

Administrative Effort as a *Premium Remedium* in State Administrative Dispute Settlement



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ABSTRACT

This study aims to examine administrative efforts as Premium Remidium in the settlement of State Administrative disputes (TUN) in Indonesia. In particular, the discussion in this study regarding administrative efforts as a *premium remidium* in state administration disputes in Indonesia, the legal consequences of not carrying out administrative efforts by the plaintiffs, and discussing the advantages and disadvantages of implementing administrative efforts in the settlement of state administration dispute. The research method used in this research was normative juridical and used secondary data consisting of laws related to government administration as the primary material and secondary legal materials, namely literature related to research problems. Based on the results of the study, it is known that administrative efforts are the premium remedy (main drug) in the settlement of state administration disputes in Indonesia. The legal consequences that arise when the settlement of the state administration dispute is not preceded by administrative efforts but directly submits a lawsuit to the Administrative Court, namely the lawsuit can be declared not accepted by the judges. Administrative efforts have advantages and disadvantages related to the state administrative dispute resolution mechanism in Indonesia.

KEYWORDS: Administrative Efforts, *Premium Remidium*, State Administration Dispute.

BACKGROUND

The running of a country cannot be separated from the implementation of the duties and functions of the Government, in this case, is the official of the State Administration (TUN). State Administration officials must carry out their duties and functions based on the law; this is a logical consequence of the principle of the rule of law adopted by the Indonesian that has been stated in Article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia. The relationship between Indonesia as a legal state and State Administration officials can be likened to a ship and its crew. Indonesia as a legal state ship can only sail when the crew, in this case, the State Administration officials, work well in accordance with their duties and functions that have been determined by the laws and regulations.¹ The implementation of administrative tasks related to internal affairs (employment matters) and external to a government agency (State Administration Agency/Official) is always related to the task of making State Administrative decisions (KTUN). The increasing knowledge and awareness of the public are followed by the increasing number of Government affairs which does not rule out the possibility of a *conflict of interest* between the two parties. The conflict of interest results in one of the parties (the public) being disappointed or feeling aggrieved by the decision of the State Administration, giving rise to a State Administrative Dispute. State Administrative Dispute is a dispute that arises in the field of State Administration between a person or a civil legal entity and a State Administration Agency or Official, both at the central and regional levels.²

The enactment of Law No. 30 of 2014 concerning Government Administration, hereinafter referred to as the GA Law, brings up several new provisions and paradigms in the field of government administration that will have implications for the practice of administrative justice. One of the new arrangements is to regulate the settlement of government administrative disputes through non-judicial channels between citizens and state administrative officials, as regulated in Article 48 of Law No. 5 of 1986 concerning the State Administrative Court. Responding to the existence of the Act, the Supreme Court issued PERMA No. 6 of 2018 concerning Guidelines for Settlement of Administrative Disputes After Taking Administrative Efforts on December 4, 2018. Previously, in the previous arrangement (Law Number 5 of 1986) when litigation in PERATUN there were two paths, namely: *first*, state administrative decision which did not recognize administrative efforts, then the lawsuit is addressed to the State Administrative

¹ Satjipto Rahardjo, *Hukum Progresif Sebuah Sintesa Hukum Indonesia* (Yogyakarta: Genta Publishing, 2009). Hlm. 76.

² I Nengah. Sukma Putu Angga Pratama. Susrama, 'Keputusan Fiktif Dalam Upaya Administratif Terhadap Keputusan Aparatur Sipil Negara', *Jurnal Hukum Saraswati*, 1.1 (2019), 33–47. Hlm. 35.

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Court as a court of the first instance. *Second*, for the State Administrative Court that recognizes the existence of administrative efforts, the lawsuit is directly addressed to the Administrative Court.³ Referring to the provisions of the General Elucidation of Law No. 5 of 1986 concerning the Administrative Court which states that administrative effort is an action that a person can take if he is not satisfied with the state administrative decision which can be done through two procedures, namely objections and administrative appeals. Administrative appeals based on these provisions are in the settlement carried out by superior agencies or even by relevant agencies that issue state administrative decisions.

In short, when viewed in terms of its substance, Law No. 30 of 2014 concerning Government Administration is a material law of the State Administrative Court system. While the formal law is contained in Law Number 5 of 1986.⁴ Law No. 30 of 2014 concerning Government Administration said administrative efforts are regulated in a separate chapter, namely Chapter X starting from Article 75 to Article 78. It has to be emphasized that Law No. 6 of 2018 is mandatory and should be applied to all state administration disputes. This statement contains the consequence that if there is a State Administrative dispute, the settlement must first be through an administrative effort agency.⁵ The administrative efforts consist of objections and appeals. In other words, the court is positioned as the *ultimum remedium* for state administration disputes if all administrative efforts that have been taken cannot also result in a settlement. Then the lawsuit can be submitted to the State Administrative court to be examined, decided, and tried.⁶ Based on the description in this study, it will specifically examine the following problems; Why must administrative efforts be taken first before filing a lawsuit for a state administrative dispute to the State Administrative Court? What are the legal consequences of not carrying out administrative efforts by the plaintiff? What are the advantages and disadvantages of implementing administrative efforts first in overcoming the administrative dispute?

The research method used in this study was normative juridical, namely a research method that bases its analysis on legislation as legal norms.⁷ This study used secondary data consisting of laws related to government administration as the primary material and secondary legal materials, namely literature related to research problems.⁸ The secondary legal data was collected using a literature study.⁹ Then it was analyzed descriptively by describing the object of research and then a conclusion was drawn to answer the research problem.

DISCUSSION

A. Administrative Efforts Are *Premium Remedium* in State Administration Disputes in Indonesia

The discussion in this section cannot be separated from the basic principle of the Indonesian state, namely the rule of law. In the context of this research, the law is the basis used to control the actions of the Government as a state administrator. The importance of legal control over the administration of the state by the Government is none other than the creation of a just and prosperous and happy society.¹⁰ The implementation of the rule of law principle is the functioning of state administrative law because it regulates and relates to the implementation and administration of the rule of law.¹¹ Administrative efforts are part of administrative law in Indonesia, so administrative efforts are the main way in resolving disputes relating to the implementation of the duties and authorities of State administrators.¹² According to Indroharto, administrative effort is a procedure for resolving administrative/state administrative disputes which are carried out by the government itself and not through the judiciary.¹³ This effort was carried out before a state administration dispute was brought to court with the aim that it could be resolved first within the government itself. The point is that administrative effort is a procedure that can be taken in solving a problem related to a Civil Legal Entity which is carried

³ Indroharto, *Usaha Memahami Undang-Undang Tentang Peradilan Tata Usaha Negara* (Jakarta: Pustaka Sinar Harapan, 1991). Hlm. 193-194.

⁴ S. F. Marbun, *Peradilan Administrasi Negara Dan Upaya Administratif Di Indonesia* (Yogyakarta: Liberty, 1997). Hlm. 65.

⁵ Indroharto. *Op Cit*, Hlm. 194.

⁶ Marzuki Philipus Hadjon, Paulus Effendie Lotulung, H.M. Laica, *Hukum Administrasi Dan Good Governance* (Jakarta: Usakti, 2010). Hlm. 31.

⁷ Depri Liber Sonata, 'Metode Penelitian Hukum Normatif Dan Empiris Karakteristik Khas Dari Metode Meneliti Hukum', *Fiat Justitia Jurnal Ilmu Hukum*, 8.1 (2014), 15–35. Hlm. 21.

⁸ Kornelius Benuf and Muhamad Azhar, 'Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer', *Gema Keadilan*, 7.1 (2020), 20–33. Hlm. 26.

⁹ I Made Pasek Diantha, *Metodologi Penelitian Hukum Normatif Dalam Justifikasi Teori Hukum* (Jakarta: Prenada Media Group, 2017). Hlm. 38.

¹⁰ Janpatar Simamora, 'Tafsir Makna Negara Hukum Dalam Perspektif Undang-Undang Dasar Negara Republik Indonesia Tahun 1945', *Jurnal Dinamika Hukum*, 14.3 (2014), 547–61 <<https://doi.org/10.20884/1.jdh.2014.14.3.318>>.

¹¹ Phipipus M Hadjon, *Hukum Tata Negara Dan Hukum Administrasi Sebagai Instrumen Hukum Untuk Mewujudkan Good Governance* (Surabaya, 2008). Hlm. 9.

¹² Ridwan HR, *Hukum Administrasi Negara* (Jakarta: Raja Grafindo Persada, 2013). Hlm. 24.

¹³ Indroharto. *Op. Cit*. Hlm. 190

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out if the person or individual feels less or dissatisfied with a state administrator's decision that is within the scope of the existing administration or government itself.¹⁴

Administrative legal remedies when viewed from the legal principle, namely the legal principle of *premium remedium* (main drug).¹⁵ So the administrative legal remedy is a *premium remedium* (main drug), that the first step is to resolve the state administrative dispute in Indonesia. The legal principle which in the context of this paper is an administrative effort is included in the realm of state administrative law, in contrast to the principle of criminal law. The principle of criminal law is the *ultimum remedium* (last remedy) meaning that criminal law efforts are carried out as a last resort in resolving a case when other legal remedies have been taken.¹⁶ Other legal remedies referred to include administrative efforts.

Administrative efforts when referring to the provisions of Law No. 5 of 1986 concerning the State Administrative Court (PTUN), especially in the provisions of Article 48, which essentially stipulates those administrative efforts must be carried out first and must be based on law and the Administrative Court can only examine, hear and decide on state administration disputes if administrative efforts have been made, done, and it didn't work. Meanwhile, the follow-up or efforts to settle state administrative disputes that have taken administrative efforts are regulated in Article 51 paragraph (3), which states that state administrative disputes that have not been successfully resolved through administrative efforts will continue with the stages of examination, trial, and decision in the Administrative Court.¹⁷ Based on the provisions in Law Number 5 of 1986 concerning Administrative Court, administrative efforts only apply and are required for certain State Administration disputes for which administrative efforts are provided by the legislation. On the other hand, Law No. 5 of 1986 concerning Administrative Courts does not require administrative efforts for State Administration disputes for which administrative efforts are not provided by the law.¹⁸

In the case of State Administrative Court disputes for which there is no way of settling through administrative efforts by law, then there are two paths or two lines of litigation before the State Administrative Court. For state administrative decisions that do not recognize administrative efforts, the lawsuit is directed to the Administrative Court as the first level court, while for state administrative decisions that recognize administrative efforts, the lawsuit is directly addressed to the State Administrative High Court.¹⁹

Referring to the provisions of Law No. 5 of 1986 concerning Administrative Court, the explanation of Article 48 paragraph (1) concerning the Administrative Court, administrative efforts consist of administrative objections and appeals. Efforts to object are carried out if the state administrative dispute that occurs is resolved by the agency or official that issued the state administrative decision. Meanwhile, the settlement of state administration disputes through administrative appeals is submitted through the superior agency or other agency from which the decision was issued. In practice, administrative measures provided by laws and regulations for certain state administration disputes can be in the form of objections only; administrative appeal only; or administrative objections and appeals (cumulative).

In accordance with the provisions of Article 51 paragraph (3) and paragraph (4) of Law No. 5 of 1986, if all administrative efforts have been taken but the results are still unsatisfactory, the state administrative dispute can be submitted to the State Administrative High Court (PTUN) to be examined and decided. In this case, the Administrative Court acts as a court of the first instance that decides on State Administration disputes as referred to in Article 48 (state administrative disputes that have taken administrative efforts). Furthermore, it is still possible to submit an appeal and review to the Supreme Court.

In dealing with the dynamics and developments of the times, which of course, Law No. 5 of 1986 was deemed irrelevant, then Law No. 30 of 2014 concerning Government Administration was issued. Administrative efforts in the Law are regulated in separate chapters, namely Chapter X Articles 75 to 78. The Law states that administrative efforts can be made through objections and appeals. In addition, referring to the provisions contained in Article 75 paragraphs (1) and (2) of the Government Administration Law, it is under the provisions in Article 48 paragraph (1) and the explanation of Article 48 of Law No. 5 of 1986 concerning Administrative Court. Then the State Administrative obtained a new authority, namely the state administrative dispute with the object of the dispute in the form of government administrative actions.²⁰ Meanwhile, referring to the provisions of Article 1 point

¹⁴ Ayu Anita Marlin Restu., Leonard, Lapon Tukan., Putriyanti, 'Fiksi Kewenangan PTUN Dalam Berlakunya Undang-Undang Nomor 30 Tahun 2014 Dan Undang-Undang Nomor 5 Tahun 1986 Berkaitan Dengan Objek Sengketa Tata Usaha Negara (TUN)', *Diponegoro Law Journal*, 6.2 (2017), 1–18. Hlm. 13.

¹⁵ Mulyadi Alrianto Tajuddin, 'Penerapan Pidana Tambahan Uang Pengganti Sebagai Premium Remedium Dalam Rangka Pengembalian Kerugian Negara', *Jurisprudentie*, 2.2 (2015), 53–64. Hlm. 54.

¹⁶ Lidya Suryani Widayati, 'Ultimum Remedium Dalam Bidang Lingkungan Hidup', *Ius Quia Iustum Law Journal*, 22.1 (2015), 1–24. Hlm. 12.

¹⁷ Zairin Harahap, *Hukum Acara Peradilan Tata Usaha Negara* (Jakarta: Raja Grafindo, 2002). Hlm. 83-84.

¹⁸ R. Wiyono, *Hukum Acara Peradilan Tata Usaha Negara* (Jakarta: Sinar Grafika, 2014). Hlm. 110-111.

¹⁹ Philipus M. Hadjon, *Pengantar Hukum Administrasi Di Indonesia* (Yogyakarta: Gadjah Mada University Press, 2002). Hlm. 317.

²⁰ Bambang Heriyanto, 'Kompetensi Absolut Peradilan Tata Usaha Negara Berdasarkan Paradigma UU No. 30 Tahun 2014 Tentang Administrasi Pemerintahan', *Pakuan Law Review*, 4.1 (2018), 75–90. Hlm. 81.

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(16), Article 75, Article 76, Article 77, and Article 78 in the GA Law, there are several fundamental changes related to the administrative process, including the following:

The first change is that there is a unification of the Administrative Justice system with administrative efforts, in which a lawsuit to the administrative court is the final process in an administrative effort as implied in Article 75 of the GA Law. This is of course different from the Administrative Court Law (Law No. 5 of 1986) where administrative efforts are carried out if the settlement process has been regulated in certain laws through internal mechanisms; The second change is that there is a requirement that all state administrative decision disputes be resolved through an internal (non-judicial) mechanism first through an objection and appeal procedure.

The Supreme Court Regulation (PERMA) RI No. 6 of 2018 concerning Guidelines for Settlement of Administrative Disputes After Taking Administrative Efforts based on the provisions of Article 2 paragraphs (1) and (2) which in essence that the settlement of state administrative disputes must first be resolved through administrative efforts consisting of objections and appeals. These provisions are *mandatory*, which if the efforts have not found a new solution, the dispute can be submitted to the Administrative Court. In short, that the State Administrative Court is not authorized to receive, examine, decide and resolve government administrative disputes submitted by the plaintiff before going through administrative efforts. Based on the description above, it can be stated that administrative effort is a *premium remedium* (the main drug) in the settlement of state administration disputes in Indonesia. This means that administrative efforts must be taken first by the plaintiff in the settlement of state administrative disputes in Indonesia. This has been based on a legal principle, namely the *premium remedium* legal principle, and a juridical basis, namely legislation as positive law in Indonesia.

B. Legal Consequences for Not Implementing Administrative Efforts First by the Plaintiff

Legal consequences are consequences that must be borne by legal subjects because of their actions, if the actions of legal subjects are not following the law, there will be legal sanctions that must be accepted by the legal subject concerned.²¹ Legal consequences or in other words, also called juridical consequences are obligations that must be borne by a legal subject because they have committed certain legal actions.²² So legal consequences are the obligations of legal subjects caused by an action. In the context of this research, the legal consequences referred to are consequences that must be borne by legal subjects, namely the plaintiff in a state administrative dispute if he does not make administrative efforts first in resolving his state administrative dispute.

Based on the juridical review, the implementation of administrative efforts is based on the Regulation of the Supreme Court (PERMA) RI No. 6 of 2018 concerning Guidelines for Settlement of Administrative Disputes After Taking Administrative Efforts, the Administrative Court only has the authority to examine, decide and resolve state administrative disputes if all administrative efforts have been passed. So that the Administrative Court is not authorized to examine state administrative disputes if administrative efforts have not been carried out in their entirety. Talking about the legal consequences if the legal subject who filed the lawsuit or the plaintiff filed a lawsuit in the Administrative Court but has not gone through administrative efforts as stipulated in the law, the consequence is that the judge can declare the lawsuit is not accepted because administrative efforts have not been taken by the Plaintiff. This is in accordance with the provisions of Article 48 of Law Number 5 of 1986 concerning Administrative Court.

So based on the description above, regarding the legal consequences that arise because the plaintiff does not take administrative measures first, it can be stated that the legal consequences that arise when the state administrative dispute does not carry out administrative efforts first, or in other words the plaintiff does not take administrative measures first, but the plaintiff directly filed a lawsuit to the Administrative Court, the claim by the plaintiff was not accepted, due to a formal defect, namely not taking administrative measures first.

C. Advantages and Disadvantages of Implementing Administrative Efforts in State Administrative Dispute Resolution in Indonesia

There is no perfect legal remedy in the settlement of a case or a dispute, including the settlement of state administration disputes. In administrative efforts, of course, there are advantages and disadvantages. Regarding the advantages of administrative efforts in resolving state administration disputes, there are at least 5 (five) advantages of implementing administrative efforts in resolving state administration disputes in Indonesia, which are as follows:

First, that there is a complete assessment of a State Administrative Decision (KTUN) both from the Legal aspect (Rechtmatigheid) and the Opportunity aspect (Doelmatigheid). This means that the state administrative decision that has been taken by the state administrative officials can be assessed in full by going through administrative efforts first. The complete assessment means that it can be known about the reasons for deciding by the state administrative officer because it can be validated or

²¹ Julita Swarnatirta, 'Akibat Hukum Perjanjian Perkawinan Setelah Berlangsungnya Perkawinan Terhadap Harta Bersama Bagi Suami Dan Isteri (Studi Kasus Putusan Pengadilan Negeri Jakarta Selatan No. 239/PDT.P/1998/PN.JKT.SEL Dan No. 180/PDT.P/2010/PN.JKT.SEL)' (Universitas Diponegoro, 2011). Hlm. 76.

²² Baiq Henni Paramita Rosandi, 'Akibat Hukum Jual Beli Hak Atas Tanah Yang Belum Didaftarkan', *Jurnal IUS Kajian Hukum Dan Keadilan*, 4.3 (2016), 424–435. Hlm. 427.

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crosschecked directly to the state administrative official concerned. The aspect of Legality (*Rechtmatigheid*) means that administrative efforts to test a state administrative decision must comply with positive legal procedures,²³ if it is appropriate then the decision is already legally valid or already has legality. Opportunity aspect (*Doelmatigheid*) means that administrative efforts will also pay more attention to the advantages and disadvantages caused by a state administrative decision that has been taken by state administrative officials,²⁴ if it is more beneficial to the general public, then the decision is legal according to law.

Second, the dispute resolution approach is carried out by deliberation. Administrative efforts are based on the value of deliberation and consensus as outlined through Pancasila, especially the 4th principle of Pancasila. Deliberation and consensus is a value that is highly upheld by the Indonesian people from generation to generation, this is done to reach a joint decision to resolve a problem or make a decision for a particular matter for the common interest of the Indonesian people. Deliberation and consensus are the way to unite the different interests of the parties.²⁵ In this context, administrative efforts become a means of deliberation to reach a consensus that is possible to resolve problems between the parties, namely the plaintiff and the state administrative officials.

Third, that the administrative process is fast and does not have to wait as long as in court processes in general because it is completed internally by the institution concerned so that it can be executed immediately. The fast process of administrative efforts carried out is in line with the principle of fast justice which is widely interpreted that in this context includes speedy dispute resolution. Administrative efforts will shorten the state administrative dispute resolution process when compared to filing through the Administrative Court settlement process.²⁶ This will be more profitable for the parties because in terms of cost and time it will not be wasted much, due to the short state administrative dispute resolution process.

Fourth, cost efficiency because there is no need to pay court fees. The advantage of the fourth administrative effort is that it will reduce the costs to be incurred by the parties, especially the plaintiff. This is because the plaintiff does not need to pay the court fees. Furthermore, the fifth advantage is that administrative appeals are not bound to use procedural procedures such as in the Administrative Court. This will make administrative efforts more flexible and more able to accommodate the interests of the parties to the state administrative dispute. These 5 (five) things are the advantages of carrying out administrative efforts in resolving state administration disputes in Indonesia.

Meanwhile, the weaknesses in the implementation of administrative efforts in the settlement of state administrative disputes in Indonesia can be identified into 3 (three) weaknesses, namely as follows; The first weakness is that, at the level of objectivity of the assessment, the State Administration Agency/Official who issues the decision is sometimes directly or indirectly related to their interests, thereby reducing the maximum assessment that should be taken.²⁷ Administrative efforts carried out through the state administrative officials which are authorized to resolve State Administration disputes, have the potential to conduct subjective and non-objective assessments. This is the concern of the plaintiffs. The second weakness is that there are no definite rules, especially the expiration time of the assessment or trial. The settlement process through administrative efforts is not determined by the time limit, while the submission of a state administrative dispute to the Administrative Court is limited to 90 (ninety) days from the date the decision is issued by the state administrative agency or official. So those administrative efforts could potentially have the state administrative body authorized to examine the dispute slow down the settlement process with the aim that the dispute does not enter the Administrative Court because it has expired. The third and final weakness is that there is an opportunity to ignore someone's administrative report or appeal.²⁸ This third weakness is a continuation or consequence of the second weakness, namely that the state administration agency authorized to examine and resolve state administration disputes has the potential to ignore reports from plaintiffs regarding certain state administration disputes.

CONCLUSION

Based on the discussion in this study, it can be concluded as follows; administrative effort is a *premium remedium* (main drug) in the settlement of state administration disputes in Indonesia. This means that administrative efforts must be taken first by the plaintiff in the settlement of state administrative disputes in Indonesia. This has been based on a legal principle, namely the *premium remedium* legal principle, and a juridical basis, namely legislation as positive law in Indonesia. The legal consequence that occurs

²³ Lidya Suryani Widayati, 'Perluasan Asas Legalitas Dalam RUU KUHP', *Negara Hukum: Jurnal Ilmu Hukum*, 2.2 (2011), 307–327. Hlm. 318.

²⁴ Muhamad Iqbal, 'Implementasi Efektifitas Asas Oportunitas Di Indonesia Dengan Landasan Kepentingan Umum', *Jurnal Surya Kencana Satu : Dinamika Masalah Hukum Dan Keadilan*, 9.1 (2018), 87–100<<https://doi.org/10.32493/jdmhkdmhk.v9i1.1178>>. Hlm. 90.

²⁵ Muhammad Hanaf, 'Kedudukan Musyawarah Dan Demokrasi Di Indonesia', *Jurnal Cita Hukum*, 2.1 (2013), 227–246. Hlm. 231.

²⁶ Efa Fakhriah Laela, 'Mekanisme Small Claims Cortt Dalam Mewujudkan Tercapainya Peradilan Sederhana, Cepat, Dan Biaya Ringan', *Mimbar Hukum*, 25.2 (2013), 258–270. Hlm. 262.

²⁷ Soemaryono dan Anna Erliyana, *Tuntunan Praktek Beracara Di Peradilan Tata Usaha Negara* (Jakarta: Pramedya Pustaka, 1999). Hlm. 8.

²⁸ H. Abdul Khair, 'Penyelesaian Sengketa Keputusan Tata Usaha Negara Melalui Upaya Banding Administratif', *Jurnal Ilmu Hukum*, 31.3 (2016), 430–47.

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if the plaintiff does not file an administrative effort first but directly submits a lawsuit to the Administrative Court is the panel of judges can declare the lawsuit unacceptable. In administrative efforts, there are advantages and disadvantages. However, when viewed there are many advantages, one of which is the speed in handling dispute resolution because it is carried out internally through the relevant agencies. So that administrative efforts are the path that must be taken first in the settlement of state administrative disputes in Indonesia, but still, pay attention to the expiration time limit that has been set for filing a lawsuit to the Administrative Court. In addition, the state administrative body must exercise its authority to examine and resolve State Administration disputes through administrative efforts in an objective manner.

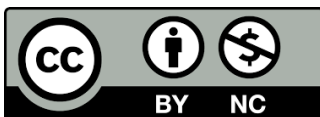
REFERENCES

- 1) Anita Marlin Restu., Leonard, Lapon Tukan., Putriyanti, Ayu, 'Fiksi Kewenangan PTUN Dalam Berlakunya Undang-Undang Nomor 30 Tahun 2014 Dan Undang-Undang Nomor 5 Tahun 1986 Berkaitan Dengan Objek Sengketa Tata Usaha Negara (TUN)', *Diponegoro Law Journal*, 6.2 (2017), 1–18
- 2) Baiq Henni Paramita Rosandi, 'Akibat Hukum Jual Beli Hak Atas Tanah Yang Belum Didaftarkan', *Jurnal IUS Kajian Hukum Dan Keadilan*, 4.3 (2016), 424–435
- 3) Benuf, Kornelius, and Muhamad Azhar, 'Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer', *Gema Keadilan*, 7.1 (2020), 20–33
- 4) Depri Liber Sonata, 'Metode Penelitian Hukum Normatif Dan Empiris Karakteristik Khas Dari Metode Meneliti Hukum', *Fiat Justisia Jurnal Ilmu Hukum*, 8.1 (2014), 15–35
- 5) Diantha, I Made Pasek, *Metodologi Penelitian Hukum Normatif Dalam Justifikasi Teori Hukum* (Jakarta: Prenada Media Group, 2017)
- 6) Erliyana, Soemaryono dan Anna, *Tuntunan Praktek Beracara Di Peradilan Tata Usaha Negara* (Jakarta: Pramedya Pustaka, 1999)
- 7) Hadjon, Phipipus M, *Hukum Tata Negara Dan Hukum Administrasi Sebagai Instrumen Hukum Untuk Mewujudkan Good Governance* (Surabaya, 2008)
- 8) Harahap, Zairin, *Hukum Acara Peradilan Tata Usaha Negara* (Jakarta: Raja Grafindo, 2002)
- 9) Heriyanto, Bambang, 'Kompetensi Absolut Peradilan Tata Usaha Negara Berdasarkan Paradigma UU No. 30 Tahun 2014 Tentang Administrasi Pemerintahan', *Pakuan Law Review*, 4.1 (2018), 75–90
- 10) Indroharto, *Usaha Memahami Undang-Undang Tentang Peradilan Tata Usaha Negara* (Jakarta: Pustaka Sinar Harapan, 1991)
- 11) Iqbal, Muhamad, 'Implementasi Efektifitas Asas Oportunitas Di Indonesia Dengan Landasan Kepentingan Umum', *Jurnal Surya Kencana Satu : Dinamika Masalah Hukum Dan Keadilan*, 9.1 (2018), 87–100
<<https://doi.org/10.32493/jdmhkdmhk.v9i1.1178>>
- 12) Julita Swarnatirta, 'Akibat Hukum Perjanjian Perkawinan Setelah Berlangsungnya Perkawinan Terhadap Harta Bersama Bagi Suami Dan Isteri (Studi Kasus Putusan Pengadilan Negeri Jakarta Selatan No. 239/PDT.P/1998/PN.JKT.SEL Dan No. 180/PDT.P/2010/PN.JKT.SEL)' (Universitas Diponegoro, 2011)
- 13) Khair, H. Abdul, 'Penyelesaian Sengketa Keputusan Tata Usaha Negara Melalui Upaya Banding Administratif', *Jurnal Ilmu Hukum*, 31.3 (2016), 430–447
- 14) Laela, Efa Fakhriah, 'Mekanisme Small Claims Cortt Dalam Mewujudkan Tercapainya Peradilan Sederhana, Cepat, Dan Biaya Ringan', *Mimbar Hukum*, 25.2 (2013), 258–270
- 15) Lidya Suryani Widayati, 'Ultimum Remedium Dalam Bidang Lingkungan Hidup', *Ius Quia Iustum Law Journal*, 22.1 (2015), 1–24
- 16) Marbun, S. F., *Peradilan Administrasi Negara Dan Upaya Administratif Di Indonesia* (Yogyakarta: Liberty, 1997)
- 17) Muhammad Hanaf, 'Kedudukan Musyawarah Dan Demokrasi Di Indonesia', *Jurnal Cita Hukum*, 2.1 (2013), 227–246
- 18) Mulyadi Alrianto Tajuddin, 'Penerapan Pidana Tambahan Uang Pengganti Sebagai Premium Remedium Dalam Rangka Pengembalian Kerugian Negara', *Jurisprudentie*, 2.2 (2015), 53–64
- 19) Philipus Hadjon, Paulus Effendie Lotulung, H.M. Laica, Marzuki, *Hukum Administrasi Dan Good Governance* (Jakarta: Usakti, 2010)
- 20) Philipus M. Hadjon, *Pengantar Hukum Administrasi Di Indonesia* (Yogyakarta: Gadjah Mada University Press, 2002)
- 21) Putu Angga Pratama. Susrama, I Nengah. Sukma, 'Keputusan Fiktif Dalam Upaya Administratif Terhadap Keputusan Aparatur Sipil Negara', *Jurnal Hukum Saraswati*, 1.1 (2019), 33–47
- 22) Ridwan HR, *Hukum Administrasi Naegara* (Jakarta: Raja Grafindo Persada, 2013)
- 23) Satjipto Rahardjo, *Hukum Progresif Sebuah Sintesa Hukum Indonesia* (Yogyakarta: Genta Publishing, 2009)
- 24) Simamora, Janpatar, 'Tafsir Makna Negara Hukum Dalam Perspektif Undang-Undang Dasar Negara Republik Indonesia Tahun 194', *Jurnal Dinamika Hukum*, 14.3 (2014), 547–561

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<<https://doi.org/10.20884/1.jdh.2014.14.3.318>>

- 25) Widayati, Lidya Suryani, 'Perluasan Asas Legalitas Dalam RUU KUHP', *Negara Hukum: Jurnal Ilmu Hukum*, 2.2 (2011), 307–327
- 26) Wiyono, R., *Hukum Acara Peradilan Tata Usaha Negara* (Jakarta: Sinar Grafika, 2014)



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