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JURIDICAL REVIEW OF THE AUTHORITY OF THE PTUN IN ANNULLING THE DECISION OF DISCIPLINARY SANCTIONS AGAINST CIVIL SERVANTS
(Study of Decision Number 3/G/2022/PTUN. BL on the Decree of the Governor of Lampung Number 862.2/172/VI.04/2019)

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Abstract

The issue of the authority of the State Administrative Court in canceling the determination of disciplinary sanctions against Civil Servants is interesting to analyze juridically, especially because there is a debate regarding the scope of discretion of state administrative officials and the extent to which the court can test the substance of the administrative decision. One of the relevant concrete cases to be studied is the Decision of the Bandar Lampung State Administrative Court Number 3/G/2022/PTUN. BL which canceled the Decree of the Governor of Lampung Number 862.6/172/VI,04/2019 concerning the imposition of disciplinary sanctions on a civil servant within the Lampung provincial government. The main issue that is the basis for the discussion of this article is the authority of the Bandar Lampung State Administrative Court (PTUN) in examining and deciding personnel disputes, as well as the juridical analysis of the Decision and its conformity with the principles of administrative law. The focus of this paper is to examine how judges interpret the authority of the PTUN in administrative disputes, especially related to the procedural and substantive aspects of the imposition of disciplinary sanctions with the Normative Juridical research method. The cancellation of the Governor's Decree, the Bandar Lampung PTUN has shown that the TUN judiciary has a strategic role in overseeing the administrative process of the government that is law-abiding, fair, and non-discriminatory.

Keywords: *Administrative Disputes Tribunal, Authority*.

A. INTRODUCTION

Civil Servants (PNS) have a strategic role in running the government and carrying out national development to achieve state goals. Based on the Preamble to the 1945 Constitution, the main direction of the Indonesian government is to protect the entire nation and spill Indonesian blood. Meanwhile, the goal of national development is to foster just and prosperous social conditions equally based on the values of Pancasila. The effectiveness of the operation of state authority and the success of structural transformation on a national scale are highly determined by the quality of state apparatus, which basically relies on the competence and integrity of the state civil apparatus in it[1]. The public legal framework places civil servants as the party responsible for assisting the president as the head of government in managing the wheels of government.

Implementing the applicable legal provisions, as well as ensuring that all regulations are complied with by the community. In addition, as state servants, civil servants also have the obligation to show loyalty and obedience to Pancasila as the basis of the state and national ideology, the 1945 Constitution, as well as to the state and the Government of the Republic of Indonesia.[2] The position of State Civil Servants as a profession that upholds values, ethics and responsibility to the state carries logical consequences for the importance of discipline enforcement in carrying out their duties. The enforcement of discipline within civil servants is a strategic step in realizing governance in a government that is free from corrupt practices, professional and has the ability to uphold institutional authority.

State Civil Servants are bound by a set of rules that include rules regarding duties that must be fulfilled, prohibited things and administrative punishments known as disciplinary norms in civil

[1] Syahya Anggara, (2018), State Administrative Law, Pustaka Setya, Bandung, p. 98

[2] Mayluvinda, E. K., & Aurellia, I. A. (2024). Decision Number 8/g/2020/pt. tun. JKT: Juridical Analysis of Administrative Efforts in Resolving Personnel Disputes. Page 199

service. The government has established Government Regulation Number 53 of 2010 concerning the discipline of civil servants which was later revoked with Government Regulation Number 94 of 2021 as the legal basis for cracking down on disciplinary violations.[3] The decision to impose disciplinary punishment often raises objections from the sanctioned party. These objections mainly occur if there are indications that the sanction procedure is not carried out based on the principles of *due process of law* or violates the general principles of good governance, such as the principles of legal certainty, proportionality, and justice.[4]

In this case, the PTUN serves as an institution with legal authority to review and evaluate whether a result of state administrative considerations is legally issued according to applicable regulations, including administrative decisions that impose disciplinary sanctions on civil servants.[5] The establishment of the State Administrative Court (PTUN) is fundamentally aimed at creating an organized, prosperous, peaceful and disciplined government system and ensuring the protection of the legal position of every individual in society. The PTUN also plays an important role in creating balance and harmony in the relationship between state government officials and individuals within the scope of state administration.

The existence of this institution reflects a state system based on the law and prioritizes the principles of justice and guarantees certainty in the application of the law, as well as respect for human rights. From the theoretical side, the existence of the PTUN is aimed at guaranteeing and maintaining the rights of individuals and citizens so that they are in harmony with the interests of the wider

[3] Government Regulation Number 94 of 2021 concerning the discipline of civil servants

[4] Ikhsan, F., & Sulastri, D. (2025). The Position of the General Principles of Good Governance (AUPB) as a Normative Benchmark for the Decision of the State Administrative Court in Realizing Judicial Reform. Pages 9-10

[5]Pattipawae, D. R. (2019). Implementation of the Execution of State Administrative Court Decisions in the Era of Autonomy. *Sasi*, *25*(1), pp. 92-106.

community.[6] The issue of the authority of the PTUN in canceling disciplinary decisions against civil servants is interesting to analyze judicially, especially because there is a debate regarding the scope of discretion of state administrative officials and the extent to which the court can test the substance of the administrative decision. One of the relevant concrete cases to be studied is the Bandar Lampung PTUN Decision on a dispute with registration number 3/G/2022/PTUN. BL which canceled the decree of the governor of Lampung Number 862.6/172/VI,04/2019 concerning the imposition of disciplinary punishment to a civil servant within the Lampung provincial government. This study is very important to examine how judges interpret the authority of the PTUN in administrative disputes, especially related to the procedural and substantive aspects of the imposition of disciplinary sanctions.

B. RESULTS AND DISCUSSION

1. Authority of the Bandar Lampung State Administrative Court in resolving Disputes in the Personnel Sector

The emergence of a conflict of norms related to the authority between the PTUN and the TUN high court in resolving cases after administrative steps is rooted in the provisions of Articles 75 and 76 of the Government Administrative Law, as well as articles 48 and 51 paragraph (3) of the TUN Judicial Law. This conflict is the basis for the emergence of the question of which judicial authority has jurisdiction to assess, examine cases, adjudicate and render legal decisions related to administrative objections. Law No. 30 of 2014 concerning government administration, although used as a reference to material law in the PTUN process, also contains various formal legal provisions in some parts. On the other hand, the Law on PTUN is oriented towards formal law, also contains a number of regulations

[6] Seipul, M. F. A., & Ardhan, M. U (2024). The Role of the State Administrative Court in Upholding the Principle of Public Interest in Administrative Law in Indonesia. Pages 1-7

regarding the substance of material law that applies to the PTUN environment.[7]

The rules stipulated in Law No. 5 of 1986 discuss the organizational structure and scope of jurisdiction of the State Administrative Court. These regulations belong to the first category, namely the order of judicial institutions whose institutional structure and competencies have been regulated at the same time in the provisions of procedural law. This situation is different from the system adopted in Law No. 2 of 1986 concerning the General Court, which is included in the second category, where procedural law procedures still refer to the Herziene Indonesisch Reglement (HIR) for civil cases, while criminal cases refer to Law No. 8 of 1981 concerning the Criminal Procedure Law.

Regarding the position of the State Administrative Court Regulation, Law No. 5 of 1986 as amended through Law No. 9 of 2004 and Law No. 51 of 2009, can be studied from the aspect of the legal system, material substance, and formal provisions governing the State Court. Although it is procedural law, this law also contains several norms with material nuances. Thus, to determine the relevant legal norms applicable in certain disputes, it is necessary to interpret based on the juridical aspect. In this case, Article 48 and Article 51 paragraph (3) of the PTUN Law still have legal force to date, as do Article 76 paragraph (3) and Article 1 number 18 in the Government Administration Laws and Regulations. However, the overlap between the two laws creates a disharmony in norms, especially covering the jurisdiction of the court in terms of receiving, reviewing, deciding, and resolving personnel administration cases.[8]

The Bandar Lampung State Administrative Court, in the framework of the structure of the national administrative judicial institution, has absolute and relative authority as stipulated in the PTUN Law. Absolute authority refers to the type of case that can be examined by the State Administrative Court, namely disputes against the State Administrative Decree (KTUN), including those concerning

[7] Effendi, M. (2017). Dynamics of Administrative Judicial Jurisdiction. *Pusaka Media, Jakarta*. Pages 190-193

[8] S. M. Afifah, (2022). The Authority of the State Administrative Court in Resolving Personnel Disputes. *Serina Proceedings*, *2*(1), 725-732.

the status and administrative rights guaranteed for Civil Servants (PNS). Regarding this issue, administrative decisions related to dismissal, imposition of disciplinary sanctions, mutations, and cancellation of personnel rights can be submitted as objects of dispute as long as they contain a concrete nature, are aimed at certain subjects, and have reached the final stage. [9] Meanwhile, the relative authority of the Bandar Lampung State Administrative Court is determined by the location or domicile of the official or body that issued the decision, in accordance with the provisions of the procedural law of the State Administrative Court.[10]

The practice of handling cases at the Bandar Lampung State Court shows that this institution has received a number of personnel disputes that have arisen after administrative efforts have been made. One concrete example can be seen in dispute No. 3/G/2022/PTUN. BL, where a Civil Servant (PNS) sued the decision of the Governor of Lampung regarding the imposition of disciplinary sanctions. The lawsuit was filed after the plaintiff underwent internal administrative procedures in the form of objections, but did not obtain satisfactory results. The Bandar Lampung State Administrative Court received and examined this case by examining the formal legality aspects of the sanction procedure, as well as the material legality related to the substance of the decision that allegedly violated the general principles of good governance (*AUPB*).

The decision of the Bandar Lampung State Court to finally accept the plaintiff's application is proof that the court still holds the authority to assess administrative actions even though it has been preceded by administrative efforts. The judge's assessment in this case emphasizes that the existence of an administrative appeal procedure does not automatically remove the right of citizens, including civil servants, to file a lawsuit with the State Administrative Court if the resulting decision raises real and adverse legal liability.

[9] Agustina Enny (2022). Personnel disputes in the state administrative justice system. PT. RajaGrafindo Persada-Rajawali Pers. Pages 184-186

[10] Chandra, F. (2024). *Introduction to the Procedural Law of the State Administrative Court*. Scientific Table of Publications. Page 18

This is in line with the principle in Article 76 paragraph (3) of the AP Law**,** which emphasizes that administrative efforts do not close access to the court if they have not provided a final and fair binding settlement.[11]

The juridical approach to this case shows that the acceptance of the lawsuit by the Bandar Lampung State Administrative Court reflects the courage of the judiciary in interpreting laws and regulations progressively, especially when there is disharmony between the State Administrative Court Rules, Government Administration Regulations, and ASN Regulations. The court not only prioritizes formal legality, but also considers the principles of legal effectiveness and protection, as well as treats vague *norms* functionally to ensure the achievement of substantive justice.[12] This decision also has implications for the pattern of relations between civil servants and personnel supervisory officials. The decision of the official is no longer considered the end of the civil service legal process, but can be corrected by the judiciary if there is a violation of the principles of state administrative law.

In this context, the authority of the Bandar Lampung PTUN strengthens vertical accountability in the bureaucratic environment, namely by providing a space of control over the abuse of administrative authority. Case Number 3/G/2022/PTUN. BL is not only an example of a case of administrative personnel disputes, but also reflects the complexity of the current Indonesian administrative law system. The authority of the PTUN in receiving and deciding such cases is a concrete form of implementing the principles of the rule of law and protecting citizens' rights against arbitrary official actions, as well as demonstrating the importance of regulatory reform to unify the direction of fair and consistent enforcement of personnel law.

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[11] Permana, T. C. I. (2015). State Administrative Justice After the Government Administration Law Reviewed in the Perspective of Access to Justice. *Pages* 419-442.

[12] Kartini, M., & Kusyandi, A. (2021). The Existence of Ptun as a Form of Legal Protection for Citizens from State Administration Actions. Pages 236-248.

2. Juridical analysis of Decision 3/G/2022/PTUN. BL and its Conformity with the Principles of Administrative Law

Decision Number 3/G/2022/PTUN. The BL read by the Panel of Judges of the Bandar Lampung State Administrative Court (PTUN) is an important decision in the discourse of government administrative law and administrative justice mechanisms in Indonesia. This dispute originated from the issuance of Lampung Governor's Decree Number 862.2/172/VI.04/2019 which provides disciplinary sanctions against a State Civil Apparatus in the form of suspending the promotion process for a period of one year. In this case, the civil servant concerned felt significantly harmed due to the non-transparent internal audit process and the substance of the decision that was considered disproportionate and injured his rights as a state civil servant. The lawsuit was filed with the Bandar Lampung State Administrative Court, which then granted the lawsuit and canceled the decision.

The facts of the trial in this case show that the Decree of the Governor of Lampung, which is the object of dispute, contains substantial legal defects, especially because it contradicts the principles of prudence and the principle of rigor which is based on the basic principles of good governance.[13] Violations of these principles can be used as a basis for annulment of the decision referring to article 53 paragraph 1 of the 1986 State Administrative Justice Law which has been amended by Law No. 9 of 2004 and renewed through Law No. 51 of 2009.[14] A number of procedural defects were also found in the process of imposing disciplinary penalties by the Governor of Lampung.

One of the important findings is the absence of official documents of the results of the investigation and the minutes of the

[13] Amin, F. (2023). The Relationship between State Administration Law and Local Government Law Page, 42.

[14] R Syahputra. (2023). *The Urgency of Regulating Citizen Lawsuits through the Interpretation of Article 53 paragraph (1) of Law of the Republic of Indonesia Number 9 of 2004 concerning Amendments to Law Number 5 of 1986 concerning Administrative Justice*

examination that can prove that the reported person has been properly examined based on the rules contained in Government Regulation No. 94 of 2021 concerning Civil Servant Discipline. The process of clarification of alleged violations is also not carried out fairly and openly. This action violates the basic principles of *due process of law* in administrative examinations, requiring that every official or government body be objective, transparent, and provide room for self-defense for those who will be sanctioned.

The panel of judges in its deliberations expressly stated that the substance of the Governor's decision had violated the principle of legality because it ignored the formal procedures that had been regulated in the Law. The principle of legality is recognized as one of the principles underlying the main reference aspects of state administrative law, requiring that each legal act and administrative decision refer to the applicable legal provisions and follow the prescribed legal procedures. In this case, the absence of valid administrative evidence indicates a violation of the principle, so that the decision becomes legally flawed and can be annulled. In addition to the principle of legality, this decision also reflects a partiality towards the principles of legal protection and substantive justice for civil servants as individuals who are subject to the citizenship system to obtain the right to be treated fairly by the state.

In testing this decision, the PTUN progressively prioritizes the principles of the General Principles of Good Governance (AUPB), such as the principle of legal certainty, the principle of prudence, the principle of not abusing authority, and the principle of proportionality. These four principles are a benchmark in assessing whether the Governor's decision is made by paying attention to the administrative rights of civil servants and the balance between the public interest and individual interests.[15] The cancellation of the Governor's Decree, the Bandar Lampung State Administrative Court has shown that the TUN judiciary has a strategic role in overseeing the administrative process of the government that is law-abiding, fair,

[15] Mahfiroh, R. (2013). *General Principles of Proper Government (AAUPL) as a Basis for the Cancellation of State Administrative Decisions in Personnel Disputes at the Yogyakarta State Administrative Court in 2000-2010*

and non-discriminatory. This decision also emphasizes the court's position in providing legal guarantees for the implementation of an administrative action without a clear legal basis, especially regarding state civil servants who are sanctioned without a valid examination mechanism. By referring to the principles of legality, the principle of protection of rights, and the principles of AUPB, it can be concluded that the decision Number 3/G/2022/PTUN. BL is in line with the spirit of bureaucratic reform and a clean and transparent administrative judiciary. This decision not only cancels legally defective actions, but also serves as an important precedent in ensuring that every form of administrative sanction imposed on civil servants must meet the principles of procedural and substantial justice.

C. CONCLUSION

The Bandar Lampung State Administrative Court, in the framework of the structure of the national administrative judicial institution, has absolute and relative authority as stipulated in the PTUN Law. Absolute authority refers to the type of case that can be examined by the State Administrative Court, namely disputes against the State Administrative Decree (KTUN), including those concerning the status and administrative rights guaranteed for Civil Servants (PNS). Regarding this issue, administrative decisions related to dismissal, imposition of disciplinary sanctions, mutations, and cancellation of personnel rights can be submitted as objects of dispute as long as they contain a concrete nature, are aimed at certain subjects, and have reached the final stage. Meanwhile, the relative authority of the Bandar Lampung State Administrative Court is determined by the location or domicile of the official or body that issued the decision, in accordance with the provisions of the procedural law of the State Administrative Court.

The facts of the trial in this case show that the Decree of the Governor of Lampung which is the object of the dispute contains substantial legal defects, especially because it is contrary to the principle of prudence and the principle of rigor which is based on the basic principles of good governance. Violations of these principles can be used as a basis for the annulment of the decision referring to article 53 paragraph 1 of the 1986 State Administrative Justice Law which has been amended by Law No. 9 of 2004 and renewed through Law No. 51 of 2009. A number of procedural

defects were also found in the process of imposing disciplinary sentences by the Governor of Lampung

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