introduces a broader definition of the object of State Administrative Disputes. Compared to the definition of State Administrative Decisions (KTUN) in the original PTUN Law, the UUAP expands this concept. Article 87 letter a of the UUAP explicitly states that KTUN includes factual actions. This expansion provides new opportunities for citizens to seek justice. However, terminological inconsistencies arise in the use of terms such as "factual actions," "government actions," and "administrative government actions," which are not harmonized across the PTUN Law, the UUAP, or other related laws and regulations. As a result, legal certainty remains unguaranteed.⁴

² Samia and Arif Wibowo, "Dampak Perluasan Kompetensi Absolut Pengadilan Tata Usaha Negara Dalam Undang-Undang Administrasi Pemerintah," *AL-SULTHANIYAH* 12, no. 2 (2023), <https://doi.org/10.37567/al-sulthaniyah.v12i2.1625>.

³ Nehru Asyikin, "Freies Ermessen Sebagai Tindakan Atau Keputusan Pemerintah Ditinjau Dari Pengujiannya," *DIVERSI: Jurnal Hukum* 5, no. 2 (2020), <https://doi.org/10.32503/diversi.v5i2.555>.

⁴ Aju Putrijanti, "KEWENANGAN SERTA OBYEK SENGKETA DI PERADILAN TATA USAHA NEGARA SETELAH ADA UU No. 30 / 2014 Tentang ADMINISTRASI PEMERINTAHAN," *Masalah-Masalah Hukum* 44, no. 4 (2015), <https://doi.org/10.14710/mmh.44.4.2015.425-430>.

Research on the judicial review of factual actions by PTUN has been increasingly conducted. One such study is by Agus Nardi Nasution, titled *The Development of Absolute Competence of the State Administrative Court and Its Problems (An Analysis Based on the PTUN Law and Law No. 30 of 2014 on Government Administration)*. His research findings indicate a conceptual shift in the absolute competence of the State Administrative Court following the enactment of the UUAP. Specifically, Article 87 of the UUAP introduces an implicit change to the definition of the object of dispute as defined in Article 1 point 9 of Law Number 51 of 2009. This change broadens the scope of PTUN disputes beyond individual, concrete, and final administrative decisions. Nevertheless, this expansion has not yet been fully accommodated in the procedural law of the PTUN, resulting in normative disharmony and practical challenges for judges in applying the doctrine of absolute competence.⁵

Second, a study conducted by Nadila Fitri Masloman titled *The Authority of the State Administrative Court in Realizing Good Governance* reveals that the authority of the State Administrative Court (PTUN) plays a crucial role in upholding the principles of good governance. This is achieved through its judicial function of examining, adjudicating, and resolving administrative disputes arising from the issuance of State Administrative Decisions (KTUN).⁶

Third, research by Ridwan entitled *Judicial Review of Factual Actions and Unlawful Conduct by the Government within the State Administrative Court System* emphasizes that the basis for reviewing factual actions and unlawful conduct by government officials within the PTUN system still primarily relies on statutory regulations and the General Principles of Good Governance (AUPB). These legal norms serve as the primary reference for judges in assessing the legality of government actions.⁷

Based on previous research findings, several similarities and differences can be identified. In terms of similarities, all studies examine the authority of the State Administrative Court (PTUN) within the framework of administrative law, employ a normative approach, and emphasize the importance of legal protection against governmental actions. Like the previous studies, this

⁵ Agus Nardi Nasution, "Perkembangan Kompetensi Absolut PTUN Beserta Problematikanya (Analisis Menurut UU PTUN Dan UU No. 30 Tahun 2014 Tentang Administrasi Pemerintahan)," *Lex Laguens* 1, no. 1 (2023): 81–106.

⁶ N Masloman, "Kewenangan Peradilan Tata Usaha Negara Dalam Mewujudkan Pemerintahan Yang Baik (Good Governance)," *Lex Administratum* 1, no. 1 (2022): 8.

⁷ Ridwan, "Pengujian Tindakan Faktual Dan Perbuatan Melanggar Hukum Oleh Pemerintah Dalam Sistem Peradilan Tata Usaha Negara," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 11, no. 1 (2022): 89–108, <https://doi.org/10.24843/JMHU.2022.v11.i01.p07>.

research also positions PTUN as a key institution in ensuring the accountability of administrative officials.

The main distinction between this research and the others lies in its specific focus on the expansion of PTUN's authority to review factual actions undertaken by state officials, analyzed within the context of regulatory changes introduced through the Government Administration Law (UUAP) and the Omnibus Law (Job Creation Law). In contrast, the first study centers on issues of absolute competence and does not address factual actions. The second study discusses PTUN's role in promoting good governance but does not elaborate on the types of actions being reviewed. The third study does address factual actions, but only in terms of the legal basis for review and compensation mechanisms, without exploring the broader issue of authority expansion or the systemic transformation of PTUN's judicial function as analyzed in this research.

Based on these points, this study aims to analyze the expansion of the definition of State Administrative Decisions as the object of administrative disputes and the authority of the State Administrative Court to review factual actions.

2. Research Method

This research is normative or doctrinal in nature, focusing on the study of legislation and legal literature.⁸ The approaches employed include: Statute Approach: Analyzing relevant laws and regulations, such as the Law on State Administrative Courts (PTUN Law) and the Government Administration Law (UUAP), to understand the authority of PTUN in reviewing factual actions; and Conceptual Approach: Examining legal concepts underlying the expansion of PTUN's authority and the evolving interpretation of State Administrative Decisions (KTUN). The primary data source consists of secondary data derived from statutory regulations and relevant legal literature. The data will be analyzed qualitatively to draw legal conclusions.⁹

3. Research Results and Discussion

3.1. The Expansion of the Definition of State Administrative Decisions as the Object of State Administrative Disputes

In essence, government administration involves a range of acts or administrative actions in the course of carrying out governmental

⁸ Zainuddin Ali, *Metode Penelitian Hukum*, Jakarta, Sinar Grafika, 2022.

⁹ Ani Purwati, *Metode Penelitian Hukum: Teori Dan Praktek*, CV. Jakad Media Publishing, 2020.

functions. As noted by Bagir Manan, the government engages in actions or conducts daily – whether by central or regional authorities, or public bodies vested with state authority – on behalf of the state or government. In short, every individual or group is, by nature, surrounded by the actions undertaken by the state or its officials.¹⁰

Under the Government Administration Law (UUAP), the State Administrative Court (PTUN) has the authority to review factual actions as an expansion of the object of state administrative disputes. Compared to the provisions in the PTUN Law, the object of dispute in the latter is strictly limited to State Administrative Decisions (Keputusan Tata Usaha Negara or KTUN). According to Article 1 point (9) of Law Number 51 of 2009 on the PTUN, KTUN is defined as: “A written determination issued by a state administrative body or official containing a state administrative legal action based on prevailing legislation, which is concrete, individual, and final in nature, and which gives rise to legal consequences for a person or a civil legal entity.”¹¹

In contrast, Article 1 point (7) of the Government Administration Law as amended by the Job Creation Law defines KTUN as: “A written determination issued by a Government Body and/or Official in the implementation of governmental functions.”

This definition, however, does not yet provide a clear explanation regarding the criteria of a *decision*. Therefore, Article 87 of the UUAP (Transitional Provisions) offers more detailed criteria, specifying that a KTUN is understood to include:¹²

- a. Written determinations that also encompass factual actions;
- b. Decisions made by Government Bodies and/or Officials within the executive, legislative, judicial branches, and other state institutions;
- c. Decisions based on statutory regulations and the General Principles of Good Governance (AUPB);
- d. Decisions that are final in a broader sense;
- e. Decisions that have the potential to give rise to legal consequences; and/or

¹⁰ Putri Nurmala Sari Siahaan, “Perluasan Kompetensi Absolut Peradilan Tata Usaha Negara Mengenai Tindakan Faktual Di Peradilan Tata Usaha Negara Medan,” *Universitas Sumatera Utara* (2018).

¹¹ Muhammad Alvin Nashir Alvin Nashir, “Pudarnya Kewenangan Peradilan Tata Usaha Negara Dalam Sengketa Perizinan Atas Undang-Undang Cipta Kerja (Omnibus Law),” *TARUNALAW: Journal of Law and Syariah* 2, no. 01 (2024), <https://doi.org/10.54298/tarunalaw.v2i01.178>.

¹² Nuriyanto Ahmad Daim, *Hukum Administrasi: Perbandingan Penyelesaian Maladministrasi Oleh Ombudsman Dan Pengadilan Tata Usaha Negara, Laksbang Justicia*, vol. 1, 2014.

- f. Decisions that apply to members of the public.

Decisions and Actions in the Government Administration Law (UUAP) are almost always mentioned together. However, Article 87 letter (a) introduces the term “factual action,” which had not appeared in the previous articles. In 2019, the Supreme Court issued Supreme Court Regulation (Perma) No. 2 of 2019 concerning Guidelines for the Settlement of Disputes over Governmental Actions and the Authority to Adjudicate Unlawful Acts by Government Bodies and/or Officials (Onrechtmatige Overheidsdaad). In this regulation, the term “Governmental Action” is used, rather than “Administrative Action” or “Factual Action.”¹³

The definition of Administrative Action under Article 1 point (8) of the UUAP, as amended by the Job Creation Law (UU Cipta Kerja), states: “Administrative Action, hereinafter referred to as ‘Action,’ is the act of a government official or other state administrator to carry out and/or not carry out a concrete action in the course of government administration.” In contrast, Article 1 point (1) of Supreme Court Regulation No. 2 of 2019 defines Governmental Action as: “Governmental Action is the act of a government official or other state administrator to carry out and/or not carry out a concrete action in the course of government administration.”¹⁴

To determine the legal meaning of factual action within statutory context, Muhammad Adiguna Bimasakti conducted a grammatical, historical, and systematic analysis of the relationship between Article 1 point (8) and Article 87 letter (a). He concluded that the term Administrative Action as defined in Article 1 point (8) of the Job Creation Law is substantively equivalent to the term Factual Action referred to in Article 87 letter (a) of the UUAP.¹⁵

Furthermore, according to Bambang Arwanto, an examination of several provisions in the Government Administration Law (UUAP) in

¹³ Arif Wibowo, “Yurisprudensi Pengadilan Tata Usaha Negara Dalam Pembangunan Hukum Administrasi Negara,” *JUSTICES: Journal of Law* 2, no. 1 (2023).

¹⁴ Christine S T Kansil and Vinshen Saputra, “Pertanggungjawaban Hukum Terhadap Pejabat Negara Yang Menyalahgunakan Wewenang Berdasarkan Hukum Positif Indonesia,” *Community Development Journal : Jurnal Pengabdian Masyarakat* 4, no. 2 (2023).

¹⁵ Muhammad Adiguna Bimasakti, “PENJELASAN HUKUM (RESTATEMENT) KONSEP TINDAKAN ADMINISTRASI PEMERINTAHAN MENURUT UNDANG-UNDANG NO. 30 TAHUN 2014 TENTANG ADMINISTRASI PEMERINTAHAN,” *Jurnal Hukum Dan Peradilan* 11, no. 1 (2022), <https://doi.org/10.25216/jhp.11.1.2022.64-92>.

conjunction with the Job Creation Law (UU Cipta Kerja) indicates that the concept of action in Article 1 point (8) and the concept of decision in Article 87 are closely intertwined. Decisions are consistently associated with actions through the use of the conjunction “and/or”, which in this context has a cumulative-alternative function, signifying that the conception of governmental actions regulated in the UUAP points toward factual actions by the government (*feitelijke handelingen*).¹⁶

In various administrative law literatures, *factual actions* are often classified as ordinary actions or concrete acts – actions that have no direct relevance to legal consequences, and therefore do not generate legal effects. Philippus M. Hadjon notes that *factual actions* carried out by public administrative bodies or officials do not fall under the category of *rechtshandeling van de administratie* (legal acts of the administration).¹⁷

Based on the explanation above, the expansion of the meaning of *State Administrative Decisions (KTUN)* in the State Administrative Court Law (UU PTUN) and the UUAP in conjunction with the Job Creation Law can be outlined as follows: First, whereas previously a decision was understood as one that must possess the characteristics of being concrete, individual, and final, any decision lacking these three elements could not be submitted to the State Administrative Court (PTUN). However, under the UUAP, a decision is merely required to be “final in a broader sense,” thus relaxing the criteria for judicial review.

Second, the UUAP aims to expand the jurisdiction of the PTUN, not only in terms of the issuance, legality, and validity of KTUN, but also to include factual (material) actions undertaken in the execution of KTUN within the framework of governmental functions. While this concept of factual action has been extensively discussed in theoretical discourse by administrative law scholars, it represents a novel term not previously codified in earlier legislation.

Third, the administrative governance framework under the UUAP encompasses all branches of government, not merely the executive. Article 4 explicitly states that the scope of administrative governance includes all actions by bodies and/or officials performing functions

¹⁶ Bambang Arwanto, “Perlindungan Hukum Bagi Rakyat Akibat Tindakan Faktual Pemerintah,” *Yuridika* 31, no. 3 (2016).

¹⁷ Endra Wijaya, “Pengantar Hukum Acara Peradilan Tata Usaha Negara,” *Pusat Kajian Ilmu Hukum Fakultas Hukum Universitas Pancasila*, no. May 2011 (2011).

within the executive, legislative, and judicial branches, as well as other public officials exercising governmental functions as outlined in the 1945 Constitution of the Republic of Indonesia. Consequently, decisions made by the President, the House of Representatives (DPR), the Supreme Court, governors, regents, or mayors may also be subject to judicial review in the PTUN.

Based on the aforementioned aspects, although the legal space has indeed been opened, a critical question arises concerning the readiness of State Administrative Court (PTUN) judges to handle lawsuits against factual actions that are abstract, unwritten, or lack formal documentation. Lawsuits involving acts such as omission, verbal prohibitions, or discriminatory treatment in public services require judges to adopt a more progressive approach in uncovering facts and constructing legal reasoning within a contextual framework.

Another challenge lies in the evidentiary process. Due to the absence of written documents, the burden of proof often relies on witness testimony and indirect evidence, which may weaken the legal arguments presented. This condition necessitates enhancing the capacity of judges to comprehend the administrative context and encourages the development of alternative evidentiary methods beyond written documentation.

Thus, the expansion of the concept of State Administrative Decisions (KTUN) through the UUAP and Supreme Court Regulation (Perma) No. 2 of 2019 has implications not only on a normative level but also presents practical challenges in the field. These developments demand a renewal in the adjudication approach of the PTUN to ensure the delivery of substantive justice amid the evolving dynamics of modern public administration.¹⁸

3.2. The Jurisdiction of the State Administrative Court in Reviewing Factual Actions

Administrative courts in a rule of law-based state are established to protect both public and individual interests. Their existence serves as a legal avenue through which citizens may seek justice when their rights or

¹⁸ Hairul Maksum, "Batasan Kewenangan Mengadili Pengadilan Umum Dalam Penyelesaian Sengketa Perbuatan Melawan Hukum Yang Melibatkan Badan Negara Atau Pejabat Pemerintah," *Juridica* 2, no. 1 (2020).

interests are harmed by the exercise of power that violates legal provisions.¹⁹

According to Riawan Tjandra, the State Administrative Court (PTUN) can be defined as the entirety of processes or actions undertaken by administrative judges, supported by all court functionaries, in carrying out adjudicative functions within the PTUN, the Administrative High Court (PT TUN), and the Supreme Court. The judiciary may also be defined more broadly as an institution tasked with administering justice.²⁰

The State Administrative Court (PTUN) was established to resolve disputes between the government and citizens or legal entities. This is intended to protect society from actions by state administrative bodies or officials that are unlawful or detrimental to the public interest, as well as to serve as a check on the actions of these bodies or officials, ensuring they act in accordance with the law. As such, government officials are more likely to act cautiously, knowing that their decisions or actions may be subject to judicial review if challenged by the public. This encourages officials to act carefully and ensure that all administrative actions are lawful and do not harm the people. Therefore, PTUN was established to protect the public, providing a platform for citizens seeking justice.

According to Ateng Syarifudin, the term "authority" refers to the power granted by law, while "jurisdiction" is a part of that authority. In other words, jurisdiction consists of specific powers (*rechtsbevoegdheden*).²¹

To examine the jurisdiction of PTUN in reviewing factual actions, reference can be made to Article 85 of the UUAP, which stipulates that the adjudication of administrative disputes is within the jurisdiction of the court. The court referred to in the UUAP is the State Administrative Court, as defined in Article 1, paragraph (18).

Additionally, the jurisdiction of PTUN can be reviewed under PERMA No. 2 of 2019. Article 2, paragraph (1) stipulates that the court authorized

¹⁹ Muhammad Adiguna Bimasakti, "Meninjau Kekuatan Pembuktian Pengakuan Pihak Dalam Sistem Pembuktian Pada Peradilan Tata Usaha Negara," *Jurnal Hukum Peratun* 2, no. 1 (2019), <https://doi.org/10.25216/peratun.212019.98-118>.

²⁰ Rizky Pratama and Arif Wibowo, "Asas-Asas Hukum Dalam Hukum Acara Peradilan Tata Usaha Negara," *Jurnal Penelitian Multidisiplin* 2, no. 1 (2023), <https://doi.org/10.58705/jpm.v2i1.86>.

²¹ Muhammad Padol and Sukanto Satoto, "Pengaturan Penyelesaian Tindakan Maladministrasi Dalam Perspektif Peraturan Perundang-Undangan," *Mendapo: Journal of Administrative Law* 3, no. 2 (2022), <https://doi.org/10.22437/mendapo.v3i2.18547>.

to adjudicate disputes related to government actions and unlawful acts by government bodies and/or officials is PTUN.

Based on PERMA No. 2 of 2019, PTUN judges have the authority to examine and decide administrative disputes or unlawful acts that contravene laws or the principles of good governance. In the administrative court process, judges play an active role (*nie lijdelijkheid van de rechter*), unlike in civil courts, which tend to be passive (*lijdelijk*). The active role of judges in administrative courts is based on several reasons, one of which is that the disputed administrative decisions are part of positive law that must conform to the prevailing legal order (*rechtsorde*). Therefore, judges are responsible for seeking material truth. Furthermore, this active role aims to address the inequality between the plaintiff and the defendant, where the defendant, often a state authority, has advantages in terms of resources, finances, and knowledge compared to the plaintiff.²²

In the provisions for filing a factual action lawsuit, case registration uses the code TF, which stands for Factual Action. This classification indicates that administrative actions and unlawful acts are indeed included as factual actions as regulated in Article 87 of the Administrative Court Law (UUAP).

In addition to the regulations, the standard for filing an administrative lawsuit is whether it contradicts the principles of good governance (AUPB). A principle is a foundation or basis for reasoning or opinion. In relation to legal principles, according to Ronald Dworkin, legal principles (*rechtsbeginsel*) must meet three aspects. First, legal principles originate from the values and ideals of law in society. In this context, legal principles represent the core of values. Second, legal principles should not be equated with norms or positive law. Although not a legal norm, the validity of a legal norm is determined by the existence of a legal principle. Third, legal principles can be used to assess a provision of norms and legal rules. This means that any norm or legal rule that contradicts the legal principle is deemed void by law. Therefore, in its definition, AUPB serves as the foundation for the government in running the state. All aspects of legal products from the government must be based on AUPB as a consequence of a welfare state. The purpose of AUPB as a guideline for

²² Ni Made Marsha Aprilia Quisha et al., "Hukum Acara Perdata," *Journal of Comprehensive Science (JCS)* 3, no. 4 (2024), <https://doi.org/10.59188/jcs.v3i4.678>.

creating legal products or government actions is to ensure legal certainty and justice.²³

Based on the review above, it can be understood that the expansion of the meaning of Administrative Action (KTUN) in the Administrative Court Law (UUAP) provides legal protection for the people's rights. If a government decision or action violates legal provisions, the principles of good governance (AUPB), and the interests of the public, then citizens can file a written lawsuit against the government's action to the Administrative Court (PTUN) for the following reasons: a. it contradicts the provisions of the law; or b. it contradicts the principles of AUPB. The lawsuit must be filed within 90 days of the government action taken by a government body and/or official.

The expansion of the jurisdiction of the Administrative Court (PTUN) to review factual actions cannot be viewed merely as a normative expansion that is descriptive in nature, but must be critically examined considering the potential juridical implications and institutional challenges.

First, an important question arises: Does this expansion of authority have the potential to lead to abuse of power by the PTUN? The answer is affirmative. Expanding the scope of disputes to include factual actions opens up a wider interpretive space for PTUN judges in determining whether an administrative action falls within the scope of judicial review. Without clear normative parameters and measurable evaluation standards, there is a risk that PTUN may enter the realm of administrative policy, which should be within the executive's discretionary powers. This could blur the lines between the judicial and executive branches, potentially undermining the principle of separation of powers in a democratic state of law.

Second, it is necessary to examine whether PTUN judges possess sufficient capacity to assess factual actions, which are often not formally documented. Assessing factual actions requires higher substantive competence, especially in interpreting the principles of good governance (AUPB), understanding administrative contexts, and handling non-documentary evidence that is more contextual and factual. In practice, there are no objective and comprehensive indicators available to measure

²³ Edi Pranoto and Kuku Sudarmanto, "THE POSITIVE FICTIONAL PRINCIPLE AFTER THE IMPLEMENTATION OF THE JOB CREATION LAW: A PROPHETIC LEGAL PARADIGM," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 1 (2023), <https://doi.org/10.29303/ius.v11i1.1168>.

the readiness of PTUN judges to address such complex cases. This highlights the importance of systematically improving the institutional capacity and professionalism of judges.

Third, the effectiveness of the application of this authority in judicial practice still faces challenges. The majority of lawsuits against factual actions are declared inadmissible due to difficulties in proving the existence of the contested government action. Factual actions often occur without official documentation, and the public, as plaintiffs, often do not realize that such actions can be the subject of a dispute, leading to the expiration of the time limit for filing lawsuits (90 days). Furthermore, not all PTUNs apply a progressive interpretation of factual actions, resulting in a lack of uniformity in handling similar cases.

4. Closing

4.1. Conclusions

The expansion of the jurisdiction of the Administrative Court (PTUN) to review factual government actions reflects an important development in the administrative legal system in Indonesia, particularly in strengthening legal protection for citizens. Unlike civil courts, which place the parties in an equal and passive position, the PTUN is designed as a corrective instrument to address potential imbalances between the state and citizens, where the state holds a dominant position through its administrative powers. In this context, PTUN judges not only act as interpreters of the law but also as active subjects in evaluating and correcting government actions that potentially violate citizens' rights.

4.2. Suggestions

It is hoped that policymakers will consistently align the use of terminology among factual actions, administrative government actions, and government actions to avoid confusion in the interpretation of the expansion of KTUN. Furthermore, it is recommended that the government establish more detailed regulations regarding the implementation of the UUAP, serving as guidance for citizens filing lawsuits and providing direction for PTUN judges in adjudicating administrative disputes. This is particularly important because factual actions are more complex than written decisions, and the challenge lies in enhancing judges' abilities to understand cases related to factual actions.

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