

# ISRG Journal of Arts, Humanities and Social Sciences (ISRGJAHSS)



**ISRG PUBLISHERS**

Abbreviated Key Title: ISRG J Arts Humanit Soc Sci

**ISSN: 2583-7672 (Online)**

Journal homepage: <https://isrgpublishers.com/isrgjahss>

Volume – IV Issue - IV (July – August) 2026

Frequency: Bimonthly



## Checks And Balances Mechanism In The Dismissal Process Of Proceedings Before The State Administrative Court

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| **Received:** 13.06.2026 | **Accepted:** 17.06.2026 | **Published:** 01.07.2026

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### Abstract

*The State Administrative Court (Peradilan Tata Usaha Negara or PTUN) plays an important role in ensuring legal protection and legal certainty for citizens against governmental actions within the framework of a state governed by the rule of law. As part of Indonesia's administrative justice system, PTUN functions as a mechanism of checks and balances over decisions and actions taken by state administrative agencies and officials. One of the distinctive procedural mechanisms in PTUN proceedings is the dismissal process, which serves as a preliminary judicial screening stage before a case proceeds to substantive examination. This study aims to analyze the practical implementation of proceedings before the State Administrative Court and examine the role of the dismissal process in realizing checks and balances within administrative adjudication. The research employs a normative juridical method using statutory and conceptual approaches. Primary legal materials consist of legislation governing the State Administrative Court and Government Administration, supported by non-participatory observation and interviews with judicial personnel. Secondary legal materials include books, journal articles, and court decisions. The collected materials were analyzed qualitatively through a descriptive approach. The findings indicate that PTUN has undergone procedural developments through the implementation of electronic court services, although challenges related to infrastructure, human resources, and legal interpretation remain. Furthermore, the dismissal process functions effectively as a judicial filtering mechanism by preventing claims that fail to satisfy jurisdictional, procedural, or substantive requirements from proceeding to a full hearing. The availability of legal remedies against dismissal determinations also demonstrates the operation of checks and balances within the procedural framework of PTUN. Therefore, the dismissal process contributes significantly to judicial efficiency, legal certainty, and the realization of simple, expeditious, and low-cost justice, while strengthening the implementation of good governance principles in Indonesia's administrative justice system.*

**Keywords:** Administrative Justice, Checks and Balances, Dismissal Process, Government Administration, State Administrative Court

## INTRODUCTION

Indonesia is a state based on the rule of law. This principle necessitates the existence of an independent judiciary (Spaltani, 2025). Such independence is essential to ensure justice and legal certainty for both citizens and the government through a system of checks and balances within the law enforcement process (Spaltani, 2025).

In order to realize justice and legal certainty, the protection of citizens' rights must be guaranteed. Such protection is fundamentally grounded in the nation's philosophy and identity as embodied in Pancasila and the 1945 Constitution of the Republic of Indonesia (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945). Accordingly, legal protection must be achieved in a harmonious, balanced, and proportional manner between individual interests and those of society as a whole. This objective is intended to foster a prosperous, secure, peaceful, and orderly state and society through gradual, continuous, and sustainable national development.

Nevertheless, conflicts of interest, disputes, and disagreements between state administrative officials as executors of governmental and developmental functions and members of the public frequently occur and are often unavoidable (Koorag, 2021). In fact, the government, acting as a State Administrative Official (Pejabat Tata Usaha Negara), should harmonize the objectives of the state with every action and decision it undertakes while upholding the dignity and rights of the public. Such circumstances have created the need for dispute resolution mechanisms and checks and balances as an integral part of legal development. Consequently, the Decree of the People's Consultative Assembly of the Republic of Indonesia (TAP MPR) No. IV/MPR/1978, in conjunction with TAP MPR No. II/MPR/1983 concerning the State Policy Guidelines (Garis-Garis Besar Haluan Negara), mandated the establishment of the State Administrative Court (Peradilan Tata Usaha Negara or PTUN).

In its development, the State Administrative Court, as one of Indonesia's judicial institutions, is governed by Law Number 5 of 1986 concerning the State Administrative Court (State Administrative Court Law), together with its subsequent amendments, as a further implementation of Law Number 14 of 1970 concerning the Basic Provisions of Judicial Power. The State Administrative Court Law regulates all matters relating to the Court's jurisdiction as well as its procedural framework. This legal framework was designed to ensure that the development of the State Administrative Court in Indonesia could be carried out gradually, continuously, and sustainably. Furthermore, Law Number 30 of 2014 concerning Government Administration emerged as the substantive legal basis for state administrative governance and as an instrument for promoting good governance.

According to Rozali Abdullah, the Procedural Law of the State Administrative Court consists of a set of legal rules governing how individuals should act in relation to one another in implementing the operation of State Administrative Law (Hukum Administrasi Negara). In other words, it is the body of law that regulates the procedures for resolving disputes before the State Administrative Court and governs the rights and obligations of the parties involved in the dispute resolution process.

The State Administrative Court is one of the institutions exercising judicial power, entrusted with examining, adjudicating, and resolving disputes in the field of state administration. The Court is

regulated under Law Number 5 of 1986 concerning the State Administrative Court, which was subsequently amended by Law Number 9 of 2004 concerning Amendments to Law Number 5 of 1986, and later further amended by Law Number 51 of 2009.

Fundamentally, the State Administrative Court was established to resolve disputes between the government and its citizens, particularly disputes arising from governmental actions that are alleged to have violated citizens' rights. The objectives underlying the establishment of the State Administrative Court were as follows:

1. To provide protection for citizens' rights derived from individual rights.
2. To provide protection for societal rights based on the collective interests of individuals living within a community.

In practice, the Procedural Law of the State Administrative Court relies upon several sources of law that serve as guidance in adjudicating administrative disputes. These sources include statutory regulations (written administrative law), administrative customs and practices, judicial precedents (jurisprudence), and the opinions of administrative law scholars.

With regard to statutory regulations as a source of written law, State Administrative Law differs from civil and criminal law because it has not yet been comprehensively codified. As a result, administrative legal norms remain dispersed across numerous legislative and regulatory instruments. The absence of codification often presents challenges for judges of the State Administrative Court in identifying and applying the relevant legal norms when adjudicating disputes. This difficulty arises because administrative law provisions are spread across a wide range of regulations governing areas such as public employment, agrarian affairs, licensing, and taxation. These regulations exist in various forms, including statutes, government regulations, presidential decrees, ministerial decrees, and regional government regulations.

There are two significant distinctions between proceedings before the State Administrative Court and civil proceedings before ordinary courts. First, judges in administrative proceedings assume a more active role during the trial process in order to ascertain substantive truth, reflecting the principle of free evaluation of evidence. Second, the filing of an administrative lawsuit generally does not suspend the implementation of the disputed administrative decision.

Despite these established procedural principles, the dynamic nature of law in responding to technological developments has resulted in several reforms to administrative court procedures. One notable development is the introduction of electronic court services that enable certain stages of judicial proceedings to be conducted online. Nevertheless, the examination of disputes continues to require the physical presence of the parties or their legal representatives before the court.

The implementation of these procedural developments, particularly in relation to the practice of adjudication before the State Administrative Court and the operation of the dismissal process, demonstrates the continuing evolution of administrative procedural law in Indonesia. The dismissal process serves as a crucial preliminary mechanism through which judges assess whether a claim satisfies the formal and substantive requirements necessary to proceed to a full hearing. Given its strategic role in filtering

administrative disputes at an early stage, the dismissal process raises important questions concerning the realization of due process and the operation of checks and balances within administrative adjudication. Accordingly, examining the practical implementation of the dismissal process and its relationship to the principles of checks and balances in proceedings before the State Administrative Court constitutes an important and relevant area of legal inquiry.

## RESEARCH METHODOLOGY

This study employs a normative juridical research method, emphasizing the examination of positive legal norms and relevant legal concepts. The approaches utilized in this research include the statutory approach and the conceptual approach. These approaches are intended to analyze the normative provisions governing procedural law before the State Administrative Court as regulated under Law Number 5 of 1986 concerning the State Administrative Court and its subsequent amendments, as well as Law Number 30 of 2014 concerning Government Administration, particularly in relation to the realization of good governance principles.

The research draws upon both primary and secondary legal materials. The primary legal materials consist of legislation governing the State Administrative Court and government administration, namely the State Administrative Court Law and the Government Administration Law. In addition, primary data were obtained through non-participatory observation and interviews conducted with a judicial officer of the State Administrative Court. Secondary legal materials include textbooks, scholarly journal articles, and decisions of the State Administrative Court relevant to the subject matter of this study.

All legal materials and empirical findings were analyzed qualitatively through a descriptive-analytical method. This method was employed to systematically examine the legal framework governing the dismissal process and to evaluate its role in ensuring the implementation of checks and balances within proceedings before the State Administrative Court.

## DISCUSSION

### Practical Implementation of Proceedings Before the State Administrative Court

The State Administrative Court (*Peradilan Tata Usaha Negara* or PTUN) is a judicial institution within the sphere of public law that is authorized to examine, adjudicate, and resolve state administrative disputes. Pursuant to Article 1 paragraph (4) of the State Administrative Court Law, a state administrative dispute refers to a dispute arising in the field of state administration between an individual or private legal entity and a State Administrative Agency or Official, whether at the central or regional level, as a consequence of the issuance of a State Administrative Decision (*Keputusan Tata Usaha Negara* or KTUN), including employment-related disputes governed by applicable laws and regulations.

A State Administrative Decision possesses several essential elements. It must be in written form, issued by a State Administrative Agency or Official, contain a legal act in the field of state administration based on prevailing laws and regulations, be concrete, individual, and final in nature, and produce legal consequences for a person or private legal entity (Munawaroh, 2022).

In resolving state administrative disputes, several procedural mechanisms are available. These mechanisms consist of administrative remedies followed by judicial review before the State Administrative Court. As stipulated in Article 48 paragraph (2) of the State Administrative Court Law, a lawsuit may only be filed after all available administrative remedies have been exhausted. Administrative remedies constitute procedures available to individuals or private legal entities who are dissatisfied with a State Administrative Decision. Such remedies consist of two forms: an objection (*bezwaarschrift*), submitted to the administrative agency or official that issued the disputed decision, and an administrative appeal (*administratief beroep*), submitted to a superior authority or another institution authorized to re-examine the contested administrative decision.

After all administrative remedies have been exhausted, dispute resolution proceeds through the procedural mechanisms applied by the State Administrative Court to ensure that judicial proceedings are conducted in a systematic manner. These procedural mechanisms include Ordinary Proceedings, Expedited Proceedings, and Summary Proceedings. Ordinary Proceedings, regulated under Articles 68–97 of the State Administrative Court Law, constitute the standard and comprehensive procedure for adjudicating disputes. Expedited Proceedings, regulated under Articles 98–99, are available when the claimant demonstrates an urgent interest requiring immediate judicial consideration. This procedural mechanism is unique to administrative adjudication and is not recognized within Indonesian civil procedural law.

The examination of cases before the State Administrative Court has undergone significant developments in practice. In addition to conventional face-to-face hearings, the judiciary has introduced electronic court (*e-court*) services, enabling parties to participate in proceedings without physical attendance while ensuring the continuity of judicial processes. This development resulted from the enactment of Supreme Court Regulation (PERMA) Number 3 of 2018 concerning Electronic Case Administration, which was subsequently refined through Supreme Court Regulation Number 1 of 2019 and Supreme Court Regulation Number 7 of 2022. These regulations expanded the implementation of e-court services to include electronic litigation (*e-litigation*) (Arrumaysa, 2025).

However, the implementation of e-court services has not yet been fully optimized throughout Indonesia. Limitations in internet infrastructure and technological readiness continue to impede the effective utilization of electronic judicial services in several regions. Consequently, the objectives of improving efficiency and modernizing the State Administrative Court system have not yet been fully realized (Muna, 2025).

Furthermore, several practical obstacles continue to create discrepancies between procedural regulations and their implementation in practice. These obstacles include (Muna, 2025):

1. Limited human resources, including insufficient numbers of judges, court clerks, and administrative personnel, which frequently result in delays in case examination and resolution;
2. Divergent interpretations of procedural law among judges, leading to variations in the application of procedural rules between different courts and potentially reducing legal certainty in the implementation of administrative justice principles throughout Indonesia; and

3. Social or political pressures that may influence judicial proceedings and potentially interfere with judicial independence and objectivity.

Based on a qualitative-descriptive analysis, these conditions demonstrate that although the procedural framework governing the State Administrative Court has evolved significantly, particularly through the adoption of electronic judicial services, various institutional and practical challenges remain. Accordingly, the implementation of procedural law before the State Administrative Court cannot be assessed solely from a normative perspective but must also be examined through its practical application in judicial proceedings. Such an approach provides a more comprehensive understanding of the effectiveness of administrative justice and the realization of legal certainty, judicial independence, and good governance principles within the Indonesian administrative court system.

### **The Dismissal Process in the Procedural Law of the State Administrative Court**

The dismissal process constitutes a preliminary examination of claims submitted to the State Administrative Court (*Peradilan Tata Usaha Negara* or PTUN), conducted by the Chief Judge of the Court through a deliberative meeting (Pattipawae, 2025). In practice, this procedure is commonly referred to as a “screening process” or “deliberation meeting,” aimed at assessing whether a claim is sufficiently admissible to proceed to the substantive stage of judicial examination (Pattipawae, 2025).

Although the term “dismissal process” is not explicitly mentioned in the statutory text, its substance is formally regulated under Article 62 of Law Number 5 of 1986 concerning the State Administrative Court, as last amended by Law Number 51 of 2009. Furthermore, the Supreme Court has provided operational guidance for the implementation of this procedure through Supreme Court Circular Letter (SEMA) Number 2 of 1991 concerning the Implementation Guidelines for Several Provisions of the State Administrative Court Law. Under this guidance, the dismissal process is conducted during the pre-trial stage through a deliberative meeting chaired by the Chief Judge in a closed session held within the Chief Judge’s office. The Chief Judge may appoint a reporting judge (*rappporteur*) to assist in reviewing the claim. Where deemed necessary, the Chief Judge is also authorized to summon and hear the parties before issuing a determination.

If a claim successfully passes the dismissal stage, the Chief Judge appoints a panel of judges to continue the proceedings through the preparatory examination stage. Conversely, where the Chief Judge issues a Dismissal Order rejecting the claim, the claimant may file an objection (*verzet*) within fourteen days from the date the determination is pronounced. Such objection is examined by a panel of judges through Summary Proceedings, which focus exclusively on reviewing the validity of the dismissal grounds relied upon by the Chief Judge without addressing the substantive merits of the dispute.

If the objection is upheld, the dismissal order becomes null and void by operation of law, and the case proceeds through ordinary proceedings. However, if the objection is rejected, the dismissal order acquires final and binding legal force (*inkracht van gewijsde*), and no further legal remedies, including appeal or cassation, are available.

The primary function of the dismissal process is to serve as a judicial filtering mechanism designed to screen claims that clearly fail to satisfy the formal or substantive requirements necessary for adjudication before a public hearing (Wijaya, 2026). Pursuant to Article 62 of the State Administrative Court Law, the Chief Judge is authorized to declare a claim inadmissible or manifestly unfounded where: (1) the subject matter of the dispute clearly falls outside the jurisdiction of the Court; (2) the procedural requirements for filing the claim have not been fulfilled despite prior notification; (3) the claim lacks a legally sufficient basis; (4) the claimant’s demands have already been satisfied by the disputed administrative decision; or (5) the claim has been filed beyond the prescribed statutory time limit.

Through this mechanism, the Court promotes judicial efficiency by preventing the accumulation of unnecessary cases and protecting government agencies or officials as defendants from frivolous or unfounded litigation (Christianto, 2025). Consequently, the dismissal process plays an important role in upholding the principle of expeditious justice.

From the perspective of procedural simplicity, the dismissal process is conducted through an internal deliberative meeting chaired by the Chief Judge without requiring complex adversarial proceedings or hearings open to the public, except where clarification from the parties is considered necessary. As such, it functions as an effective instrument for preventing case backlogs. By filtering claims at an early stage, the Court is able to allocate its resources more proportionately toward disputes that possess a legitimate legal basis, while simultaneously reducing waiting times for litigants whose cases genuinely warrant judicial examination. This mechanism streamlines judicial administration by eliminating claims that are clearly defective under the grounds specified in Article 62 paragraph (1) of the State Administrative Court Law.

Moreover, the relevance of the dismissal process to the principle of low-cost justice is reflected in its capacity to prevent both claimants and defendants from incurring unnecessary expenditures of time, effort, and litigation costs in cases that are legally incapable of proceeding to the evidentiary stage. Claimants, for example, are not required to bear the expenses associated with summoning witnesses, engaging expert testimony, or covering other operational costs of litigation for claims that are clearly defective from the outset due to formal deficiencies.

Accordingly, the dismissal process enables limited judicial resources to be utilized more efficiently by focusing on disputes supported by a legitimate legal basis. In doing so, it contributes to the realization of legal certainty, the administration of justice, and the effective implementation of the principle of expeditious judicial proceedings within the State Administrative Court system.

## **CONCLUSION**

The State Administrative Court (*Peradilan Tata Usaha Negara* or PTUN) plays a crucial role in ensuring legal protection, justice, and legal certainty for the people of Indonesia. This role is reflected in its function as a judicial institution authorized to examine, adjudicate, and resolve disputes between individuals or private legal entities and state administrative agencies or officials. As such, the PTUN serves as an important manifestation of the principle of checks and balances within a state governed by the rule of law. Moreover, its existence functions as a mechanism for ensuring that governmental actions remain consistent with legal

principles and the principles of good governance as stipulated under the Government Administration Law.

Furthermore, the dismissal process constitutes an essential procedural mechanism for filtering cases at an early stage of judicial proceedings. As demonstrated in this study, the dismissal process serves to prevent claims that fail to satisfy formal requirements or fall outside the jurisdiction of the Court from proceeding to the substantive examination stage. Through this mechanism, judicial resources can be allocated more efficiently, while simultaneously promoting the principles of simple, expeditious, and low-cost justice.

Nevertheless, the effective implementation of the dismissal process requires greater prudence on the part of litigants before filing claims, as well as consistency among judges in applying the procedural provisions governing proceedings before the State Administrative Court. Such consistency is necessary to prevent conflicting judicial determinations and to enhance legal certainty within administrative adjudication. Therefore, continuous improvements in both procedural implementation and judicial practice remain necessary to strengthen the effectiveness of the State Administrative Court system.

Ultimately, the optimization of the dismissal process contributes not only to procedural efficiency but also to the broader objectives of administrative justice, namely the realization of justice, legal certainty, and legal utility for litigants and society as a whole. Accordingly, the dismissal process should be understood not merely as a procedural filter, but as an integral component of the checks and balances mechanism within Indonesia's administrative justice system.

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