

CONFERENCE REPORT



UKI
UNIVERSITAS KRISTEN INDONESIA

*Master of Law
Class of 2022*

*Mulyono
Konrad Manurung
Konstantinus Budi
Hendra Simak*

Coordinator: Dr. Manotar Tampubolon

FOREWORD

This report is made as a form of accountability for the implementation of the international conference by Master of Law students of the Constitutional Law Department Batch 2023. The conferences attended were the International Conference on Global Practice of Multidisciplinary Scientific Studies-IV Turkish Republic of Northern Cyprus, April 28-30, 2023 and the 4th INTERNATIONAL BLACK SEA MODERN SCIENTIFIC RESEARCH CONGRESS 6-7-8 June 2023 Rize, Turkiye.

Jakarta, 11 June, 2023

Class of 2022

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Azərbaycan Milli Etnik Akademiyası
FOLKLOR İNSTITUTU
DƏDƏ QORQUD ŞÖBƏSİ



"DƏDƏ QORQUD"
etimi-ədəbi toplusu



zoom
Video Communications



International Conference on Global Practice of Multidisciplinary Scientific Studies-IV

*Turkish Republic of Northern
Cyprus*

April 28-30, 2023

Virtual and In person
participation



SURAT TUGAS

Nomor : 0085/UKIMH/SDM.01.01/2023
Perihal : Surat Tugas Internasional Conference On Scientif Research

Bersama surat ini Prodi Magister Hukum menyetujui untuk memberikan Izin kepada Dosen dan Mahasiswa untuk mengikuti dan mempresentasikan paper dengan Judul *Incorporating Human Rights into the Constitution: Prospects and Challenges* pada kegiatan *Internasional Conference On Scientif Research* pada tanggal 4 Mei 2023 di Baku Ajerbaizan. Nama -nama yang diizinkan ikut pada acara seminar di Baku Ajerbaizan sebagai berikut:

Nama	Keterangan
Dr. Manotar Tampubolon, S.H.,M.A.,M.H	Dosen
Konrad Manurung	Mahasiswa
Konstantinus Budi	Mahasiswa
Mulyono	Mahasiswa

Demikian surat tugas ini kami buat untuk dapat dipergunakan dengan semestinya.

Jakarta, 28 April 2023

Mengetahui

Direktur Program Pascasarjana,

Prof. Dr. dr. Bernadetha Nadeak, M.Pd., PA.

Program Studi Hukum Program Magister

Dr. Widiarta Sji Widiarty, S.H., M.H

•RENDAHATI •BERBACIDANTEDEULI •PROFESIONAL •BERTANGGUNG JAWAB •DISIPLIN •BERINTEGRITAS

ENDONEZYA'DA YOLSUZLUK VE BÜROKRATİK REFORM

Asst. Prof. Dr. Manotar TAMPUBOLON¹, Konrad MANURUNG², Mulyono³,
Konstantinus BUDI⁴, Hendra SIMAK⁵

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Özet

Endonezya Hükümeti Bürokratik Reformunun Büyük Tasarımı Bürokratik reform 2010 yılından bu yana devam etmektedir ve 2024 yılında tamamlanması beklenmektedir. Bu çalışma, Google Scholar ve resmi hükümet web sitesi aracılığıyla raporlar, araştırmalar, kitaplar, dergiler ve hükümet ve özel taraflardan diğer veriler gibi çeşitli kaynaklardan elde edilen veri ve belgeleri kullanan ikincil bir veri araştırmasıdır. Bu çalışmada üç ana gösterge kullanılmıştır: Endonezya'da yolsuzluğun gelişimi, bürokratik reform çabaları ve bürokratik reformun önündeki zorluklar/engeller. Çalışmanın bulguları, Endonezya hükümetinin idari reformunun iyileştiğini, ancak yerel yönetim düzeyinde yüksek yolsuzluk seviyelerinin yanı sıra belediyelerdeki bürokratik dönüşümün genel seviyesinin oldukça zayıf kalması nedeniyle büyük bir endişe kaynağı olmaya devam ettiğini göstermektedir.

Anahtar Kelimeler: Yolsuzluk; reform, bürokrasi, Endonezya.

CORRUPTION AND BUREAUCRATIC REFORM IN INDONESIA

Abstract

The Grand Design of Indonesian Government Bureaucratic Reform Bureaucratic Reform has been underway since 2010 and is expected to be completed in 2024. This is a secondary data research that uses data and documents from various sources such as reports, research, books, journals, and other data from the government and private parties via Google Scholar and the official government website. This study employs three main indicators: the Development of Corruption in Indonesia, Bureaucratic Reform Efforts, and Challenges/Obstacles in Bureaucratic Reform. The study's findings indicate that the Indonesian government's administrative overhaul has improved, but at the local level of government, it remains a major concern because, in addition to the high level of corruption, the overall level of bureaucratic transformation in municipalities remains fairly poor.

Keywords: Corruption; reformation, bureaucracy, Indonesia.

Abstract Acceptance



IBS CONGRESS 22 Apr

kepada saya ▾



Dear Sir/Madam

The article you submitted for the **IV. International Conference on Global Practice of Multidisciplinary Scientific Studies**, which will be held on 28-30 April 2023, has been accepted by our referees.

Congratulations.

Kind regards,
Assoc. Prof. Dr. Seyithan SEYDOSOGLU
Coordinator

<https://www.izdas.org/cyprus>

Manotar Tampubolon <justitie234@gmail.com>, 22 Nis 2023 Cmt, 04:45 tarihinde şunu yazdı:

[Tampilkan kutipan teks](#)

Conference Schedule

IV. INTERNATIONAL CONFERENCE ON GLOBAL PRACTICE OF MULTIDISCIPLINARY SCIENTIFIC STUDIES

April 28-30, 2023 / Turkish Republic of Northern Cyprus

CONFERENCE PROGRAM



IMPORTANT. PLEASE READ CAREFULLY

- ❖ To be able to attend a meeting online, login via <https://zoom.us/join> site, enter ID "Meeting ID or Personal Link Name" and solidify the session.
 - ❖ The Zoom application is free and no need to create an account.
 - ❖ The Zoom application can be used without registration.
 - ❖ The application works on tablets, phones and PCs.
 - ❖ The participant must be connected to the session 5 minutes before the presentation time.
 - ❖ All congress participants can connect live and listen to all sessions.
 - ❖ Moderator is responsible for the presentation and scientific discussion (question-answer) section of the session.
- Points to Take into Consideration - TECHNICAL INFORMATION
- ◆ Make sure your computer has a microphone and is working.
 - ◆ You should be able to use screen sharing feature in Zoom.
 - ◆ Attendance certificates will be sent to you as pdf at the end of the congress.
 - ◆ Requests such as change of place and time will not be taken into consideration in the congress program.

ÖNEMLİ, DİKKATLE OKUYUNUZ LÜTFEN

- ◆ Kongremizde Yazım Kurallarına uygun gönderilmiş ve bilim kurulundan geçen bildirimler için online (video konferans sistemi üzerinden) sunum imkanı sağlanmıştır.
 - ◆ Online sunum yapabilmek için <https://zoom.us/join> sitesi üzerinden giriş yaparak "Meeting ID or Personal Link Name" yerine ID numarasını girerek oturuma katılabilirsiniz.
 - ◆ Zoom uygulaması ücretsizdir ve hesap oluşturmaya gerek yoktur.
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 - ◆ Her oturumdaki sunucular, sunum saatinden 5 dk öncesinde oturuma bağlanmış olmaları gerekmektedir.
 - ◆ Tüm kongre katılımcıları canlı bağlanarak tüm oturumları dinleyebilir.
 - ◆ Moderatör - oturumdaki sunum ve bilimsel tartışma (soru-cevap) kısmından sorumludur.
- Dikkat Edilmesi Gerekenler- TEKNİK BİLGİLER
- ◆ Bilgisayarınızda mikrofon olduğuna ve çalıştığına emin olun.
 - ◆ Zoom'da ekran paylaşma özelliğine kullanabilmelisiniz.
 - ◆ Kabul edilen bildiri sahiplerinin mail adreslerine Zoom uygulamasında oluşturduğumuz oturuma ait ID numarası gönderilecektir.
 - ◆ Katılım belgeleri kongre sonunda tarafınıza pdf olarak gönderilecektir
 - ◆ Kongre programında yer ve saat değişikliği gibi talepler dikkate alınmayacaktır

Before you login to Zoom please indicate your name surname and hall number,
exp. H- 1, M. Firat BARAN

CONGRESS LANGUAGES: English and All Turkish Dialects

29.04.2023 | SESSION-1 | HALL-4

Kyrenia Time: 09:00–11:00

Ankara Time: 09:00–11:00

Meeting ID: 869 2364 3653 / Passcode: 282930

HEAD OF SESSION: Assoc. Prof. Dr. H. Deniz ŞİRELİ

Authors	Affiliation	Presentation title
Mustafa Karagülle	Eskişehir Yunus Emre Devlet Hastanesi	Bir Devlet Hastanesinde Kan Transfüzyon Merkezinin İşlevselliğinin Değerlendirilmesi
C.Vijai Joyce M. Elayaraja	St Peter's Institute of Higher Education and Research	The Emerging Technologies In The Insurance Sector
Tülin Yıldız Cagla Avcu Merve Oyuktaş	Tekirdag Namık Kemal Univesity	Nursing Practices For Sleep Quality Of Patients In Intensive Care After Cardiovascular Surgery: A Systematic Review
Garcia, Jean B. Ochotorena, Corazon B. Jacinto, John Wayne	Jose Rizal Memorial State University	Parental Roles In Relation To Adolescent Risk Behavior: Basis For Intervention Program
Manotar Tampubolon Konrad Manurung Mulyono Konstantinus Budi Hendra Simak	Universitas Kristen Indonesia	Corruption And Bureaucratic Reform In Indonesia
Tülin Yıldız Cagla Avcu Nurse Neşe Altıneçkic	Tekirdag Namık Kemal Univesity	Team Behavior And Awareness In Safe Surgical Checklist Use: A Systematic Review
Alya Fadhlilah Darwin H Pangaribuan Setyo Widagdo	The University of Lampung	Effects of lamtoro leaf (<i>Leucaena leucocephala</i>) extract concentration on mustard green (<i>Brassica juncea</i> L.) in hydroponic system
Chems Eddine Boukhedimi	University of Tizi Ouzou	Effect of Gender on the willingness to pay for Organic Food in the future: Turkish's and Algerians experience
Tülin Yıldız Cagla Avcu Özge Topçu Demircan	Tekirdag Namık Kemal Univesity	Digital Nursing Care In Orthopedic Surgery: A Systematic Review
Muhammad Idrian Bin Harun Xander Andree Rayaner Freno Rayced Ardiano Deron Hassan	Keningau Vocational College	Creating Ergonomic Workspace With A Trolley Adapted To Suit Various Purposes

(All speakers required to be connected to the session 10 min before the session starts)
Moderator is responsible for ensuring the smooth running of the presentation, managing the group discussion and dynamics.

Presentation



**IV INTERNATIONAL CONFERENCE ON GLOBAL
PRACTICE OF MULTIDISCIPLINARY SCIENTIFIC STUDIES**
April 28-30, 2023 / Turkish Republic of Northern Cyprus



CORRUPTION AND BUREAUCRATIC REFORM IN INDONESIA (ENDONEZYA'DA YOLSUZLUK VE BÜROKRATİK REFORM)

- Manotar Tampubolon
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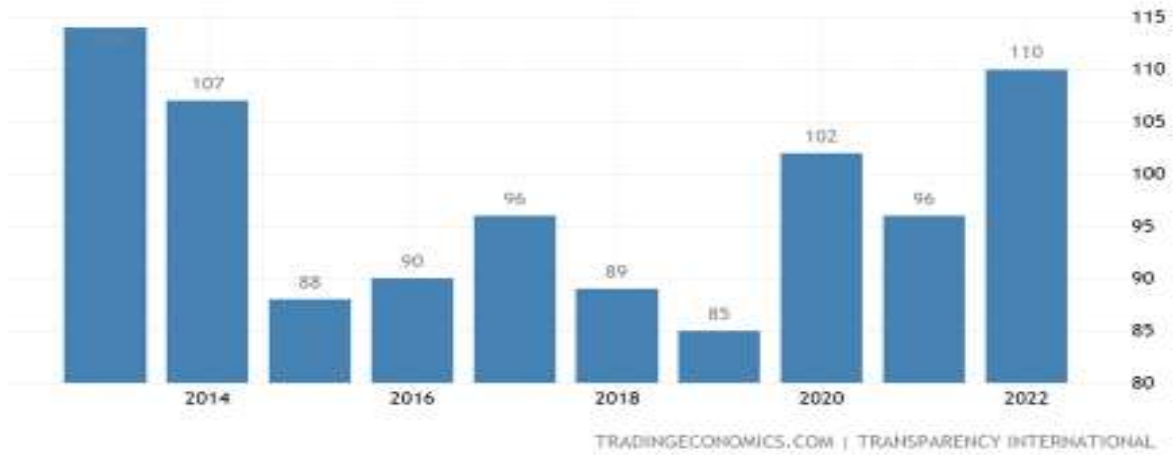


*"A system is corrupt when it is strictly profit-driven, not driven to serve the best interests of its people." - **Suzy Kassem***

Indonesia Corruption Perception Index 2022

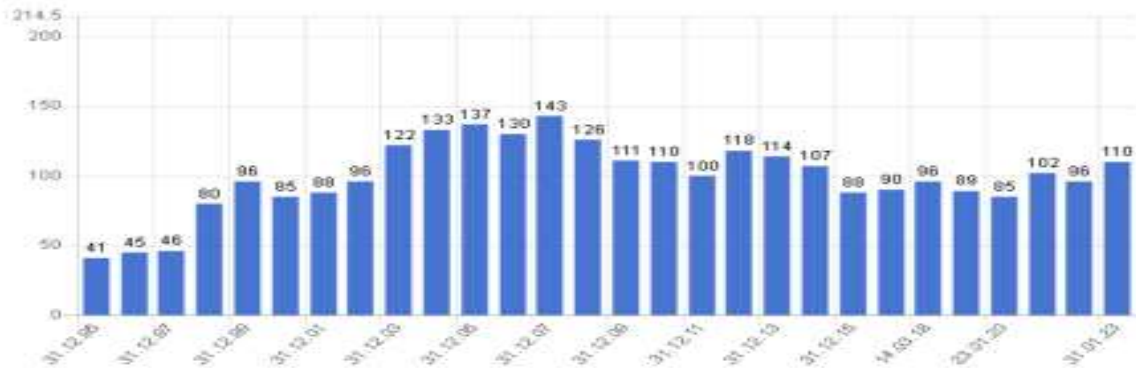


Transparency International



Indonesia Corruption Perception Index 2014-2022

Transparency International, 2023



Indonesia Corruption Rank TI: 2023

HISTORICAL CHART BY PRESIDENTS (PLACE)



Transparency International, 2023

Indonesia Bureaucratic Reform Grand Design 2010-2025 (KEMENPAN, 2010)

AREA	EXPECTED CHANGES
Organization	Proper organization with the right function and size (right sizing)
Procedures	Systems, processes and procedures which are clear, effective, efficient, scalable and in accordance with the principles of good governance
Legislations	Regulations which more orderly, non-overlapping and conducive
Human resources apparatus	HR apparatus with integrity, neutral, competent, capable, professional, high performing and well-being
Supervision	the increasing implementation of clean and corruption-free government
Accountability	the increasing capacity and performance accountability bureaucracy
Public service	Excellent service according to the needs and expectations of the public
Mindset & culture	bureaucracy with integrity and high performance

Problems

- Corruption, collusion and nepotism are society illness that has long existed.
- However, in recent years, their presence was increasingly worrying, especially in Indonesia; and bureaucracy is one of the factors in both the occurrence and the prevention of corrupt practices.
- So it leads to a question on how bureaucratic reform can eliminate those corrupt practices in Indonesia.

METHOD



Analysis

The Efforts of the Government in Combating Corruption Law No. 28 Year 1999 on Implementation of Free from Corruption Country:

- take an oath or pledge according to his religion before taking office;
- willing to be examined concerning his wealth; before, during, and after taking office;
- report and announce his wealth before and after taking office;
- do not conduct corruption;
- carry out duties without distinction of tribe, religion, race and class;
- carry out duties with full sense of responsibility and do not commit disgraceful deeds,
- willing to be a witness in corruption cases, as well as in other cases.

Implementation of Bureaucratic Reform

Pathology
Bureaucracy



Bureaucracy has been
turned into
a political party interests

Hierarchical
bureaucracy



Thick patron – client
pattern

Indonesia Bureaucratic Reform Grand Design 2010-2025 Difficulties in the implementation

Area	Difficulties
Organization	Governmental organizations are not at its proper function and proper size (right sizing)
Procedures	Hierarchical bureaucracy
Legislations	overlapping, inconsistent, vague, and open to multiple interpretations
Human resources apparatus	allocation of human resources of the government apparatus in terms of quantity, quality and distribution of civil servants according to territorial (regional) are not balanced, as well as the productivity of civil servants is low
Supervision	Deviations and abuse of authority
Accountability	Lack of transparency and accountability
Public service	Public services have not been able to accommodate the interests of all segments of society and do not meet the basic rights of citizens/residents
Mindset & culture	bureaucrats have not really had the 'serve the public' mindset.

Conclusion

Government bureaucracy should be able to encourage an improvement to happen and increased the government bureaucracy performance, both in central and local levels

Bureaucracy should be entirely devoted to the interests of the people and work to provide excellent service, transparent, accountable and free from corruption, collusion and nepotism. This is the spirit that underlies the implementation of the government bureaucracy reform in Indonesia.

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4. Pribadi, U. (2021). Bureaucratic Reform, Public Service Performance, And Citizens' Satisfaction: The Case Of Yogyakarta, Indonesia. *Public Policy and Administration*, Mykolas Romeris University, 312-326.
5. Tjiptoherijanto, P. (2015). Civil Service Reform in Indonesia. *Emerald Insight*, 39-53.

Certificates

CERTIFICATE

OF PARTICIPATION

THIS CERTIFICATE IS PROUDLY PRESENTED TO

Manotar Tampubolon

of participation in oral and technical presentation, recognition and appreciation of research contributions to *International Conference on Global Practice of Multidisciplinary Scientific Studies-IV* held on April 28-30, 2023 / Turkish Republic of Northern Cyprus with the paper entitled

Corruption and Bureaucratic Reform in Indonesia



Dr. Mahmut Fazıl BARAN
Head of Conference



CERTIFICATE

OF PARTICIPATION

THIS CERTIFICATE IS PROUDLY PRESENTED TO

Mulyono

of participation in oral and technical presentation, recognition and appreciation of research contributions to *International Conference on Global Practice of Multidisciplinary Scientific Studies-IV* held on April 28-30, 2023 / Turkish Republic of Northern Cyprus with the paper entitled

Corruption and Bureaucratic Reform in Indonesia



Dr. Mehmet Ferit BARAN
Head of Conference



CERTIFICATE

OF PARTICIPATION

THIS CERTIFICATE IS PROUDLY PRESENTED TO

Konrad Manurung

of participation in oral and technical presentation, recognition and appreciation of research contributions to **International Conference on Global Practices of Multidisciplinary Scientific Studies-IV** held on April 28-30, 2023 / Turkish Republic of Northern Cyprus with the paper entitled

Corruption and Bureaucratic Reform in Indonesia



Dr. Mahanal Fazel BARAN
Head of Conference



CERTIFICATE

OF PARTICIPATION

THIS CERTIFICATE IS PROUDLY PRESENTED TO

Hendra Simak

of participation in oral and technical presentation, recognition and appreciation of research contributions to International Conference on Global Practice of Multidisciplinary Scientific Studies-IV held on April 28-30, 2023 / Turkish Republic of Northern Cyprus with the paper entitled

Corruption and Bureaucratic Reform in Indonesia



Dr. Mahmut Ferit BARAN
Head of Conference



CERTIFICATE

OF PARTICIPATION

THIS CERTIFICATE IS PROUDLY PRESENTED TO

Konstantinus Budi

of participation in oral and technical presentation, recognition and appreciation of research contribution to International Conference on Global Practice of Multidisciplinary Scientific Studies-IV held on April 28-30, 2023 / Turkish Republic of Northern Cyprus with the paper entitled

Corruption and Bureaucratic Reform in Indonesia



Dr. Mehmet Fazel BARAN
Head of Conference





4th INTERNATIONAL BLACK SEA MODERN SCIENTIFIC RESEARCH CONGRESS

*6-7-8 June 2023
Rize, Turkiye*

CONGRESS PROGRAM

Zoom Meeting ID: **885 8479 8409**
Zoom Passcode: **040404**

Participant Countries (48):

Turkiye, Algeria, Indonesia, Pakistan, Romania, Azerbaijan, Italy, Albania, Germany, Nigeria, Vietnam, China, Malaysia, India, Libya, Egypt, Morocco, Iran, Benin, Kosovo, Brazil, Russia, Moldova, Ethiopia, Ukraine, Bosnia And Herzegovina, Serbia, Philippines, Iraq, Portugal, Georgia, Saudi Arabia, United Kingdom, Bulgaria, Poland, Hungary, Myanmar, Spain, República Dominicana, Mexico, Sri Lanka, Peru, North Macedonia, Kazakhstan, Oman, Mongolia, Uzbekistan, United States Of America

JURIDICAL REVIEW OF THE EXISTENCE OF STATE ADMINISTRATIVE JUSTICE IN INDONESIA

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Abstract

Indonesia is familiar with the Power-Sharing System which consists of three pillars of power, namely the Executive, Legislative and Judiciary (judiciary). In Article 24 of the 1945 Constitution Junto Law Number 4 of 2004 concerning Judicial Power confirms that Judicial Power is exercised by a Supreme Court and judicial bodies under it in the general court environment, religious court environment, military court environment, environment of state administrative justice and by a Constitutional Court. However, the existence of the State Administrative Court (PTUN) is not well understood by many people, especially regarding the duties and powers it has. Therefore, it is necessary to carry out a Juridical review regarding the Existence of the State Administrative Court in Indonesia. This study aims to understand the extent to which the State Administrative Court's role is in realizing a prosperous, safe, peaceful and orderly life of the state and nation that can guarantee the position of citizens in the law and ensure the maintenance of harmonious, balanced and harmonious relations between apparatus in the field of state administration with community members, as well as what roles can be taken by the PTUN in making law enforcement effective for the community. The method used is a normative juridical approach, namely an approach based on the main legal material by examining the theories, concepts, legal principles and laws and regulations related to this research. It can be concluded that the presence of the State Administrative Court (PTUN) is proof that Indonesia is a constitutional state that upholds the values of justice, legal certainty and human rights (HAM). Because of this, the public hopes that the State Administrative Court will become the main mouthpiece of justice in examining, deciding and resolving State Administrative disputes that have occurred in Indonesia.

Keywords: Human Rights, Justice, State Administrative Court, Judicial Power.

Background

As quoted from ptun-jakarta.go.id, Judicial Power, in Article 24 of the 1945 Constitution (Amendment) Jo. Law Number 4 of 2004, emphasizes that Judicial Power is exercised by a Supreme Court and judicial bodies under it in the general court environment, religious court environment, military court environment, state administrative court environment and by a Constitutional Court. The idea of forming a State Administrative Court is to resolve disputes between the government and its citizens and the establishment of this institution aims to control juridically (*judicial control*) government actions that are considered to violate administrative provisions (maladministration) or acts contrary to law or *abuse of power* (ptun- bandarlampung.go.id., 2023).

Article 24 of the 1945 Constitution reads:

- (1) Judicial power is an independent power to administer justice in order to uphold law and justice.
- (2) Judicial power is exercised by a Supreme Court and judicial bodies under it in the general court environment, religious court environment, military court environment, state administrative court environment, and by a Constitutional Court.
- (3) Other bodies whose functions are related to judicial power are regulated by law.

In Law Number 5 of 1986 it is stated that the Republic of Indonesia as a legal state based on Pancasila and the 1945 Constitution aims to create a prosperous, safe, secure, peaceful and orderly state and nation life system, which guarantees equal status of citizens in the law, and which guarantees the maintenance of a harmonious, balanced and harmonious relationship between officials in the field of State Administration and the community members.

Issues

1. What are the benefits of establishing a State Administrative Court?
2. How to maximize the role of the State Administrative Court in upholding justice?

Purposes and Objectives

1. To understand the extent to which the State Administrative Court's role is in realizing a prosperous, safe, peaceful and orderly state and nation life system that can guarantee the position of citizens in the law and ensure the maintenance of harmonious, balanced and harmonious relations between apparatus in the field of state administration and citizens public.

2. To find out the benefits of the establishment of the State Administrative Court and to find out the procedures for maximizing the role of the State Administrative Court in making law enforcement and justice effective for all Indonesian people.

Theoretical Framework and Conceptual Framework

1. Theoretical framework

The results of writing this paper are expected to provide input for knowledge in the field of law, especially state administrative law for public officials who have the authority to issue State Administrative Decrees (KTUN), Civil Servants (PNS) and also all Indonesian people so that they understand their rights and obligations when following the KTUN.

2. Conceptual framework

Hopefully that this paper can provide views to the Indonesian people as well as public officials and civil servants regarding a good State Administration Decision, and in accordance with:

1. Law No. 5 of 1986 concerning the State Administrative Court (UU PTUN);
2. Law No. 9 of 2004 concerning Amendments to the PTUN Law;
3. Law No. 51 of 2009 concerning the Second Amendment to the PTUN Law;
4. Law No. 30 of 2014 concerning Government Administration.

Methods

The method used is normative research method or library legal research. The normative approach is used to review and analyzing library materials or secondary data related to research material as primary legal materials, secondary legal materials, and tertiary legal materials. The approach taken is based on law, examining theoretical matters concerning legal conceptions, legal principles, views and legal doctrines, laws and regulations and legal systems using secondary data, including: principles, rules, norms and legal rules in laws and regulations, law books, legal journals and articles, and other documents that are closely related to the research of this paper. This research will later be explained in an explanatory manner to describe in more depth the position of administrative justice as an effort to encourage the formation of good governance.

Review from a Juridical Aspect

The State Administrative Court or Administrative Court is the court of first instance in charge of resolving disputes in state-owned administrative operations. The same as the district and religious courts which are available at the district or city level (Tambunan Simamora Low Office). In realizing the order of life, order of life, by filling in the independence through gradual national development, efforts are made to foster, perfect, and discipline the apparatus in the field of State Administration, so that they are able to become efficient, effective, clean, and authoritative tools, and who in carrying out his duties are always based on the law based on the spirit and attitude of service to the community, namely by fulfilling independence through gradual national development, endeavors are made to foster, perfect and discipline apparatus in the field of State Administration, so that they can become efficient, effective, clean and authoritative, and who in carrying out their duties is always based on the law based on the spirit and attitude of community service (UU No. 5 of 1986).

Quoted from Hukumonline.com (2022) State Administrative Disputes (TUN) in Article 1 point 10 of Law No. 51 of 2009 concerning the Second Amendment to Law No. 5 of 1986 concerning State Administrative Court (UU PTUN) are defined as disputes that arise between a civil legal person or entity and a government agency or official. This is as a result of the issuance of state administrative decisions, including employment disputes based on applicable laws and regulations.

Further quoted from the website of the Manado State Administrative Court there are several laws and regulations related to the State Administrative Court as follows:

1. State Administrative Court Law:
 - a. Law No. 5 of 1986 concerning the State Administrative Court
 - b. Law No. 9 of 2004 concerning Amendments to Law no. 5 of 1986 concerning the State Administrative Court
 - c. Law No. 51 of 2009 concerning the Second Amendment to Law no. 5 of 1986 concerning the State Administrative Court
2. Supreme Court Act:
 - a. Law No. 14 of 1985 concerning the Supreme Court.
 - b. Law No. 5 of 2004 concerning Amendments to Law no. 14 of 1985 concerning the Supreme Court.

- c. Law No. 3 of 2009 concerning the Second Amendment to Law no. 14 of 1985 concerning the Supreme Court.
- 3. Law No. 48 of 2009 concerning Judicial Power
- 4. Law No. 30 of 2014 concerning Government Administration
- 5. Rules related to lawsuits that are usually filed at PTUN:
 - a. Land Disputes:
 - 1) Law No. 5 of 1960 concerning Basic Agrarian Regulations.
 - 2) Law No. 2 of 2012 concerning Land Procurement for Development in the Public Interest.
 - 3) Government Regulation 40 of 1996 concerning Business Use Rights, Building Use Rights and Land Use Rights
 - 4) Government Regulation 24 of 1997 concerning Land Registration.
 - 5) Regulation of the Minister of State for Agrarian No. 3 of 1997 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration.
 - 6) Regulation of the Minister of State for Agrarian No. 9 of 1999 concerning Procedures for Granting and Canceling State Land Rights and Management Rights.
 - 7) Regulation of the Minister of Agrarian Affairs and Spatial Planning No. 11 of 2016 concerning Settlement of Land Cases
 - b. Personnel Disputes:
 - 1) Law No. 5 of 2014 concerning the State Civil Apparatus.
 - 2) Government Regulation no. 53 of 2010 concerning PNS Discipline.
 - 3) Government Regulation no. 11 of 2017 concerning PNS Management.
 - c. Supreme Court Regulations regarding procedures for special procedures at the State Administrative Court:
 - 1) Supreme Court Regulation No. 2 of 2016 concerning Guidelines for Proceedings in Disputes on the Determination of Development Locations for the Public Interest at the State Administrative Court.
 - 2) Supreme Court Regulation No. 5 of 2017 concerning Procedures for Settlement of General Election Process Disputes at the State Administrative Court.

- 3) Supreme Court Regulation No. 11 of 2016 concerning Procedures for Settlement of Election State Administrative Disputes and Election Administration Violations Dispute.
- 4) Supreme Court Regulation No. 8 of 2017 concerning Guidelines for Procedures to Obtain a Decision on Acceptance of Applications to Obtain Decisions and/or Actions by Government Bodies or Officials.
- 5) Supreme Court Regulation No. 4 of 2015 concerning Procedure Guidelines in Assessing Elements of Abuse of Authority.
- 6) Supreme Court Regulation No. 2 of 2011 concerning Procedures for Settlement of Public Information Disputes in Courts.
- 7) Supreme Court Circular Letter No. 4 of 2016 concerning Enforcement of the Formulation of Results of the 2016 Supreme Court Chamber Plenary Meeting as Guidelines for the Implementation of Duties for the Court.
- 8) Decree of the Chief Justice of the Supreme Court No. 1-144/KMA/SK/I/2011 concerning Guidelines for Information Services in Courts.

State Administration

State Administration is the State Administration which performs the function of administering government affairs both at the central and regional levels. A State Administrative Decree is a written decision issued by a State Administrative Agency or Official containing legal actions for a State Administration based on applicable laws and regulations, which are concrete, individual and final in nature, which give rise to legal consequences for a person or entity civil law (Law Number 5 of 2014); As quoted from ptun-bandarlampung.go.id that legal protection for the people can be divided into two types, namely preventive legal protection and repressive legal protection. Preventive legal protection is legal protection in which the people are given the opportunity to submit objections (*inspraak*) or opinions before a government decision gets a preventive form aimed at preventing disputes from occurring, whereas repressive legal protection is aimed at resolving disputes. Preventive legal protection is very significant for government actions based on freedom of action, because with the existence of legal protection based on discretion. Quoted from Hukumonline.com (2023), state administrative disputes are disputes that arise in the field of state administration between civil persons or legal entities and state administrative bodies or officials, both at the central and regional levels, as a

result of the issuance of state administrative decisions, including disputes employment based on the applicable laws and regulations.

The Role of the State Administrative Court

In the study of State Administrative Law, the objectives of establishing a State administrative court (State Administrative Court) are: definitive, meaning that the government's preventive legal protection is motivated to be careful in making decisions including:

1. Providing protection to the rights of the people that originate from individual rights.
2. Provide protection for community rights based on the common interests of individuals living in the community (ptun-bandarlampung.go.id. 2023)

The PTUN's scope of authority is in the fields of defence, staffing, licensing, environment, procurement of goods and services, village head decisions, elections, employment, public information, government actions, and abuse of authority (Hukumonline.com. 2022). State Administrative Disputes as contained in Article 1 point 10 of Law Number 51 of 2009 have the following meaning: "State Administrative Disputes are disputes that arise in the field of state administration between civil persons or legal entities and State Administrative Agencies or Officials. , both at the central and regional levels, as a result of the issuance of State Administrative Decisions, including employment disputes based on the applicable laws and regulations." (PTUN Semarang, 2023).

Authority of the State Administrative Court

Officials who commit abuse of authority will be tried at the State Administrative Court. Based on Article 47 of Law Number 5 of 1986 concerning State Administrative Court, it is explained that the court has the duties and powers of examining, deciding, and resolving State Administrative disputes (Rizkyta A. P., Ningsih B. R, 2022). Administrative Court also has the duty and authority to ensure that the organization and work procedures of the court clerkship in the State Administrative Court are fully understood and properly implemented, because the court clerkship is one of the court officials who is responsible for assisting judges in carrying out administrative tasks (Pinakunary F.J, 2020).

As quoted by Minister of Justice and Human Rights, the state administrative judiciary aims to guarantee the equal status of citizens in the law. Specifically aimed at

ensuring the maintenance of a harmonious, balanced and harmonious relationship between apparatus in the field of state administration and citizens. One of the main problems in the study of the basics of administrative law is the study of the existence or recognition of various kinds of control or oversight that can be exercised over the government. In carrying out governance for the general welfare and public interest services, the government as an organ of state administration may be subject to various forms of control or supervision.

The Role of the State Administrative Court in Law Enforcement in Indonesia

In order to increase the role of PTUN in upholding justice, several strategic efforts can be taken as follows:

1. Preparation of Long Term and Medium Term Strategic Plans

Institutional strategic planning is an attempt to describe a map of problems, analysis of strength, weaknesses, opportunities and threats , as well as strategic programs that will be implemented over a certain period of time so that the outputs to be produced and the expected outcome can be achieved properly.

2. Performance improvements.

In improving an accountable and transparent case management system, improving the performance of existing officials greatly influences the quality of an institution so that people seeking justice can be accommodated and can obtain legal certainty. This aims to increase the integrity and resources of the judicial apparatus themselves. Performance improvement can be done by paying attention to several things such as:

1. Career system through improved promotion and mutation mechanisms in accordance with the competencies possessed
2. External and internal supervision to ensure an accountable law enforcement process, and to fulfill the people's sense of justice.
3. Improvement of Work Operational Standards
4. Improvement of Judicial Service Standards
5. Support facilities and infrastructure and adequate information technology.
6. Support Availability and suitability of Human Resources Personnel according to the field.

3. Improving the quality of public services.

Improving the quality of public services can be done through the following:

1. Having reactive, fast and appropriate service standards for justice seekers regulates by explaining rights and obligations in the administration of public services.
2. Have a clear complaint handling mechanism and process

By making these improvements, the role of PTUN in upholding justice will be even better. Government officials who are proven to have abused their authority will be tried on the basis of upholding justice in the State Administrative Court regardless of their rank, position or influence because everyone must be equal before the law.

Conclusion

The State Administrative Court is a Judicial Institution regulated in Law no. 51 of 2009 concerning Amendments to Law no. 5 of 1986 concerning the State Administrative Court. In this law, the State Administrative Court (PTUN) is expected to be able to provide protection (based on justice, truth, order and legal certainty) to seekers of justice (*justiciabelen*) who may feel that they have been harmed as a result of a legal act by a state administration official by conducting an examination, termination and settlement of disputes in the field of state administration. The presence of the State Administrative Court (PTUN) is proof that Indonesia is a constitutional state that upholds the values of justice, legal certainty and human rights (HAM).

The state needs to strengthen the authority of the State Administrative Court in carrying out the execution of good decisions by amending Article 97 Paragraph (9) of Law No. 51 of 2009 concerning the Second Amendment to the Administrative Court Law, because so far decisions from the State Administrative Court have always been returned to the defendant to be carried out voluntarily, so that there is often disregard for the decision of the State Administrative Court.

Besides that, it is also felt that there is a need for changes in the relationship between regional autonomy and the center, especially in the field of law and decisions (*beschikking*), so that the regional regulations that are stipulated are in line with the central government. So that it can reduce disputes in PTUN, especially those related to local government.

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The 1945 Constitution of the Republic of Indonesia



The Existence of Administrative Court in Indonesia: A Juridical Study

- Asst. Prof. Dr. Manotar Tampubolon
- Konrad Manurung
- Mulyono
- Konstantinus Budi
- Hendra Simak



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CONTENT



- **Background**
- **Problems**
- **Method**
- **Discussion**
- **Conclusion & Recommendation**
- **References**



The establishment of the State Administrative Court is to resolve disputes between the government and its citizens. Its purpose is to legally control government actions that are considered to violate administrative provisions (maladministration) or to act contrary to law or abuse of power.



Article 24 paragraph 1 of the 1945 Constitution

Judicial power is an independent power to administer justice in order to uphold law and justice.



Article 24 paragraph 3 of the 1945 Constitution

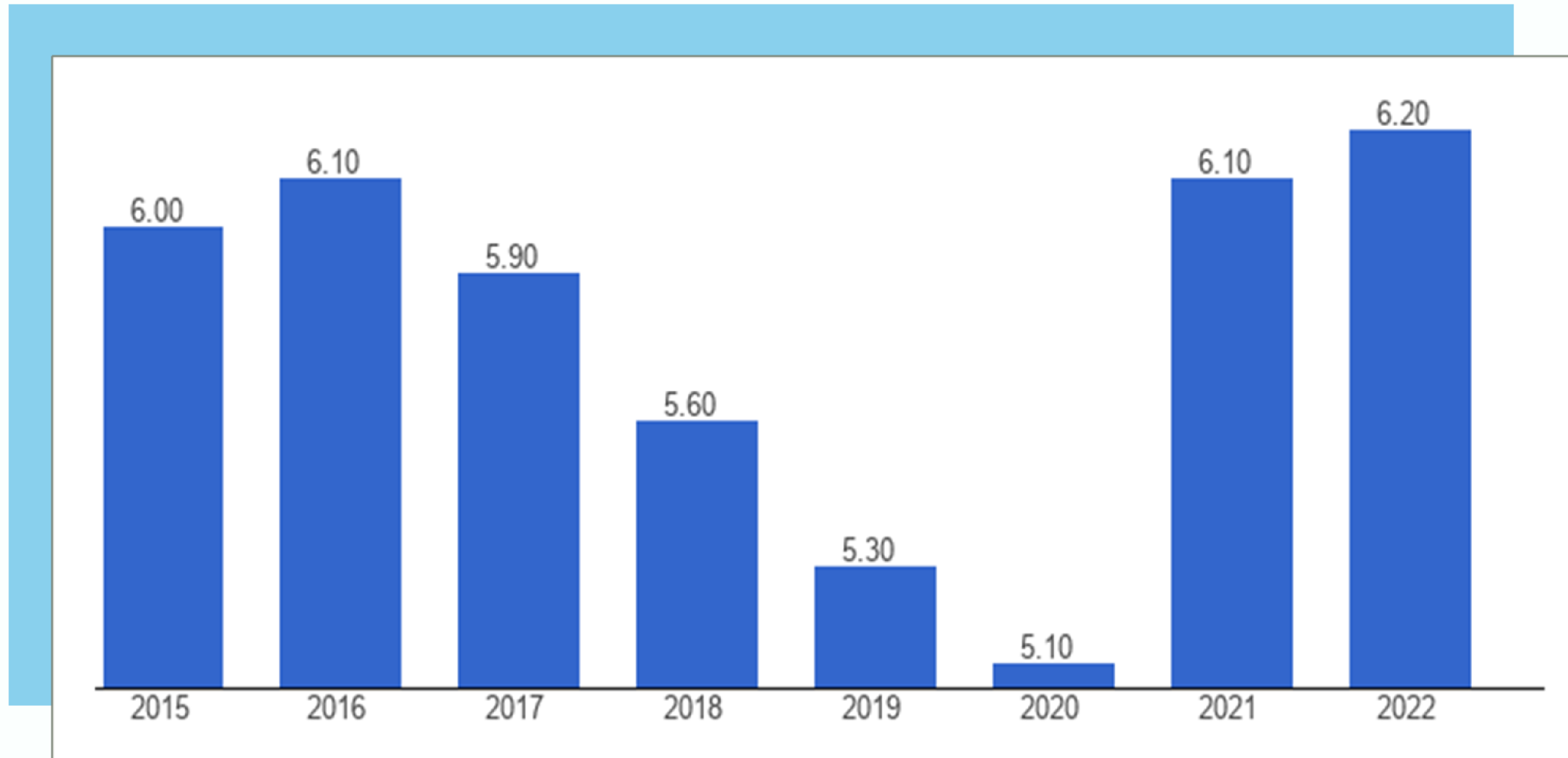
Other bodies whose functions are related to judicial power are regulated by law.

Article 24 paragraph 2 of the 1945 Constitution

Judicial power is exercised by a Supreme Court and judicial bodies under it in the general court environment, religious court environment, military court environment, state administrative court environment, and by a Constitutional Court

BACKGROUND

Indonesian Public Service Index 2015-2022



0 = High

10 = Low

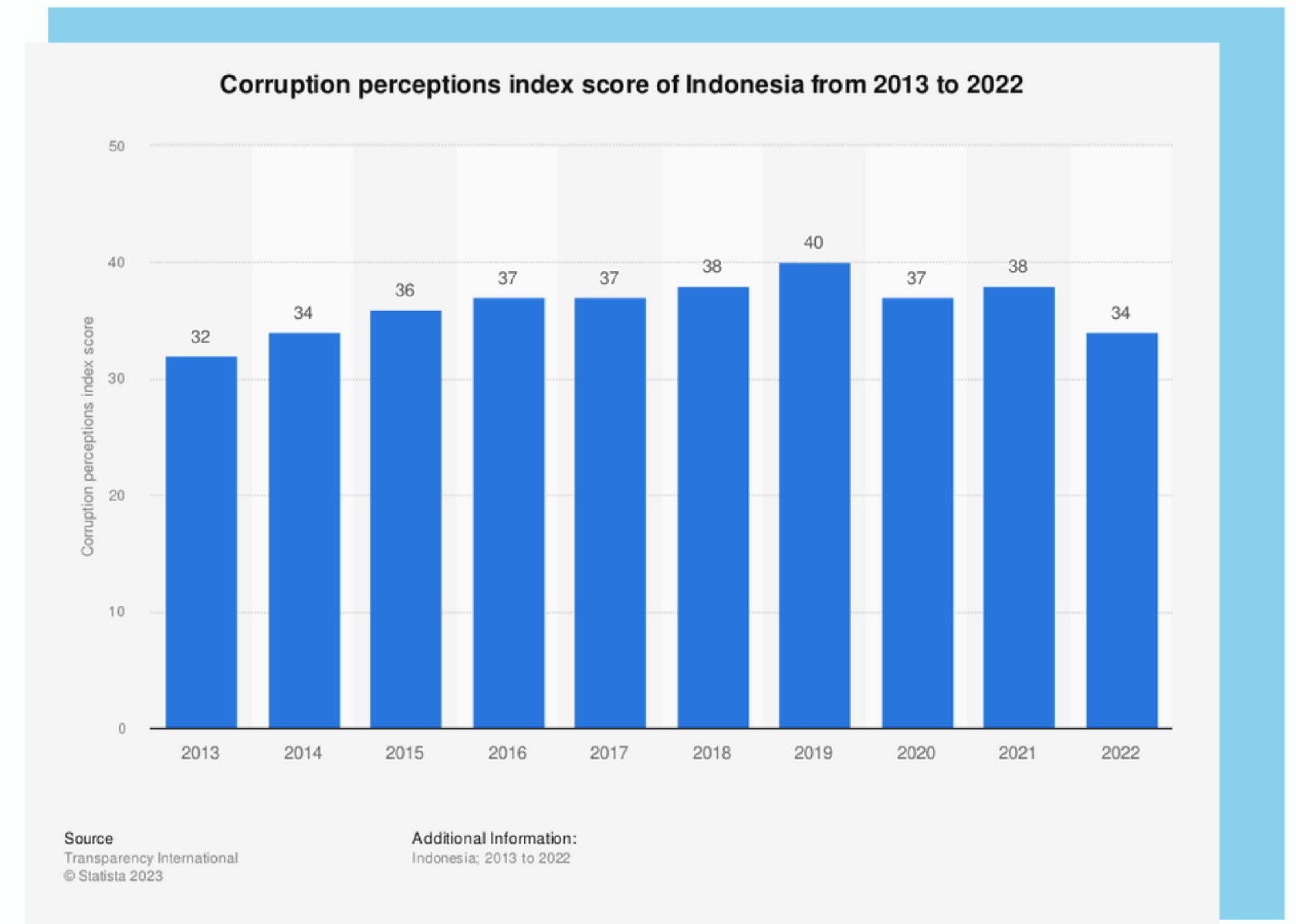
Source: The Global Economy, 2023

Indonesia: Corruption Perception 2022



Source: Transparency International Indonesia

Indonesia: Corruption Perception 2013-2022



Source: statista.com

PROBLEMS

- What are the benefits of establishing a State Administrative Court?
- How to maximize the role of the State Administrative Court in upholding justice?



Source: [kompas.com](https://www.kompas.com)

Research Methods

The research method uses is a normative juridical approach, namely legal research conducted by examining literature or secondary materials only.

Qualitative

Secondary
Data

Normative
Approach

Benefits From The Establishment of State Administrative Court

- As a court of first instance in charge of resolving disputes in state-owned administrative operations;
- As preventive legal protection, namely legal protection where the people are given the opportunity to submit objections or court opinions before a government decision gets a preventive form to prevent disputes from occurring;
- As a preventive legal protection which is very meaningful for government actions based on freedom of action, because with the existence of legal protection based on discretion



How to Maximize The Role of State Administrative Jurisdiction in Upholding Justice?



Preparation of Long-Term and Medium-Term Strategic Plans

The Strategic Plan is an attempt to describe a map of the problem, analysis of Strengths, Weaknesses, Opportunities and Threats, as well as strategic programs within a certain period of time so that the outputs and outcomes to be produced and expected to be achieved as should be.

Performance improvements

Improving the performance of existing apparatus greatly influences the quality of an institution so that in the end it can increase the integrity and resources of the judicial apparatus themselves



source : tribunnews.com

Improving the quality of public services




Through these improvements, the role of the State Administrative Court in upholding justice will be even better. Government officials who are proven to have abused their authority will be tried on the basis of upholding justice at the State Administrative Court regardless of their rank, position or influence because everyone is equal in the eyes of the law.



CONCLUSIONS



- The State Administrative Court is a Judicial Institution regulated in Law no. 51 of 2009 concerning Amendments to Law no. 5 of 1986 concerning the State Administrative Court.
 - In this Law, the State Administrative Court (PTUN) is expected to be able to provide protection (based on justice, truth, order and legal certainty) to seekers of justice, who may feel that they have been harmed as a result of a legal act by a state administration official by conducting an examination, termination and settlement of disputes in the field of state administration.
 - The presence of the State Administrative Court (PTUN) is proof that Indonesia is a constitutional state that upholds the values of justice, legal certainty and human rights (HAM).
- 

SUGGESTION



The state needs to strengthen the authority of the State Administrative Court in carrying out the execution of good decisions by amending Article 97 Paragraph (9) of Law No. 51 of 2009 concerning the Second Amendment to the Administrative Court Law, because so far decisions from the State Administrative Court have always been returned to the defendant to be carried out voluntarily, so that there is often disregard for the decision of the State Administrative Court.



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3. *Law No. 9 of 2004 concerning Amendments to the PTUN Law;*
4. *Law No. 51 of 2009 concerning the Second Amendment to the PTUN Law;*
5. *Law No. 30 of 2014 concerning Government Administration.*



Q & A



Thank You!



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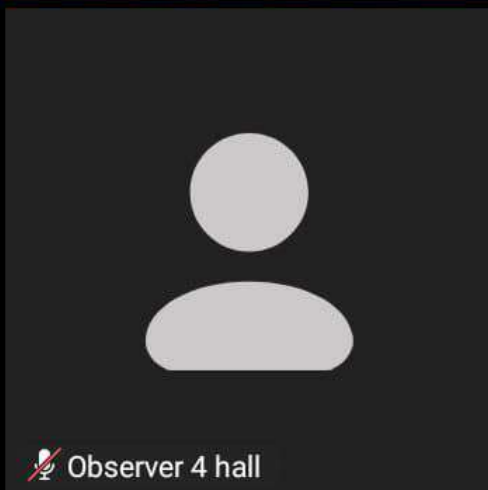
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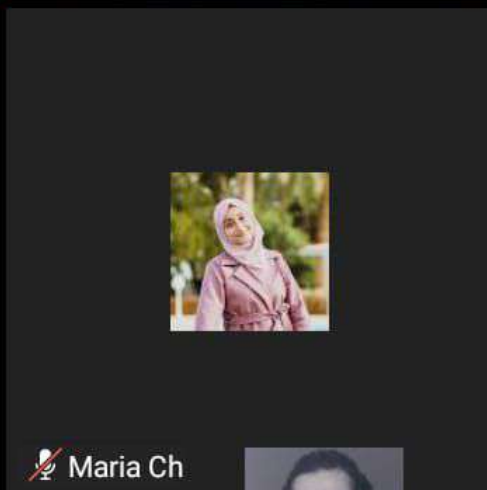
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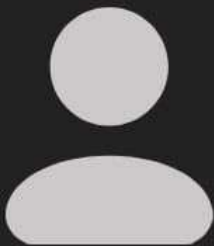
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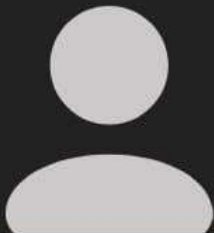
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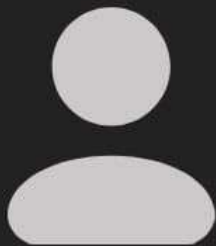
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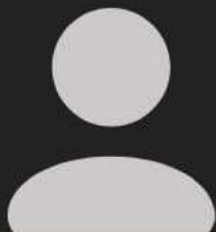
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