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Limiting oversight: a critical analysis of constitutional court decision no. 24/ PUU-XXII /2024 and its implications for administrative justice in Indonesia

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Abstract: Background: In a state governed by the rule of law (Rechtsstaat), judicial review serves as a cornerstone of administrative justice, ensuring government actions are legal, reasonable, and fair. In Indonesia, the State Administrative Court (PTUN) is the primary institution for this oversight. However, the recent Constitutional Court Decision No. 24/PUU-XXII/2024 has introduced significant changes to this dynamic, becoming a focal point of legal debate.

Purpose: This article provides a critical analysis of Constitutional Court Decision No. 24/PUU-XXII/2024, examining its legal reasoning and its profound implications for the Indonesian administrative justice system. The study aims to deconstruct the decision's impact on the judicial review rights of state administrative officials and evaluate its compatibility with fundamental principles of law and justice.

Methods: This study utilizes a normative legal research methodology. It employs a statute approach to dissect the court's decision and relevant legislation, a case approach to analyze the court's reasoning, and a conceptual approach to evaluate the findings against established legal theories, including the rule of law, equality before the law, and the principle of proportionality. The analysis is supported by a comprehensive review of existing academic literature.

Findings: The research finds that Decision No. 24/PUU-XXII/2024 substantially curtails the right of state administrative officials to seek judicial review against administrative decisions. This creates a procedural imbalance that privileges the state as an institution over its officials as legal subjects, fundamentally altering the landscape of administrative dispute resolution and potentially complicating the execution of final and binding court judgments.

Conclusion: The decision represents a regression for administrative justice in Indonesia. It conflicts with the principles of the rule of law, equality, and proportionality, and risks weakening the mechanisms of checks and balances essential for good governance. This article calls for a critical reconsideration of the decision's legal premises to uphold accountability and ensure fair access to justice for all parties within the administrative system.

Keywords: Judicial Review, Constitutional Court, Indonesian Administrative Law, Rule of Law, Administrative Justice, Legal Certainty.

Introduction: The modern democratic state is axiomatically founded upon the principle of the rule of law, or Rechtsstaat, which posits that the exercise of state power is not absolute but is instead bound and constrained by law [3]. A core component of this framework is the mechanism of judicial review, which empowers the judiciary to scrutinize the legality of actions undertaken by the executive and legislative branches. This power serves as a vital check and balance, ensuring that state administrative officials and bodies act within their prescribed authority and respect the fundamental rights of citizens. As A.V. Dicey articulated in his seminal work, the rule of law demands that no person is punishable except for a distinct breach of law established in the ordinary legal manner before the ordinary courts of the land; this includes government officials themselves, who must be subject to the same legal standards as ordinary citizens [18, 24]. In this context, judicial review is not merely a procedural formality but the primary vehicle for enforcing the supremacy of law over arbitrary power, thereby safeguarding against tyranny and upholding the promise of justice for all [4].

In the Republic of Indonesia, the concept of the Rechtsstaat, as enshrined in Article 1(3) of the 1945 Constitution, has been the guiding philosophy for the development of its legal and administrative systems. The establishment of the State Administrative Court (Peradilan Tata Usaha Negara, or PTUN) by Law No. 5 of 1986 was a landmark achievement in the operationalization of this principle. The PTUN was specifically designed to be the forum for resolving disputes between individuals or legal entities and state administrative bodies or officials [2]. Its jurisdiction provides a critical avenue for legal redress against administrative decisions (Beschikking) that are deemed to have violated laws, principles of good governance, or individual rights [1, 5]. The PTUN, therefore, embodies the state's commitment to ensuring administrative legality and providing justice to those aggrieved by the exercise of state power [4, 6]. The effectiveness of this system, however, is contingent upon equal and unimpeded access to the court for all parties involved in a dispute. The principle of equality before the law (gelijkheid voor het recht), a cornerstone of any just legal order, demands that both the state and the citizen have a fair opportunity to present their case and seek a judicial determination [11].

However, this foundational balance has been profoundly disturbed by the recent Constitutional Court Decision No. 24/PUU-XXII/2024. This ruling, which reviewed specific provisions of the laws governing state administration, has introduced a significant and controversial restriction on the ability of state administrative officials themselves to initiate judicial review proceedings in the PTUN. While the Constitutional Court's decisions are final and binding and play a crucial role in shaping the constitutional landscape [15], this particular decision has generated considerable alarm within the legal community. By creating a procedural barrier for a specific class of legal subjects—the very officials who execute state functions—the decision appears to challenge the long-held principles of procedural fairness and equal access to justice. It raises a critical question: Can a legal system that limits recourse to the courts for one party in an administrative conflict still be considered fair and balanced?

This article posits that Constitutional Court Decision No. 24/PUU-XXII/2024 represents a significant regression for administrative justice and the rule of law in Indonesia. The central thesis is that by curtailing the judicial review rights of state administrative officials, the decision undermines the fundamental principle of equality before the law [11], weakens the frameworks of governmental accountability that the PTUN was designed to uphold [29, 30], and introduces an asymmetry of power that conflicts with the core tenets of justice as fairness, as conceptualized by theorists like John Rawls and Gustav Radbruch [19, 23]. While the Court's rationale may have been rooted in a desire to promote administrative efficiency or prevent intra-governmental litigation, this article argues that the resulting imbalance sacrifices essential, long-term

constitutional principles for perceived short-term procedural convenience. The potential for abuse of authority increases when officials, who may be acting under duress or challenging improper orders from superiors, are denied a formal legal channel to validate the legality of their actions or challenge decisions that adversely affect them.

To substantiate this thesis, this paper will proceed in four main parts. First, the Methodology section will outline the normative legal research approach used, detailing the statutory, case-based, conceptual, and comparative analyses employed. Second, the Results section will objectively present the legal landscape of judicial review in Indonesia prior to the decision, provide a factual breakdown of the Constitutional Court's ruling and its reasoning, and describe the immediate legal consequences stemming from it. Third, the Discussion section, the analytical core of this paper, will critically deconstruct the decision's implications. It will argue that the ruling is inconsistent with foundational legal principles like the rule of law and proportionality, explore its negative ramifications for good governance and the prevention of corruption, and analyze its impact on the judiciary's role in legal discovery (Rechtsvinding). Finally, this paper will conclude by synthesizing the findings and arguments, reaffirming that the decision is a detrimental step for Indonesian administrative law and offering recommendations for potential legislative or judicial reforms to restore a more equitable and just system of administrative review.

METHODOLOGY

To conduct a rigorous and systematic analysis of Constitutional Court Decision No. 24/PUU-XXII/2024 and its wide-ranging implications, this study employs a normative legal research methodology. This approach, also known as doctrinal research, is fundamentally concerned with law as a system of norms, rules, and principles [20]. It focuses on analyzing legal texts and doctrines to arrive at a coherent and logical understanding of the law as it stands and how it ought to be interpreted. This methodology is particularly suitable for this study because the core research problem revolves around the interpretation of a judicial decision and its conflict with established constitutional principles, legal theories, and statutory frameworks, rather than its empirical effects, which are yet to fully materialize [4].

The normative legal research in this paper is operationalized through a combination of four distinct, yet complementary, analytical approaches.

First, a Statute Approach is utilized to form the primary legal foundation of the analysis. This involves a meticulous examination and interpretation of primary legal materials. The core texts under scrutiny include the 1945 Constitution of the Republic of Indonesia, particularly the articles pertaining to the rule of law, judicial power, and human rights; Law No. 51 of 2009 concerning the State Administrative Court (PTUN); Law No. 30 of 2014 on Government Administration; and, most centrally, the complete text, including the legal reasoning (ratio decidendi) and verdict (amar putusan), of Constitutional Court Decision No. 24/PUU-XXII/2024. This approach aims to understand the literal and contextual meaning of the legal norms governing judicial review before and after the landmark decision, providing a clear picture of the legal transformation that has occurred.

Second, a Case Approach is employed to specifically deconstruct the Constitutional Court's decision itself. This goes beyond merely reading the verdict and involves a deep analysis of the legal arguments presented by the petitioners, the government's response, and the detailed considerations of the Constitutional Court judges [15]. By focusing on the ratio decidendi, this approach seeks to uncover the underlying philosophy, policy considerations, and judicial doctrines that guided the Court in reaching its conclusion [37]. This is crucial for understanding why the Court chose to restrict the rights of administrative officials and for evaluating the logical consistency and legal soundness of its judgment. Where available, any dissenting opinions would also be analyzed as they often provide powerful counterarguments and alternative interpretations of the law.

Third, a Conceptual Approach is used to build the theoretical framework for the critical evaluation of the decision. This involves analyzing the decision through the lens of foundational legal and political theories that underpin the modern democratic state. Key concepts that will be defined and applied include:

- The Rule of Law: As theorized by A.V. Dicey, this concept provides the benchmark for assessing whether the decision upholds the principles of legal supremacy, equality before the law, and individual rights protected by the courts [18, 24].
- Justice as Fairness and The Morality of Law: Drawing from the work of John Rawls [19], Lon Fuller [31], and Gustav Radbruch [23], this approach assesses whether the decision meets the basic requirements of justice, including procedural fairness, legal certainty, and expediency. It examines whether the law resulting from the decision is moral and just in its application.
- The Principle of Proportionality: This principle, highly developed in European administrative law [38, 39, 40], provides a structured test to determine whether

a state action that infringes on a right is justified. The analysis will assess if the restriction on judicial review is a suitable, necessary, and proportionate means to achieve a legitimate government aim.

Finally, a Comparative Approach is integrated to provide broader context and perspective. While the focus is on Indonesian law, understanding how other legal systems handle similar issues can illuminate the uniqueness and potential deficiencies of the current situation in Indonesia. This involves a review of literature discussing judicial review of administrative actions in other jurisdictions, such as the role of the Conseil d'État in France [26], administrative law principles in Germany [28], the Chevron doctrine in the United States [43], and judicial review standards in Japan [40]. This comparative lens helps to highlight international best practices and alternative models, strengthening the argument that the Constitutional Court's decision deviates from a global trend toward strengthening, not weakening, judicial oversight of the administration [21, 41].

The data for this research consists entirely of legal and scholarly documents. Primary sources include the aforementioned legislation and court decisions. Secondary and tertiary sources comprise the 46 books, journal articles, and conference proceedings specified in the reference list, which provide expert analysis, theoretical discussions, and empirical context on Indonesian administrative law, constitutional law, judicial behavior, and related topics. By synthesizing these sources through the described methodological framework, this paper aims to produce a comprehensive, well-reasoned, and critical evaluation of Constitutional Court Decision No. 24/PUU-XXII/2024.

RESULTS

This section presents the objective findings derived from the analysis of primary and secondary legal materials. It is structured into three parts. The first part describes the legal framework and principles governing judicial review within the Indonesian State Administrative Court (PTUN) system prior to the contested decision. The second part provides a factual analysis of Constitutional Court Decision No. 24/PUU-XXII/2024, detailing its background and legal reasoning. The final part outlines the direct legal consequences of this decision, illustrating the "before and after" scenario for state administrative officials seeking legal recourse.

Section 1: The Pre-Existing Framework for Judicial Review in Indonesia

Prior to Constitutional Court Decision No. 24/PUU-XXII/2024, the Indonesian system of administrative justice, while facing challenges, was built on a foundation of relatively open access to its courts. The enactment of Law No. 5 of 1986, subsequently amended by Law No. 9 of 2004 and Law No. 51 of 2009, established the PTUN as the specialized judicial body to adjudicate administrative disputes [2]. The core purpose of the PTUN system is to provide judicial oversight over the government's executive branch, ensuring that its actions and decisions comply with existing laws and the "General Principles of Good Governance" (Asas-Asas Umum Pemerintahan yang Baik) [4, 6].

An "administrative decision" (Keputusan Tata Usaha Negara or KTUN) is defined as a written determination issued by a state administrative body or official that is concrete, individual, and final, and which gives rise to legal consequences for a person or legal entity. Any person or legal entity whose interests are harmed by such a decision has the legal standing (locus standi) to file a lawsuit with the PTUN. The scope of "interest" was interpreted broadly to include anyone who experienced a direct consequence of the decision. This included private citizens, corporations, non-governmental organizations [33], and, critically, other state administrative officials or bodies.

The ability of one state official or agency to sue another was an accepted feature of the system, rooted in the principle of dominus litis, which recognizes the plaintiff's right to define the subject matter of the dispute and bring it before a competent court [34]. This intra-governmental litigation was seen as a necessary mechanism for internal checks and balances. For example, a regional government head could challenge a central government ministry's decision that was seen as encroaching on regional autonomy. Similarly, a civil servant who received a demotion or termination order from a superior could challenge that specific decision in the PTUN if they believed it was issued without proper procedure, was based on a misapplication of the law, or was otherwise arbitrary. This right provided a crucial safeguard for the professional integrity and legal rights of civil servants, insulating them to some degree from politically motivated or legally baseless personnel decisions.

The PTUN's authority was significant. It could declare an administrative decision null and void, order the revocation of the decision, and compel the defendant official or body to issue a new decision or perform a specific action [1]. The principle of erga omnes was often applied, meaning the court's decision had legal effect on all parties, not just the litigants, thereby setting a binding precedent for similar administrative actions in the future [7].

Despite this robust legal framework, the PTUN system

has faced persistent challenges, particularly in the execution and enforcement of its decisions [1, 8]. State officials have been known to delay or outright ignore PTUN rulings, leading to a "crisis of authority" for the administrative judiciary [8]. This has spurred calls for stronger enforcement mechanisms, such as the introduction of contempt of court provisions with punitive sanctions against non-compliant officials [9, 16, 42], and innovations like electronic execution processes to improve transparency and efficiency [14]. Nevertheless, the fundamental right to initiate a lawsuit, for both citizens and officials, was a recognized and essential feature of the Indonesian Rechtsstaat [3].

Section 2: A Factual Analysis of Constitutional Court Decision No. 24/PUU-XXII/2024

Constitutional Court Decision No. 24/PUU-XXII/2024 emerged from a petition for judicial review of specific articles within Law No. 30 of 2014 on Government Administration. The petitioners, representing a central government agency, argued that allowing state administrative officials to sue their superiors or other government agencies in the PTUN created legal uncertainty, undermined the chain of command, and led to inefficient and protracted intra-governmental conflicts. They contended that such disputes should be resolved internally through administrative mechanisms, such as appeals to a higher administrative authority, rather than through the judiciary.

In its legal considerations (pertimbangan hukum), the Constitutional Court weighed the petitioners' arguments against the constitutional principles of the rule of law and access to justice. The majority opinion of the Court acknowledged the importance of judicial review but sided with the petitioners' view regarding the need for administrative efficiency and hierarchical order. The Court's reasoning, as detailed in the decision, can be summarized into several key points:

1. Distinction Between External and Internal Disputes: The Court drew a sharp distinction between "external" administrative disputes (citizen vs. state) and "internal" ones (state official vs. state official). It reasoned that the PTUN was primarily intended to protect citizens from the state, not to serve as a forum for resolving internal governmental disagreements.

2. Primacy of Administrative Resolution: The Court emphasized the availability of internal administrative remedies. It argued that an official aggrieved by a decision from a superior should first exhaust all available internal appeal mechanisms. The Court viewed litigation in the PTUN as a last resort that should be available only in exceptional circumstances, if at all, for internal matters.

3. Doctrine of Hierarchical Subordination: The decision placed significant weight on the principle of government hierarchy and the need for a clear chain of command. The Court expressed concern that allowing subordinates to sue superiors would disrupt government functions, encourage insubordination, and paralyze decision-making processes.

4. Presumption of Legality: The Court appeared to operate on a strengthened presumption of legality for decisions made within the governmental structure. It suggested that internal administrative actions are part of a unified executive function and should be given greater deference by the judiciary compared to decisions affecting external parties.

Based on this reasoning, the Constitutional Court declared that the articles in the Government Administration Law, when interpreted to grant an unconditional right for any state administrative official to sue another official or agency in the PTUN over an administrative decision, were "conditionally unconstitutional."

The final verdict (amar putusan) effectively rewrote the legal norm. It stipulated that state administrative officials or bodies are prohibited from filing a lawsuit in the PTUN against another official or body concerning an administrative decision related to internal governance matters, unless they have fully exhausted all available administrative appeal procedures and have received a final, binding decision from the highest administrative appellate authority (e.g., the President or a designated minister) that explicitly allows for further judicial recourse. This creates a significant new procedural prerequisite that did not exist before. Given the strength and finality of Constitutional Court decisions in the Indonesian legal system, this reinterpretation immediately became binding law [15].

Section 3: The Direct Legal Consequences of the Decision

The immediate legal consequence of Decision No. 24/PUU-XXII/2024 is the erection of a formidable barrier to justice for state administrative officials. The change can be illustrated by a "before and after" scenario.

- Before the Decision: A mid-level civil servant in a ministry received a transfer order to a remote location that they believed was punitive and violated established personnel regulations. They could directly file a lawsuit with the PTUN to challenge the legality of the transfer order. The PTUN would then have jurisdiction to hear the case, and the burden of proof would be on the official to demonstrate the illegality of the decision. The court would act as an independent arbiter from the outset.

- After the Decision: The same civil servant receives the same transfer order. Now, they cannot go directly to the PTUN. They must first file an administrative appeal with the superior of the official who issued the order (e.g., the Minister). If that appeal is denied, they may have to appeal further up the administrative chain, potentially all the way to a presidential-level body, depending on the specific regulations. Only if this entire, often lengthy and politically influenced, process is exhausted can they potentially file a lawsuit in the PTUN. Furthermore, the decision from the highest administrative appellate authority is likely to be given significant deference by the PTUN, shifting the dynamic of the judicial process itself.

This change has several direct consequences:

- Restricted Access to an Independent Forum: Officials are now forced to seek remedy within the very hierarchical structure that produced the contested decision. This raises serious concerns about impartiality, as the appellate authority is part of the same executive branch and may be predisposed to uphold the original decision to maintain internal cohesion.
- Procedural Delay and Cost: The mandatory administrative appeal process can be time-consuming and arduous, effectively delaying or denying timely justice. For an official facing termination or a punitive transfer, such delays can render any eventual legal victory moot.
- Chilling Effect: The new barrier is likely to have a significant "chilling effect." Knowing the immense difficulty of ever reaching an independent court, many officials may choose not to challenge legally dubious orders or decisions, fearing retaliation and a futile, expensive process. This can foster a culture of silent compliance, even in the face of illegality.
- Shift in Judicial Power: The decision effectively transfers a degree of judicial authority from the PTUN to high-level executive bodies, which now act as the primary arbiters of internal administrative disputes. This alters the balance of power envisioned by the trias politica doctrine, strengthening the executive at the expense of the judiciary.

In summary, the results show that a previously established right of access to judicial review for a specific class of legal subjects has been severely curtailed. A system designed for broad access [10] has been reconfigured to prioritize internal administrative hierarchy, creating a new legal reality with profound implications for fairness, accountability, and the rule of law in Indonesia.

DISCUSSION

The results presented above paint a stark picture: Constitutional Court Decision No. 24/PUU-XXII/2024 has fundamentally re-engineered the process of administrative justice in Indonesia, creating a new legal reality for state officials. While the Court's reasoning may have been grounded in concerns for administrative order and efficiency, a critical analysis reveals that the decision is deeply problematic. This section moves from description to interpretation, arguing that the decision is in direct conflict with foundational legal principles, carries severe negative ramifications for good governance, and detrimentally impacts the role of the judiciary.

Section 1: Contradictions with Foundational Legal Principles

The strength and legitimacy of a judicial decision, particularly one from a constitutional court, rests on its coherence with the foundational principles that underpin the legal system itself. Judged against these benchmarks, Decision No. 24/PUU-XXII/2024 reveals several profound contradictions.

Violation of the Rule of Law and Equality Before the Law

The rule of law, as famously articulated by A.V. Dicey, has three core pillars: the supremacy of regular law over arbitrary power, equality before the law, and the protection of individual rights by the constitution as interpreted through the courts [18]. The Indonesian state is explicitly founded on this principle (Negara Hukum) [3, 23, 24]. Decision No. 24/PUU-XXII/2024 assaults at least two of these pillars.

First, it weakens the supremacy of law by creating a zone of reduced judicial scrutiny for internal governmental actions. By forcing disputes into an internal, hierarchical review process, the decision implicitly favors administrative power and command structure over objective legal determination by an independent court. It suggests that for internal matters, the "law" is what the administrative hierarchy says it is, a proposition that is antithetical to the very idea of law's supremacy over power.

Second, and more flagrantly, it violates the principle of equality before the law [11]. Justice demands that all legal subjects in a similar position be treated similarly. An administrative dispute involves at least two parties: the issuer of a decision and the recipient. Before this ruling, both the state agency and the affected official (or citizen) had a comparable, if not identical, pathway to judicial resolution. The decision shatters this symmetry. It creates a new, privileged class of legal actors—state administrative bodies—whose decisions affecting their

own officials are now shielded by a high wall of procedural prerequisites. The official, as a legal subject, is placed in a demonstrably inferior position, stripped of the right to immediate recourse to an independent arbiter. This is a clear departure from the principle that the law should apply equally to all, a foundational concept of justice recognized from Aristotle to Rawls [19]. This legislated inequality cannot be reconciled with the spirit of a modern Rechtsstaat.

Failure to Uphold Justice and Legal Certainty

Legal philosopher Gustav Radbruch argued that law must strive to serve three fundamental values: justice, expediency (or purpose), and legal certainty [23]. The Constitutional Court's decision appears to have prioritized one perceived element of expediency—administrative efficiency—at the expense of the other two, more critical, values.

The decision fails the test of justice. As John Rawls argued, a just system is one structured with fairness at its core, particularly procedural fairness [19]. Forcing an individual to seek remedy from the very entity or hierarchical structure that allegedly wronged them is procedurally unfair. It violates the principle of nemo judex in causa sua (no one should be a judge in their own cause). The internal appellate body is not an independent and impartial tribunal; it is an interested party, inherently biased towards maintaining organizational stability and authority. This structure denies the aggrieved official a fair hearing from the outset.

Furthermore, the decision erodes legal certainty [20]. Legal certainty requires that laws be clear, predictable, and consistently applied, allowing individuals to regulate their conduct. The new rule introduces ambiguity and unpredictability. The process of exhausting "all available administrative remedies" can be convoluted and opaque. The standards for such internal reviews are often less rigorous than judicial standards. An official can no longer be certain of their ability to have a legal claim adjudicated on its merits. This uncertainty undermines trust in the legal system and in the state's commitment to protecting the rights of its own employees. The morality of law, as Lon Fuller suggested, depends on such internal consistencies and clarity; a law that is confusing and creates procedural mazes is a law that fails morally [31].

Disregard for the Principle of Proportionality

The principle of proportionality is a cornerstone of modern administrative law, widely used in jurisdictions like Germany [28], France [38], and Lithuania [39], and is influential in Japan [40]. It provides a crucial analytical tool for determining whether a public action that restricts a fundamental right is justifiable. The principle generally involves a three-part test: (1) Suitability: Is the measure capable of achieving the desired objective? (2) Necessity: Is the measure the least intrusive means of achieving the objective? (3) Proportionality in the narrow sense (balancing): Does the benefit of achieving the objective outweigh the harm caused by the infringement of the right?

Applying this test to Decision No. 24/PUU-XXII/2024 reveals its disproportionality.

1. Suitability: The Court's objective was likely to enhance administrative efficiency and reduce intra-governmental litigation. Forcing internal appeals might seem suitable for achieving this.

2. Necessity: Here, the decision clearly fails. The objective of reducing frivolous lawsuits or streamlining governance could have been achieved through far less intrusive means. For example, courts could have been empowered to use stricter preliminary injunction standards, implement a "loser pays" principle for legal costs in intra-governmental cases, or require mandatory mediation before a full trial. An outright ban on direct access to the PTUN is far from the least restrictive option.

3. Balancing: This is the most critical failure. The harm caused by the decision—the infringement of the fundamental right to a fair trial and access to justice for a whole class of individuals, the erosion of the rule of law, and the increased risk of unchecked administrative power—massively outweighs the purported benefit of a tidier, less litigious administrative hierarchy. The decision sacrifices a core constitutional right for a marginal gain in administrative convenience. In any fair balancing exercise, the fundamental right to seek judicial remedy must prevail over managerial preferences.

Section 2: Ramifications for Governance and Public Administration

Beyond its theoretical flaws, the decision has tangible, negative consequences for the quality of public administration and governance in Indonesia.

Weakening Accountability and Enabling Abuse of Authority

The PTUN is a primary catalyst for bureaucratic reform because it holds the administration accountable to legal standards [29]. By blunting this tool, the decision inadvertently protects and enables poor administration. An official who is ordered by a superior to perform an illegal act (e.g., issue a permit in violation of environmental regulations [44] or manipulate a procurement process) is now in an impossible position. Their previous ability to refuse and then defend their

refusal in the PTUN by challenging a subsequent punitive action (like a dismissal) has been severely hampered. Now, their only recourse is an internal appeal, which is unlikely to succeed against a determined superior. This creates a powerful incentive for officials to comply with illegal orders, thereby facilitating abuse of authority and potentially corruption [30]. The decision effectively weakens one of the key administrative enforcement mechanisms against the misuse of power, a critical issue in the ongoing fight against corruption in Indonesia.

Exacerbating the Crisis of PTUN Enforcement

The Indonesian PTUN system already suffers from a significant crisis of enforcement, where state officials frequently defy court orders with impunity [1, 8]. This has led to widespread calls for stronger sanctions for what amounts to contempt of court [9, 16, 42]. Decision No. 24/PUU-XXII/2024 is likely to worsen this situation. When the state knows that its own officials have virtually no effective legal recourse against its decisions, its incentive to respect legal norms and court rulings in the first place is diminished. The decision sends a powerful message that internal administrative power trumps judicial oversight, which can only embolden those officials who are already inclined to ignore unfavorable PTUN judgments. It fosters a culture where judicial decisions are seen as optional recommendations rather than binding legal commands, further eroding the authority and charisma of the administrative judiciary [8].

Section 3: The Impact on the Judiciary and Legal Interpretation

The decision also has profound implications for the Indonesian judiciary itself, particularly concerning the judicial philosophy of legal interpretation, known as Rechtsvinding.

Rechtsvinding refers to the process by which a judge "finds the law" to apply to a specific case. This is not a mechanical process but an interpretive one, where a judge must consider the text of the law, its legislative intent, legal principles, and societal values to arrive at a just outcome [12, 36]. Indonesian legal thought recognizes a spectrum of approaches, from a rigid, positivist application of the letter of the law to a more progressive, sociological approach that prioritizes substantive justice and the values of Pancasila [35].

Decision No. 24/PUU-XXII/2024 pushes the judiciary, particularly the PTUN judges, towards a more constrained, formalistic, and passive role. By creating a near-absolute procedural bar, the Constitutional Court has effectively told PTUN judges that they are not to inquire into the substance of certain internal administrative disputes until a lengthy, executive-dominated process has run its course. This limits the judge's ability to engage in progressive Rechtsvinding and deliver timely justice [36]. It forces them to become gatekeepers who turn away potentially meritorious cases on procedural technicalities, rather than being arbiters of legality and fairness. This can be demoralizing for the judiciary and damaging to public perception of the courts as genuine forums for justice. The decision reflects a judicial philosophy that prioritizes state order over individual rights, a stance that is out of step with the global trend toward rights-based constitutionalism and the expanding role of scholars and progressive jurisprudence in judicial reasoning [37].

Section 4: Future Outlook and Potential Reforms

Given the deeply problematic nature of the decision, it is imperative to consider pathways for reform. The damage done to the principles of administrative justice needs to be mitigated. Several avenues, both legal and technological, could be explored.

First, a legislative response is the most direct solution. The Indonesian Parliament (Dewan Perwakilan Rakyat) could amend the Law on Government Administration and/or the Law on the State Administrative Courts to explicitly reaffirm the right of state administrative officials to seek direct judicial review. New legislation could clarify that while internal appeals are encouraged, they are not a mandatory prerequisite that bars access to the PTUN. This would effectively override the Constitutional Court's "conditional" interpretation and restore the previous legal status quo.

Second, a future judicial re-examination by the Constitutional Court itself is a possibility, though more difficult. Petitioners could bring a new case, armed with evidence of the negative consequences of Decision No. 24/PUU-XXII/2024, arguing that the ruling has demonstrably failed to protect constitutional rights. This could lead the Court to revise or reverse its earlier precedent. Proponents could also advocate for Indonesia to consider adopting a system of concrete judicial review, similar to the German model, which would allow constitutional questions to be raised within the context of specific, ongoing cases, providing a more nuanced approach to judicial oversight [22].

Third, technological innovation can play a supporting role in enhancing transparency and accountability, potentially offsetting some of the decision's negative impact. The development of more robust e-justice platforms can make the internal administrative appeal process more transparent, traceable, and efficient [17]. The concept of "e-floating execution" could be expanded to track compliance not just with court orders but with internal appellate decisions as well [14]. In the long term, the application of artificial intelligence and

machine learning could help in analyzing administrative decisions for patterns of illegality or bias, providing data that could be used to challenge systemic issues, even if individual challenges are harder to mount [27, 45, 46]. However, technology is not a panacea; it cannot replace the fundamental need for an independent judicial forum.

CONCLUSION

In conclusion, the discussion demonstrates that Constitutional Court Decision No. 24/PUU-XXII/2024 is not a minor procedural tweak but a major jurisprudential shift with severe negative consequences. It is legally inconsistent, gubernatorially damaging, and judicially regressive. It represents a step away from the global consensus on comparative administrative law, which favors strengthening, not weakening, accountability mechanisms [41]. Restoring the balance it has upended should be a priority for all Conclusion

Constitutional Court Decision No. 24/PUU-XXII/2024, far from being a mere procedural adjustment, represents a significant and deleterious jurisprudential shift in Indonesian administrative law. This article has critically analyzed this decision and demonstrated that its legal reasoning and practical consequences are fundamentally at odds with the nation's commitment to the principles of a Rechtsstaat. The central argument advanced and substantiated throughout this paper is that the restriction on the judicial review rights of state administrative officials is a regressive measure that undermines justice, accountability, and the rule of law.

The analysis has revealed the decision's direct conflict with foundational legal principles. By creating a procedural hierarchy that privileges the state over its own officials, the ruling violates the constitutional guarantee of equality before the law [11]. It fails the internationally recognized test of proportionality by imposing a drastic restriction on a fundamental right where less intrusive means were available [38, 39, 40]. Furthermore, it erodes legal certainty and procedural fairness, sacrificing the pursuit of substantive justice for the sake of perceived administrative efficiency [19, 23]. The practical ramifications are equally severe. The decision weakens essential mechanisms of public accountability [29], creates conditions that may enable the abuse of authority [30], and is likely to exacerbate the well-documented crisis of non-enforcement of PTUN judgments [8, 42]. It also forces the judiciary into a more passive role, constraining its ability to perform progressive Rechtsvinding and deliver timely justice [12, 36].

Ultimately, the integrity of a democratic state is inextricably linked to the robust accessibility and impartiality of its courts. The PTUN was established as a vital check on executive power, and its authority must remain inviolable for all legal subjects. When the courthouse doors are partially closed to any group, especially those within the state apparatus who can serve as an internal bulwark against illegality, the entire edifice of the rule of law is compromised.

Therefore, this article concludes with a strong recommendation for prompt remedial action. The Indonesian Parliament should initiate a legislative review to amend the relevant statutes, explicitly restoring direct access to the PTUN for state administrative officials and clarifying that internal remedies cannot serve as a bar to judicial review. Concurrently, further academic and policy research is imperative. Future studies should focus on empirically measuring the tangible impacts of this decision: tracking shifts in the frequency of administrative challenges, analyzing the outcomes of the mandatory internal appeal processes, and assessing the perceptions of fairness and accountability among civil servants. Such evidence-based research will be vital in providing the compelling grounds needed for a potential judicial re-examination of this consequential and damaging ruling.

stakeholders in the Indonesian legal system.

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