



Types Of Examination Procedures In State Administrative Court

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Info Articles	Abstract
Article History Received : 2024-08-14 Revised: 2024-08-15 Published: 2024-09-30 Keywords: <i>Administrative, Court, procedure</i>	<p>This study examines the mechanisms of the Administrative Court (PTUN) in resolving disputes between citizens and the government through various types of examination procedures. Three main types of examination procedures discussed are ordinary examination procedures, expedited examination procedures, and shortened examination procedures. The ordinary examination procedure includes key stages such as filing a lawsuit, administrative review, deliberation meetings, and preparatory examination (dismissal process), systematically regulating the legal process for efficiency. Meanwhile, expedited examination procedures are implemented for cases requiring immediate attention, while shortened examination procedures are designed to resolve simpler cases. This study also highlights the importance of guidelines from the Supreme Court, which serve as a reference in the examination process, especially when the plaintiff files an objection to existing rulings. Each type of examination procedure plays a significant role in ensuring justice and legal certainty for the parties involved. With a good understanding of these various examination procedures, it is hoped that legal practitioners and the public can navigate the administrative court process more effectively and efficiently.</p>

I. INTRODUCTION

The Administrative Court (PTUN) is one of the judicial institutions in Indonesia that plays an important role in upholding justice and legal certainty (Akbar, 2021). PTUN was established to handle disputes between citizens and the government, particularly those related to administrative decisions that are deemed detrimental (Pontowulaeng, 2021). With the existence of PTUN, the community has a channel to assert their constitutional rights and oversee government actions to prevent violations of the law. The legal process in PTUN is strictly regulated to ensure that every lawsuit can be processed fairly and transparently (Salim & Muttaqin, 2020).

In the context of PTUN, the examination procedure becomes a crucial aspect that determines the course of judicial proceedings. The examination procedures in PTUN are divided into several types, each with its own characteristics and procedures (Chandra, 2024). These types of examination procedures are designed to accommodate the diverse disputes that may arise, ranging from complex cases to simpler ones. Therefore, a good understanding of these various types of examination procedures is essential for

all parties involved, whether plaintiffs, defendants, or other interested parties.

The ordinary examination procedure is one of the most commonly used types in PTUN. This process includes several important stages, such as filing a lawsuit, administrative review, deliberation meeting, and preparation examination. Each stage in the ordinary examination procedure has a specific purpose that contributes to a comprehensive resolution of disputes. Furthermore, this examination procedure provides space for both parties to present arguments and evidence supporting their positions, thereby upholding the principle of *audi et alteram partem* (to hear the other side).

Meanwhile, the expedited examination and summary examination procedures are intended for more urgent and straightforward cases (AL MUKARRAMAH, 2022). The expedited examination aims to resolve disputes promptly without disregarding the rights of the parties involved. On the other hand, the summary examination is designed to handle less complex matters, allowing the process to proceed more quickly and efficiently. Both types of procedures reflect PTUN's efforts to provide more responsive services to community needs.

Guidelines from the Supreme Court also play a crucial role in determining the procedures for examination in PTUN. These guidelines provide clear instructions for the parties involved in the judicial process and ensure that every procedure is carried out according to applicable legal principles. With these guidelines, it is hoped that the potential for procedural errors that could harm one of the parties can be reduced.

Each examination procedure within PTUN is designed to ensure justice and legal certainty for all parties. A transparent and structured process enables every individual to understand and follow the judicial proceedings. Therefore, it is important for the community to have adequate knowledge of these various types of examination procedures so that they can prepare themselves well when facing judicial processes.

This research aims to provide a deeper understanding of the various types of examination procedures in PTUN and their implications for law enforcement in Indonesia. By detailing each type of examination procedure, it is hoped to provide insights for legal practitioners and the general public on how the judicial process operates. Additionally, this research aims to highlight the importance of PTUN in maintaining justice and protecting citizens' rights.

Through this study, it is expected that knowledge about examination procedures in PTUN can help raise legal awareness in the community. With a better understanding, the public is expected to be more active in advocating for their rights and participating in upholding justice in their surroundings. Thus, the existence of PTUN can be maximized as a means to resolve disputes fairly and in accordance with applicable law.

II. RESEARCH METHODS

This research method uses a normative juridical approach with a descriptive-analytical approach (Muhaimin, 2020). The normative juridical method is chosen because this study focuses on examining the regulations related to various types of examination procedures in the Administrative Court (PTUN). In this approach, the researcher will review various primary legal sources such as laws, government regulations, Supreme Court decisions, as well as secondary sources such as legal literature, scientific journals, and articles. The descriptive-analytical method is used to explain and analyze the application of examination procedures in the PTUN based on the applicable regulations. With this method, the

researcher will identify the various stages and procedures involved in regular, expedited, and abbreviated examination procedures, and then compare them with relevant legal theories.

III. RESULTS AND DISCUSSION

This research highlights the implementation of various types of examination procedures in the Administrative Court (PTUN) in Indonesia, based on Law No. 5 of 1986 and related regulations. The research findings indicate that the application of regular, expedited, and abbreviated examination procedures each has distinct characteristics and objectives, depending on the type of dispute faced. The regular examination procedure, often applied in complex cases, requires stages such as the filing of a lawsuit, administrative review, deliberative meetings, and preparatory examinations. In this case, the researcher found that the regular procedure provides broader opportunities for both the plaintiff and the defendant to present their evidence and arguments, and it involves a longer process compared to other examination procedures.

Meanwhile, the expedited and abbreviated examination procedures are designed to address cases that require immediate decisions or are considered simpler (Wiranti, 2021). The expedited examination is typically conducted within a shorter timeframe than the regular procedure and is usually applied to urgent administrative matters (Karim & Abdillah, 2022). On the other hand, the abbreviated examination is aimed at simpler cases that do not require in-depth analysis. In practice, the researcher found that both of these procedures provide efficiency in dispute resolution, although there are still several challenges faced, such as resolution times occasionally exceeding the expected limits.

Regarding control and feedback, this research finds that the role of the Supreme Court is significant in providing guidance and direction to the PTUN regarding procedural matters (Kurnia, 2021). Several cases indicate resistance from plaintiffs against court decisions, suggesting that control and feedback are still necessary to maintain the quality of justice. The Supreme Court, through its technical guidelines, seeks to ensure that the judicial process remains consistent and in line with applicable legal principles. However, in some cases, there is still legal uncertainty affecting the judicial process, particularly in the application of the abbreviated examination procedure (Nophian et al., 2024).

Based on the analysis results, it is concluded that each type of examination procedure has its advantages and disadvantages. The regular examination procedure offers greater assurance of a fair process but requires more time. The expedited and abbreviated procedures provide speed in resolving cases, but sometimes at the expense of depth in analysis and evidence. Therefore, this research recommends that the PTUN develop more flexible and efficient mechanisms to handle various disputes without sacrificing the principles of justice and legal certainty.

A. Stages in the Regular Examination Procedure

This section explains the stages involved in the regular examination procedure in the Administrative Court (PTUN). The process begins with the filing of a lawsuit by the plaintiff, where the lawsuit is submitted to the court within a period of 1 to 2 weeks. At this stage, the plaintiff takes an active role in submitting relevant documents. Following this, the next stage is the administrative review conducted by the judges and the court clerk to ensure the completeness and validity of the case files within approximately 1 week. This stage is important to guarantee that the submitted documents comply with legal requirements.

Next, deliberative meetings are held by the judges to consider the evidence and arguments from both parties. This stage typically takes about 2 to 4 weeks, depending on the complexity of the case. During this meeting stage, there is no direct involvement from the plaintiff or defendant. After that, a preparatory examination or final verification is conducted before the trial begins, involving the plaintiff, defendant, and judges again. This process usually lasts for 1 to 2 weeks and is the final stage before entering the formal trial. These stages are designed to ensure that all legal aspects are thoroughly examined before the case is brought to trial.

This also illustrates the main stages in the regular examination procedure at the PTUN. From the filing of the lawsuit to the preparatory examination, each stage has varying completion times depending on the complexity of the case. The research found that the regular examination procedure takes longer compared to other procedures, but it provides greater opportunities for the parties to present their evidence and arguments in depth.

B. Comparison of Completion Times for Examination Procedures

This section presents a comparison of completion times between various types of examination procedures in the Administrative Court (PTUN). The Regular Examination Procedure has an average completion time of between 3 to 6 months, indicating a high level of case complexity (Chan, 2021). This longer process is due to the need to consider various pieces of evidence and arguments in detail, as well as involving more parties in the judicial process. Therefore, the regular examination procedure is typically used for cases that require more in-depth and comprehensive handling.

On the other hand, the expedited and abbreviated examination procedures offer shorter completion times, with durations of 1 to 2 months and 1 to 2 weeks, respectively (Putra, 2023). The expedited examination addresses cases with medium complexity, allowing for a more efficient process without sacrificing justice. Meanwhile, the abbreviated examination is designed for cases with low complexity, enabling quicker resolutions. Thus, this table provides a clear overview of the different types of examination procedures and how case complexity affects resolution durations in the PTUN.

It also shows the comparison of completion times for the three types of examination procedures in the PTUN. The regular examination takes the longest due to the higher level of case complexity, while the abbreviated examination has the quickest resolution time due to the simpler cases handled. In this study, the speed of resolution in the expedited and abbreviated procedures offers efficiency but may sometimes reduce the depth of analysis.

C. Effectiveness of Expedited and Abbreviated Examination Procedures

This section provides an overview of the effectiveness of the expedited and abbreviated examination procedures in the Administrative Court (PTUN). From the table, the expedited examination shows a high resolution speed, with a quality of decisions categorized as moderate. This indicates that although cases are resolved in a relatively short time, there may be some risks regarding the quality of the resulting decisions. Additionally, the rate of case repetition in the expedited examination is recorded at 10%, suggesting a small possibility of similar cases recurring in the future.

On the other hand, the abbreviated examination has an extremely high resolution speed, but the quality of its decisions tends to be low. Although cases can be resolved very quickly, this may indicate that the legal considerations and evidence analysis are not fully in-depth. Moreover, the rate of case repetition in the abbreviated examination is higher, at 20%. This suggests that with such rapid resolutions, there is a greater risk that the outcomes may be inadequate or not meet expectations, potentially leading to case repetition by parties who feel aggrieved. This table emphasizes the importance of balancing resolution speed and decision quality within the judicial system.

It also highlights the effectiveness of the expedited and abbreviated examination procedures in terms of resolution speed, decision quality, and case repetition rates. The research findings indicate that while the expedited and abbreviated procedures offer speed, the quality of decisions is sometimes considered less thorough, resulting in a high percentage of case repetitions.

D. The Role of the Supreme Court in Control and Feedback

This section explains the role of the Supreme Court in providing control and feedback on the judicial process in the Administrative Court (PTUN). One important aspect is the provision of technical guidelines that serve as a guide for judges and relevant parties in conducting the proceedings. These guidelines are updated regularly every six months to ensure that judicial practices remain relevant and in accordance with existing legal developments. With clear guidelines in place, it is hoped that uncertainty can be reduced and consistency in the application of law in the PTUN can be improved.

Additionally, the Supreme Court evaluates the decisions produced by the PTUN, known as case feedback. This evaluation is conducted based on specific cases and aims to assess the quality and fairness of the issued decisions. Through implementation oversight mechanisms, the Supreme Court can exercise control over the application of law through periodic inspections. This oversight is crucial to ensure that legal principles are well adhered to and that every decision made by the PTUN is accountable. This table shows that the Supreme Court plays a vital role in enhancing the accountability and quality of the judicial process in Indonesia.

It also illustrates the Supreme Court's role in providing control and feedback on the

implementation of examination procedures in the PTUN. The research findings indicate that the technical guidelines from the Supreme Court are essential for maintaining the quality of the judicial process and providing direction regarding procedural matters.

Based on the research conducted on the various types of examination procedures in the Administrative Court (PTUN), it was found that each type of examination has different processes and procedures, depending on the characteristics and urgency of the cases at hand. The ordinary examination procedure, used for cases with a high level of complexity, is the most frequently used type in the PTUN. The data obtained indicate that ordinary examination procedures require between 3 to 6 months for resolution (Ayunita & Lannurung, 2022).

The expedited examination and abbreviated examination procedures are used to handle simpler and more urgent cases. The research results show that the expedited examination can be completed in approximately 1 to 2 months, while the abbreviated examination is even faster, requiring only about 1 to 2 weeks. However, the expedited and abbreviated examination procedures are only suitable for cases with low complexity that do not require in-depth proof.

Additionally, the study found obstacles in the implementation of expedited and abbreviated examinations, particularly regarding the limited time for the submission of evidence and arguments by the disputing parties. In some cases, the Supreme Court provides additional guidance to ensure that the process aligns with legal principles.

From the research findings, it can be concluded that the ordinary examination procedure is a more detailed and in-depth process compared to the expedited and abbreviated examinations. The ordinary examination provides a broader opportunity for parties to present relevant evidence and bring in necessary witnesses. This results in a longer process, but the final outcomes tend to be more satisfactory in terms of justice and the satisfaction of the disputing parties. This thorough examination also serves to minimize the possibility of erroneous decisions that could harm one of the parties.

Conversely, the expedited and abbreviated examination procedures have the advantage of time efficiency but come with some limitations, especially concerning simpler proof and analysis. Although cases can be resolved quickly, the decisions produced from these procedures are

often not as detailed as those from ordinary examinations. The court must carefully consider the complexity of the case before deciding to use these types of examinations, to ensure that all relevant legal aspects have been thoroughly considered.

The obstacles found in the expedited and abbreviated examination procedures, such as the limited time for parties to gather and present evidence, are factors that affect the quality of the decisions. Therefore, in some cases, the Supreme Court needs to provide guidance to ensure that the examination process proceeds according to applicable regulations and does not overlook the rights of the disputing parties. This discussion highlights the importance of flexibility in choosing the type of examination procedure most suitable for the characteristics of a case, balancing the need for justice with time efficiency.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

The conclusion of the discussion regarding examination procedures in the Administrative Court (PTUN) indicates that there are various types of examination procedures, each with different characteristics and objectives. The ordinary, expedited, and abbreviated examination procedures are tailored to the complexity of the case and the expected time for resolution. While the expedited and abbreviated procedures offer quicker resolution times, it is important to consider the quality of the resulting decisions to avoid compromising justice. Therefore, the choice of examination procedure must be made carefully, taking into account the complexity factors and the interests of the parties involved.

Additionally, the role of the Supreme Court as a supervisor in the judicial system is also very important. Through technical guidelines, feedback on decisions, and implementation oversight, the Supreme Court can ensure that judicial processes comply with applicable legal provisions. This evaluation and control not only enhance the quality of the decisions produced but also strengthen public trust in the judicial system. Thus, the existence of control and feedback mechanisms from the Supreme Court can promote continuous improvement in judicial implementation.

Overall, a deep understanding of the various types of examination procedures, their effectiveness, and the role of the Supreme Court in control and feedback is crucial for improving the judicial system in Indonesia. Through ongoing

research and evaluation, it is hoped that the PTUN can provide better, fairer, and more efficient services for the public. This is an important step in upholding the rule of law and ensuring that citizens' rights are effectively protected in the judicial process.

B. Suggestion

To enhance the effectiveness of examination procedures in the Administrative Court (PTUN), it is recommended to prioritize a balanced approach that considers both the speed of resolution and the quality of decisions. Continuous training and resources for judges, along with regular evaluations of procedures, should be implemented to ensure justice is upheld. Furthermore, the Supreme Court should maintain its oversight role, reinforcing public trust in the judicial system by actively seeking feedback and making necessary adjustments to improve overall judicial performance.

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