

■ Submitted: 15 August 2024

■ Revised: 27 September 2024

■ Accepted: 20 November 2024

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## Administrative Efforts as a Prerequisite for a Lawsuit at the State Administrative Court

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**ABSTRACT:** Administrative remedies are a dispute resolution mechanism within the realm of administrative law that must be taken before filing a lawsuit with the State Administrative Court. This obligation is affirmed in Law Number 30 of 2014 concerning State Administration and reinforced by Supreme Court Regulation Number 6 of 2018. Conceptually, administrative remedies are intended as an efficient, fast, and proportional internal corrective tool, while also reducing the caseload in court. However, in practice, the effectiveness of this mechanism still raises various problems, both in terms of public understanding and the readiness of government institutions. This research is a normative legal research with a statutory, conceptual, and case approach, using the Jakarta State Administrative Court Decision Number 157/G/2019/PTUN.JKT as the main analytical material. The results of the discussion indicate that although administrative remedies have a strong normative basis, their effectiveness is highly dependent on consistent and responsive implementation by state administrative bodies or officials.

**KEYWORDS** Administrative efforts, State Administrative Court, state administrative disputes, legal effectiveness

### INTRODUCTION

In the practice of governance, decisions issued by state administrative bodies or officials (KTUN) often have significant legal implications for the public. When these decisions are deemed detrimental, citizens have the right to file objections or lawsuits to protect their rights. At the judicial level, the resolution of state administrative disputes is carried out through the State Administrative Court. (Parlina, 2021) However, not all disputes can be brought directly to court. The Indonesian legal system requires that administrative efforts must be taken first before a lawsuit can be filed with the State Administrative Court. (Parlina, 2021)

This provision aims to ensure dispute resolution is carried out in a phased, efficient, and proportional manner, while also providing state administrative bodies or officials with the opportunity to correct potentially erroneous decisions. While conceptually this step seems ideal, in practice, the effectiveness of administrative remedies as a prerequisite for filing a lawsuit remains highly debated. This paper

seeks to discuss the legal basis, implementation, and effectiveness of this mechanism in resolving administrative disputes in Indonesia.

## **RESEARCH METHODS**

This research is a normative legal research that examines administrative efforts as a prerequisite for a lawsuit at the State Administrative Court. The approach used is a statute approach by examining Law No. 30/2014 and PERMA No. 6/2018, a conceptual approach to understand the meaning and purpose of administrative efforts, and a case approach by analyzing the Jakarta State Administrative Court Decision Number 157/G/2019/PTUN.JKT.

Legal sources consist of primary legal materials (statutory regulations and court decisions) and secondary legal materials (books, journals, and legal articles). Legal materials are collected through literature studies, then analyzed qualitatively using interpretation methods to evaluate the effectiveness of administrative efforts in practice.

## **RESULT AND DISCUSSION**

This research found that administrative efforts as a prerequisite for a lawsuit at the State Administrative Court have a strong normative basis, namely Law Number 30 of 2014 concerning Government Administration and Supreme Court Regulation Number 6 of 2018. Both regulations expressly require every citizen or legal entity who feels aggrieved by a state administrative decision to first take administrative efforts, either in the form of an objection submitted to the official who made the decision or an administrative appeal submitted to the official's superior. The main objective of this mechanism is to provide space for internal correction for public officials so that errors in decision-making can be corrected without going through a lengthy judicial process, while simultaneously reducing the caseload at the State Administrative Court.

In practice, a lawsuit to the State Administrative Court may only be filed after all stages of administrative efforts have been completed, with a 90-day grace period from the date the decision on the administrative efforts is received. Failure to meet this requirement will result in the lawsuit being declared inadmissible. This is evident in Jakarta State Administrative Court Decision Number 157/G/2019/PTUN.JKT, in which the panel of judges rejected the plaintiff's lawsuit due to failure to demonstrate prior administrative efforts.

However, the effectiveness of this mechanism in practice still faces various obstacles. Many people still don't understand that administrative remedies are a mandatory requirement before filing a lawsuit with the State Administrative Court. Furthermore, not all government agencies have clear and effective administrative objection or appeal mechanisms. In some cases, submitted administrative remedies do not receive a substantive response or even no response at all from authorized officials. This gives the impression that administrative remedies merely serve as

procedural formalities that prolong dispute resolution, making their primary goal of achieving a quick, simple, and cost-effective resolution difficult. Therefore, the effectiveness of administrative remedies is determined not only by the strength of the legal norms governing them, but also by the quality of their implementation and the commitment of state administrative bodies or officials to respond to administrative remedies professionally, objectively, and transparently.

### **Regulatory Framework**

The primary legal basis for administrative remedies can be found in Law Number 30 of 2014 concerning Government Administration (UU AP), specifically Articles 75 to 78. (Ali, 2021) These articles emphasize that any citizen or legal entity who feels aggrieved by a government decision or action may first submit an administrative remedy, either in the form of an objection or an administrative appeal. This provision indicates that dispute resolution does not have to go directly to the courts, but can be resolved internally within the government administration system.

In addition, Supreme Court Regulation Number 6 of 2018 concerning Guidelines for the Settlement of Administrative Disputes After Exhausting Administrative Efforts serves as an important reference in judicial practice. (Ramdani & Jumadi, 2021) This regulation provides guidance for judges and litigants regarding the stages, requirements, and time limits for implementing administrative efforts. Historically, this provision complements Law Number 5 of 1986 concerning State Administrative Courts, which previously did not explicitly regulate the obligation to pursue administrative efforts for all types of state administrative disputes.

Thus, the existence of the State Administration Law and PERMA Number 6 of 2018 serves as a normative basis for the application of the principle of administrative remedies first in the Indonesian administrative law system.

### **Meaning and Purpose of Administrative Efforts**

Administrative remedies can be defined as non-litigation legal steps that provide an aggrieved party with the opportunity to request a review of the decision of an official or state administrative body. Administrative remedies can take the form of an objection filed directly with the official who made the decision, or an administrative appeal filed with the official's superior. (Jiwantara, 2019)

The primary purpose of this mechanism is to provide public officials with room for correction, allowing errors or mistakes in decision-making to be corrected without having to go through a lengthy and complex judicial process. Furthermore, the administrative pathway is expected to reduce the caseload at the State Administrative Court, expedite the dispute resolution process, and strengthen the principle of accountability in governance. (Iskandar & Reni, 2025)

Thus, administrative efforts cannot be understood merely as a legal formality, but rather as an integral part of a legal protection system for citizens that emphasizes efficiency, openness, and responsibility in public administration.

### **Requirements for a Lawsuit at the Administrative Court After Administrative Efforts**

In principle, lawsuits against state administrative decisions can only be filed with the State Administrative Court after all stages of administrative efforts have been taken and completed. (Safitri & Sa'adah, 2021) If these administrative efforts result in a new decision that is still considered detrimental, the relevant party has the right to file a lawsuit in court. On the other hand, if the state administrative agency or official does not provide a response within the specified time period or within a reasonable time, the law also provides space for citizens to continue resolving the dispute with the State Administrative Court.

In accordance with the provisions of laws and regulations, a lawsuit to the State Administrative Court must be filed within 90 days of the decision on administrative efforts being received or announced. (Marvin & Erliyana, 2019) This grace period serves to maintain legal certainty and order in the trial process. If these provisions are not met, the lawsuit can be declared inadmissible (*niet ontvankelijk verklaard*) because it does not meet the formal requirements.

Therefore, adequate understanding of the mechanisms and deadlines for administrative efforts is a very important aspect so that citizens' rights are not hampered by procedural issues.

### **Effectiveness of Administrative Efforts in Practice**

Normatively, the existence of administrative remedies as a prerequisite for filing a lawsuit at the State Administrative Court has great potential to create a more efficient dispute resolution mechanism that is oriented towards internal resolution. Administrative remedies provide an opportunity for state administrative bodies or officials to make corrections to their decisions, so that not all disputes must be resolved through litigation. (Masbait et al., 2025) However, the effectiveness of this mechanism in practice still faces various obstacles.

A concrete illustration of the application of administrative remedies can be seen in the Jakarta Administrative Court Decision Number 157/G/2019/PTUN.JKT. In this case, the plaintiff filed a lawsuit against a state administrative decision without first pursuing administrative remedies as required by the State Administration Law and Supreme Court Regulation Number 6 of 2018. The panel of judges considered that administrative remedies are a formal requirement that must be met before the court is authorized to examine the subject matter of the dispute. Because the plaintiff could not prove that he had pursued an administrative objection or appeal, the lawsuit was declared inadmissible (*niet ontvankelijk verklaard*).

The judge's considerations in the ruling affirm the role of administrative remedies as an initial screening mechanism in resolving state administrative disputes. From a legal certainty perspective, this application provides clarity regarding the stages that justice seekers must go through. However, from the perspective of protecting citizens' rights, the ruling also demonstrates that failure to understand or follow administrative procedures can result in a denial of access to the substantive aspects of the dispute.

In broader practice, many people still don't understand that administrative remedies are a mandatory requirement before filing a lawsuit with the State Administrative Court. Lack of legal awareness and education often leads to administrative remedies being ignored, leading to premature filing of lawsuits. Furthermore, not all government agencies have clear and effective administrative objection or appeal mechanisms. In some cases, submitted administrative remedies receive no substantive response or even no response at all from authorized officials.

This situation gives the impression that administrative efforts merely serve as procedural formalities that prolong dispute resolution. If state administrative bodies or officials fail to carry out their administrative obligations professionally, objectively, and transparently, the primary goal of this mechanism, namely fast, simple, and low-cost dispute resolution, becomes difficult to achieve. (Latief & Chandra, 2020) In this context, the application of overly rigid administrative effort requirements has the potential to hinder citizens' access to justice.

Thus, the effectiveness of administrative measures as a prerequisite for filing a lawsuit at the State Administrative Court is determined not only by the strength of the legal norms governing them, but also by the quality of their implementation in practice. Administrative measures will be meaningful if accompanied by a concrete commitment from government agencies and officials to respond to objections or appeals in a timely and accountable manner.

## **CONCLUSION**

Administrative remedies as a prerequisite for filing a lawsuit at the State Administrative Court are a crucial instrument in Indonesia's administrative law system. This mechanism emphasizes that dispute resolution with the government does not always have to end in court, but can first be pursued through administrative channels. However, the effectiveness of this mechanism depends heavily on the commitment of state administrative bodies and officials to implementing the principles of good governance. If implemented consistently and responsibly, administrative measures can be an effective corrective tool and strengthen public trust in the legal system. Conversely, if treated merely as a procedural formality, administrative measures have the potential to create new obstacles to access to justice. Therefore, the successful implementation of administrative measures requires collaboration between the public, the government, and the judiciary in

building a legal culture that is transparent, accountable, and responsive to the public interest.

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