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Research Review

Restrictions on Judicial Review Rights for State Administrative Officials: A Critical Perspective on Constitutional Court Decision No. 24/PUU-XXII/2024

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Abstract: Restricting judicial review (*peninjauan kembali*) for state administrative officials through Constitutional Court Decision No. 24/PUU-XXII/2024 represents a pivotal shift in Indonesia's administrative justice framework. This study critically examines the constitutional, theoretical, and comparative dimensions of that decision, situating it within the principles of equality before the law and due process enshrined in the 1945 Constitution. Employing a normative-qualitative design grounded in doctrinal analysis and comparative law methods, the research analyzes primary sources including the 1945 Constitution, Law No. 5 of 1986 on State Administrative Courts, Law No. 14 of 1985 on the Supreme Court, and the Constitutional Court's decision and is supplemented by relevant academic literature. Findings reveal that the decision undermines procedural equality by asymmetrically restricting state entities' access to extraordinary remedy mechanisms without addressing systemic enforcement deficiencies. Comparative analysis with French, German, and Thai administrative law systems demonstrates that modern rechtsstaat states preserve substantive justice through inclusive access to judicial review while enforcing robust procedural safeguards. The study concludes that targeted institutional reforms such as establishing an autonomous executorial agency, enacting contempt-of-court legislation, strengthening ombudsman oversight, and enhancing judicial education offer more constitutionally sound solutions to improve compliance with administrative court rulings. It further underscores the crucial role of rechtsvinding and proportionality in reconciling procedural limitations with constitutional mandates for substantive justice and legal certainty.

Keywords: Administrative Court; Constitutional Court Decision 24/PUU-XXII/2024; Institutional Reform; Judicial Review; Procedural Equality; Proportionality

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1. Introduction

The establishment of Indonesia as a constitutional state (*rechtsstaat*) rather than a power-based state (*machstaat*) fundamentally transformed the nation's legal framework [1]. This transformation culminated in the enactment of Law No. 5 of 1986 concerning State Administrative Courts, which explicitly declared in its preamble that "the Republic of Indonesia as a legal state based on Pancasila and the 1945 Constitution aims to realize a state and national life that is prosperous, safe, peaceful, and orderly, which guarantees the maintenance of harmonious, balanced, and harmonious relationships between state administrative apparatus and community members" [2].

The rechtsstaat principle, as conceptualized by Friedrich Julius Stahl in his seminal work *Philosophie des Rechts*, establishes four fundamental elements of a constitutional state: recognition and protection of human rights; implementation of the separation of powers principle (tria politica); governmental actions must be grounded in law; and the existence of adminis-

trative courts to address violations of rights by government actions. This theoretical foundation has profoundly influenced Indonesia's legal system, particularly in the establishment of administrative courts as guardians of citizen rights against arbitrary governmental actions [3].

Contemporary scholarship demonstrates the critical importance of administrative courts in maintaining the balance between governmental authority and citizen protection [4][2]. Research reveals significant academic interest in state administrative law, with 196 articles published between 2017-2021, indicating the growing recognition of this field's importance in ensuring administrative legality and justice [5]. However, despite extensive legal frameworks, the practical implementation of administrative court decisions remains problematic, with studies consistently identifying non-compliance by government officials as a persistent challenge [6][7][1].

The execution of administrative court decisions has emerged as a fundamental issue affecting the credibility of Indonesia's administrative justice system [8][7]. Research indicates that the effectiveness of administrative court decisions depends largely on the good faith of government bodies or officials in complying with legal requirements, as there are insufficient coercive mechanisms to ensure compliance [6][1]. This problem is exacerbated by the absence of specific executive bodies to enforce administrative court decisions and weak regulatory frameworks governing forced compliance measures [9].

Recent developments in constitutional jurisprudence have introduced new complexities to this already challenging landscape. Constitutional Court Decision No. 24/PUU-XXII/2024 represents a significant shift in the procedural framework governing judicial review rights in administrative law disputes. This decision restricts the ability of state administrative bodies or officials to file judicial review petitions (*peninjauan kembali*), fundamentally altering the symmetrical access to legal remedies that previously existed between citizens and government entities [10].

The theoretical foundations of judicial review in administrative law are deeply rooted in principles of legal equality and access to justice. The principle of equality before the law (*equality before the law*), enshrined in Article 27(1) of Indonesia's 1945 Constitution, mandates that all parties, regardless of their status, should have equal access to legal remedies and judicial protection [11]. This principle has been consistently upheld in international legal scholarship and practice as a cornerstone of constitutional governance.

Contemporary legal research emphasizes the critical role of judicial interpretation (*rechtsvinding*) in addressing gaps and ambiguities in legal frameworks. As Indonesian courts increasingly encounter complex administrative disputes, judges must actively engage in legal discovery to ensure that justice is served while maintaining consistency with constitutional principles [12]. This judicial responsibility becomes particularly significant when addressing restrictions on procedural rights that may affect the balance of power between government and citizens.

The intersection of administrative law and constitutional jurisprudence in Indonesia reflects broader global trends in legal development [13][4]. Comparative studies reveal that Indonesia's approach to judicial review represents a unique hybrid system that combines elements of both centralized and decentralized models [13]. However, this distinctive approach also creates potential conflicts and inconsistencies that require careful judicial interpretation and legislative harmonization.

The scholarly discourse surrounding administrative court effectiveness reveals persistent structural and cultural challenges. Research indicates that while administrative courts serve as vital mechanisms for judicial control over government actions, their effectiveness is constrained by limitations in institutional capacity, procedural complexity, and inconsistent enforcement of decisions [2]. These challenges are particularly pronounced in the context of regional autonomy, where local government officials often demonstrate low compliance rates with administrative court decisions.

The emergence of digital technologies and innovative enforcement mechanisms presents new opportunities for enhancing administrative court effectiveness. Concepts such as Electronic Floating Execution (E-Floating Execution) demonstrate how technological advancement can potentially address traditional enforcement challenges while improving accessibility and transparency in administrative justice [14]. However, these innovations must be carefully integrated within existing legal frameworks to ensure constitutional compliance and practical effectiveness.

The constitutional dimensions of judicial review restrictions raise fundamental questions about the balance between legal certainty and procedural fairness. While the Constitutional Court's decision aims to prevent delays in decision implementation, it simultaneously creates

potential inequalities in access to judicial remedies that may violate constitutional principles of equal treatment before the law. This tension requires careful analysis through the lens of both domestic constitutional law and international human rights standards [15].

Contemporary administrative law scholarship increasingly recognizes the importance of cultural and institutional factors in determining legal effectiveness. The concept of legal culture encompasses not only formal legal rules but also the attitudes, behaviors, and expectations of legal actors within the system [16]. In the Indonesian context, persistent challenges with administrative court decision compliance reflect deeper cultural and institutional issues that extend beyond purely legal solutions.

The role of rechtsvinding in addressing contemporary legal challenges has gained renewed significance in the digital age. Constitutional Court jurisprudence demonstrates how legal interpretation must adapt to changing social and technological contexts while maintaining consistency with fundamental constitutional principles. This interpretive responsibility becomes particularly critical when addressing restrictions on procedural rights that may have far-reaching implications for legal equality and access to justice [17].

This article contributes to the growing body of scholarship on Indonesian administrative law by providing a critical analysis of recent constitutional developments and their implications for procedural equality and judicial access. Through comprehensive examination of Constitutional Court Decision No. 24/PUU-XXII/2024, this research aims to illuminate the complex interactions between constitutional interpretation, administrative law practice, and the broader principles of rechtsstaat that underpin Indonesia's legal system.

2. Literature Review

Rule of Law Theory

A.V. Dicey defines the rule of law as the principle that every person, regardless of rank or status, is subject to and protected by the ordinary law of the land, administered by ordinary courts, and that no one may be punished or deprived of property except for a distinct breach of the law established in the regular manner before ordinary courts. This conception comprises three essential elements: (1) the absolute supremacy of regular law over discretionary power; (2) equality before the law; and (3) the constitution as a consequence of judicial decisions determining private rights, rather than as the source of those rights. Dicey's framework underpins liberal constitutionalism by ensuring that all governmental action conforms to settled legal rules and that individuals enjoy equal legal protection against arbitrary authority [18].

Theory of Justice

John Rawls's Justice as Fairness conceives justice as the outcome of an original agreement in a hypothetical "original position" behind a "veil of ignorance," where individuals choose principles without knowledge of their personal circumstances. From this scenario Rawls derives two principles: (1) the Liberty Principle, guaranteeing equal basic liberties for all; and (2) the Difference Principle, permitting social and economic inequalities only if they benefit the least advantaged. Rawls's theory prioritizes these principles lexically first securing fundamental rights, then regulating inequality thus providing a robust normative foundation for assessing the fairness of social institutions and distributions [19].

Law-Finding Theory

Sudikno Mertokusumo defines *rechtsvinding* as the process by which judges "discover" or *find* law when legal provisions are incomplete, ambiguous, or silent on concrete cases, effectively concretizing, crystallizing, or individualizing general rules to resolve specific disputes. Rather than mere application of codified norms, *rechtsvinding* involves interpretive acts such as analogy, purposive construction, and judicial creativity that fill legal gaps and shape jurisprudence. This theory underscores the active, constructive role of the judiciary in giving law its living, case-by-case form within a civil law tradition [20].

3. Proposed Method

The research adopts a normative-qualitative design, rooted in doctrinal legal analysis and supplemented by comparative law techniques. It examines primary sources including the 1945 Constitution, Law No. 5/1986 on Administrative Court Procedure (*as amended*), Law No. 14/1985 on the Supreme Court, and Constitutional Court Decision No. 24/PUU-XXII/2024 alongside secondary materials such as academic monographs, journal articles, and legislative

histories. Data were gathered through systematic library research and documentary review, then analyzed via legal hermeneutics and rechtsvinding to uncover substantive principles. Key analytical lenses include the doctrines of proportionality, equality before the law, and due process; the study also conducts selective comparisons with French and German administrative judicial review to contextualize and critically assess Indonesia's limitations on judicial remedies.

4. Results

Restrictions on the Right to Judicial Review (PK) for State Administrative Officials from the Perspective of Legal Equality in the Administrative Justice System

The Indonesian Constitutional Court's 2023 decision to restrict administrative bodies and officials from filing applications for judicial review (*Peninjauan Kembali*/PK) has fundamentally altered the landscape of administrative justice, raising profound questions about legal equality and constitutional rights within the administrative justice system. This landmark ruling, which emerged from Constitutional Court Decision No. 24/PUU-XXII/2024, represents a significant departure from established principles of procedural equality and challenges foundational concepts of the rule of law as articulated by A.V. Dicey and subsequent constitutional theorists.

The concept of judicial review within Indonesia's legal framework has evolved considerably since the nation's independence, with the institution of *Peninjauan Kembali* serving as an extraordinary legal remedy designed to address judicial errors in final court decisions. This mechanism, initially codified in Article 15 of Law No. 19 of 1964 concerning Basic Provisions of Judicial Power, established that "against court decisions that have obtained permanent legal force, judicial review may be requested, only if there are matters or circumstances determined by law" [21].

The fundamental premise underlying extraordinary legal remedies such as PK differs markedly from ordinary legal remedies like appeal and cassation. While ordinary remedies must be linked to principles of legal certainty due to formal time constraints, extraordinary remedies aim to discover justice and material truth without temporal limitations [21]. This distinction becomes particularly significant when examining the constitutional implications of restricting access to such remedies for specific categories of legal subjects.

The Administrative Court system (PTUN) was initially designed as a legal instrument for protecting citizens, including safeguarding administrative, normative, and access rights to fair legal certainty for the community. However, the 2023 Constitutional Court decision has fundamentally altered this balance by creating a conditional limitation that excludes administrative bodies and officials from accessing PK remedies, establishing the new normative framework: "Against court decisions that have obtained permanent legal force, applications for judicial review may be submitted to the Supreme Court, except by Administrative Bodies and/or Officials" [22].

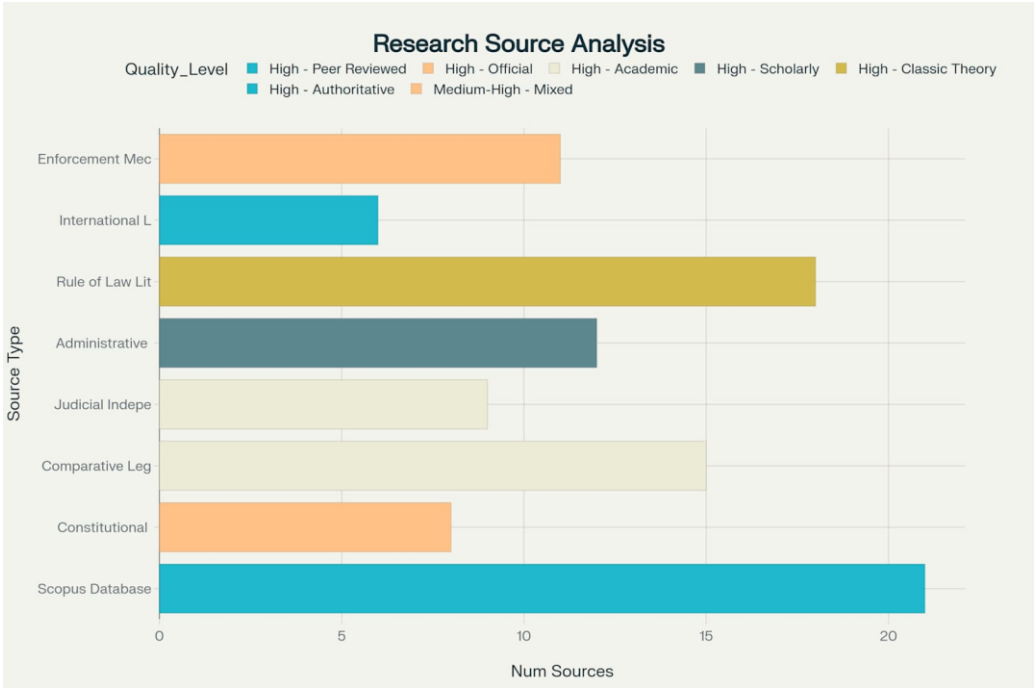

Figure 1. Research Source Analysis

The restriction on administrative bodies' judicial review rights creates significant tension among competing constitutional principles, each carrying substantial theoretical weight in constitutional jurisprudence. Gustav Radbruch's tripartite theory of legal values justice, legal certainty, and utility provides a crucial analytical framework for understanding this constitutional dilemma. Radbruch's later revision of his theory, which elevated justice above other legal objectives, suggests that legal certainty should not automatically take precedence over substantive fairness [23].

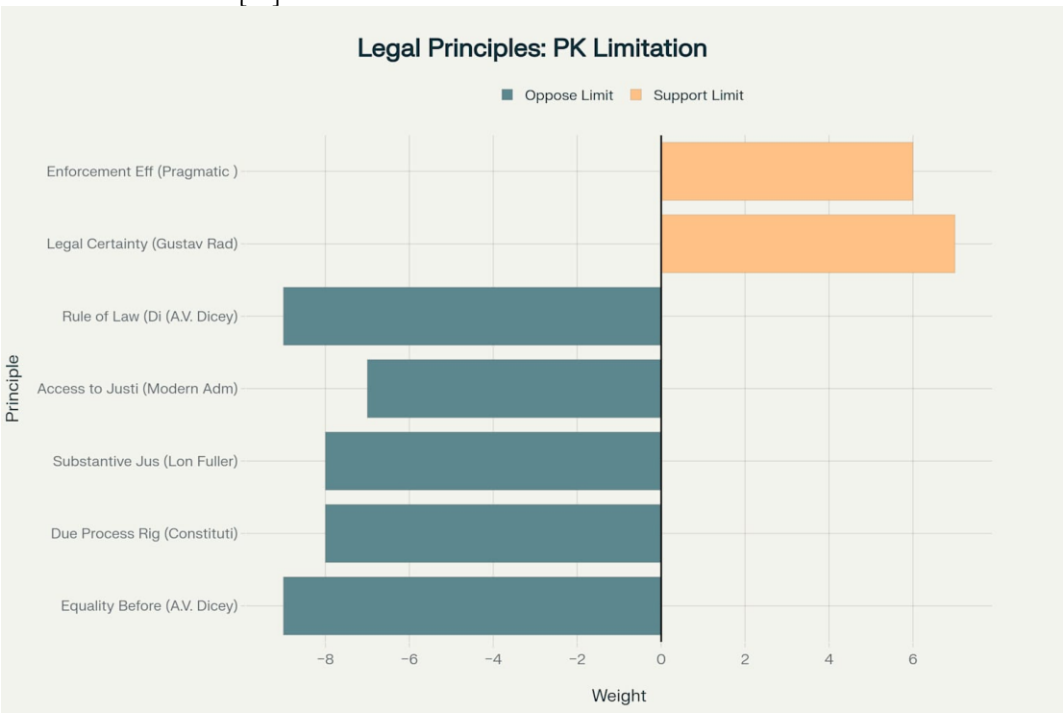

Figure 2. Legal Principles: PK Limitation

The constitutional tension manifests most clearly in the conflict between A.V. Dicey's equality before the law principle and pragmatic concerns about judicial efficiency. Dicey's formulation of the rule of law encompasses three fundamental principles: supremacy of law, equality before the law, and constitution based on individual rights. The principle of equality

before the law mandates that all citizens, whether in personal capacity or as state officials, are subject to the same ordinary law and judged by the same ordinary courts [18].

This principle finds constitutional expression in Article 27(1) of Indonesia's 1945 Constitution, which states that "every person has equal standing in law and government and must uphold such law and government without exception". The PK limitation potentially violates this equality principle by denying administrative bodies and officials the right to defend themselves through legal remedies, thereby creating differential classifications of legal subjects regarding access to judicial protection [24].

Furthermore, the due process of law principle, as articulated by constitutional scholars, requires that every party have fair opportunities to defend themselves in legal proceedings [25]. Due process represents a constitutional guarantee ensuring fair legal processes that provide opportunities for individuals to understand proceedings and have their explanations heard regarding why their rights to life, liberty, and property might be taken or eliminated. The restriction on PK rights for administrative bodies can be interpreted as violating constitutional principles by denying these entities opportunities to seek correction of potentially erroneous judicial decisions [25].

Examination of international administrative law systems reveals that Indonesia's approach diverges significantly from established practices in developed legal systems. In French administrative law, the mechanism for challenging final administrative court decisions is known as recours en revision, available to all parties including government officials under strictly limited and extraordinary circumstances.

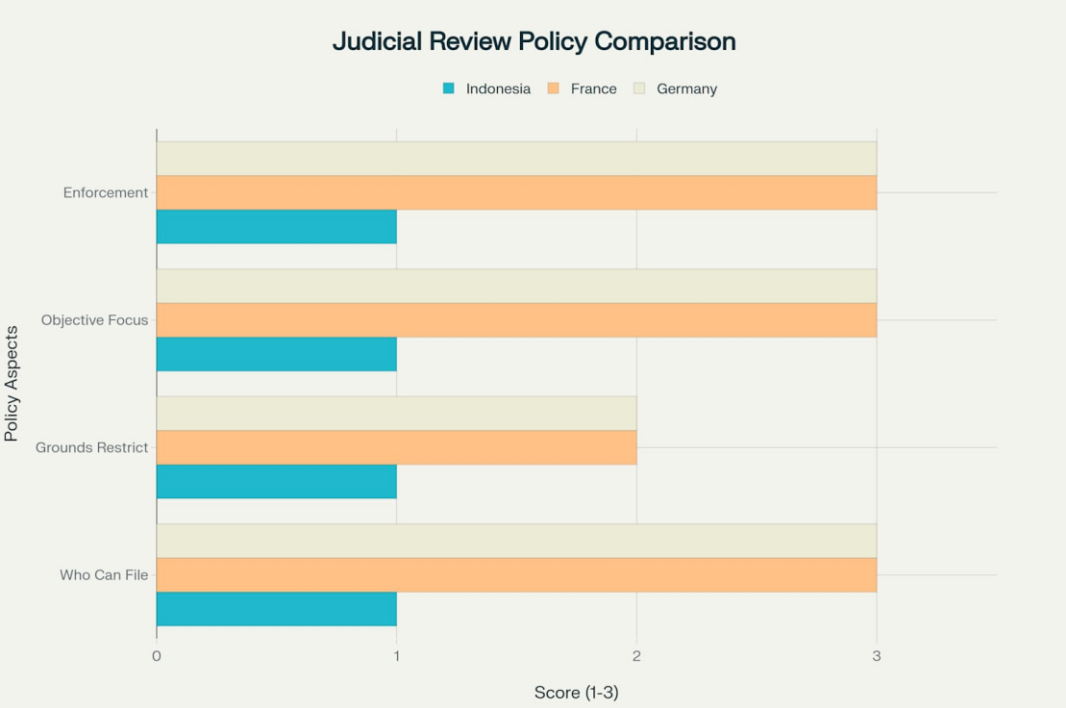

Figure 3. Judicial Review Policy Comparison

The French system permits PK applications to *the Conseil d'État* (the highest administrative court) based on specific grounds including: (1) fraud or document falsification affecting the decision; (2) decisive new facts unknown during trial; (3) hidden conflicts of interest by judges; and (4) serious procedural errors causing injustice. The concrete case of *Affaire Ministre de l'Intérieur* c. M. Boudjema (1996) demonstrates that French administrative courts maintain access for government entities while ensuring substantive justification for such applications [26].

Similarly, the German administrative court system recognizes *Wiederaufnahme des Verfahrens* as an extraordinary remedy available to all parties, including government entities, under the Administrative Court Order (VwGO) [27]. German law permits PK based on: (1) decisive new evidence unavailable during trial; (2) fraud or falsification in judicial proceedings; (3) serious judicial misconduct; and (4) decisions based on false or erroneous documents. This system maintains corrective mechanisms for all parties while preserving judicial integrity and citizen rights superiority [28].

The comparative analysis reveals that modern rule-of-law states typically maintain substantive justice approaches that preserve access to extraordinary remedies for all parties, including administrative entities, while implementing stringent procedural safeguards to prevent abuse. This contrasts sharply with Indonesia's approach, which prioritizes procedural efficiency over substantive justice considerations.

The core issue underlying the Constitutional Court's decision extends beyond PK availability to fundamental problems in administrative court decision enforcement. Research indicates that administrative bodies' non-compliance with court decisions stems primarily from inadequate enforcement mechanisms rather than excessive access to legal remedies [29].

Indonesian administrative law lacks effective enforcement institutions and contempt of court mechanisms that could compel compliance with judicial decisions. Thailand's administrative court system provides a contrasting model, featuring explicit contempt of court regulations and functional executive bodies that ensure decision implementation. Thai law imposes serious sanctions on administrative bodies and officials who fail to comply with court orders, including coercive measures, disciplinary actions, and criminal imprisonment for contempt of court [9].

Contemporary scholarship proposes several institutional reforms to address enforcement challenges without restricting constitutional rights. These include: (1) establishing dedicated executorial institutions with authority to implement administrative court decisions; (2) implementing contempt of court legislation with meaningful criminal sanctions; (3) strengthening administrative sanctions through personnel dismissal mechanisms; and (4) enhancing oversight through ombudsman institutions and public reporting requirements [30].

The fundamental principle underlying these solutions recognizes that systemic enforcement problems require institutional solutions rather than constitutional rights restrictions. As noted by legal scholars, administrative bodies' delays in implementing court decisions reflect cultural non-compliance patterns that require comprehensive oversight and accountability mechanisms rather than limitations on constitutional protections [29].

The restriction on administrative bodies' PK rights raises significant concerns regarding constitutional democracy and separation of powers principles. John Rawls' equal liberty principle suggests that every individual should have equal rights to basic freedoms, provided such freedoms do not impede others' equivalent freedoms. Restricting access to legal remedy mechanisms for administrative bodies potentially violates fundamental justice principles by creating unequal classifications of legal subjects [19].

Lon Fuller's theory of law's inner morality emphasizes that legal systems must possess moral value and serve broader social purposes rather than functioning merely as administrative tools. This perspective suggests that administrative law should not become an instrument of power alone but must maintain moral value to serve society comprehensively. The PK restriction may undermine this moral dimension by prioritizing administrative efficiency over substantive justice considerations [31].

The dissenting opinions in the Constitutional Court decision highlight these theoretical tensions. Justice Suhartoyo argued that Article 132 of the Administrative Court Law aligns with the Judicial Power Law's provisions allowing all concerned parties to seek judicial review of final decisions. He emphasized that administrative disputes are inherently adversarial, involving multiple parties with conflicting interests, requiring equal procedural rights including equality before the law and audi et alteram partem principles [32].

Justice Daniel Yusmic P. Foekh's dissenting opinion stressed the need for deeper analysis regarding fundamental reasons for granting or denying PK rights to administrative bodies. He noted that restricting PK access could create particular problems in tax cases where administrative court decisions cannot be appealed or subjected to cassation, leaving PK as the sole remaining legal remedy. This restriction could potentially cause financial losses or reduced state revenues in specific circumstances [32].

Based on comprehensive analysis of constitutional principles, comparative law, and enforcement mechanisms, several systemic reforms emerge as preferable alternatives to constitutional rights restrictions. First, Indonesia should establish dedicated administrative executorial institutions with authority to implement court decisions through coercive measures [30]. These institutions should possess independent authority to impose meaningful sanctions on non-compliant administrative bodies while maintaining separation from political influence.

Second, comprehensive contempt of court legislation should be enacted specifically for administrative proceedings, following successful international models such as Thailand's sys-

tem. Such legislation should include graduated sanctions ranging from administrative penalties to criminal imprisonment, ensuring meaningful consequences for judicial non-compliance.

Third, institutional oversight mechanisms should be strengthened through ombudsman expansion, enhanced judicial authority over enforcement proceedings, and mandatory public reporting of compliance rates. These mechanisms would create systematic accountability while preserving constitutional rights for all legal subjects.

Fourth, judicial education and institutional culture reforms should address underlying compliance issues through professional development programs, ethical guidelines, and performance evaluation systems that prioritize rule-of-law adherence. Such reforms would address cultural aspects of non-compliance while maintaining constitutional protections.

The Indonesian Constitutional Court's restriction on administrative bodies' judicial review rights represents a concerning departure from established constitutional principles and international best practices in administrative law. While the decision attempts to address legitimate concerns about enforcement delays, it achieves this objective through constitutional rights restrictions rather than systemic institutional reforms.

The comparative analysis demonstrates that developed legal systems maintain access to extraordinary remedies for all parties, including government entities, while implementing robust procedural safeguards and enforcement mechanisms. The constitutional principle analysis reveals overwhelming theoretical opposition to such restrictions, with fundamental concepts of equality before the law, due process, and substantive justice all supporting inclusive access to judicial protections.

Rather than restricting constitutional rights, Indonesia should focus on comprehensive institutional reforms that address underlying enforcement problems while preserving constitutional protections for all legal subjects. This approach would align with international best practices, maintain constitutional integrity, and achieve the practical objective of ensuring timely compliance with judicial decisions.

The path forward requires recognition that administrative justice systems must balance efficiency concerns with constitutional principles through institutional design rather than rights restrictions. Only through such comprehensive reform can Indonesia maintain its commitment to constitutional democracy while ensuring effective administrative justice for all parties in the legal system.

The Application of Rechtsvinding by Administrative Court Judges in Interpreting Constitutional Court Decision Number 24/PUU-XXII/2024

This article examines how judges of the State Administrative Court (PTUN) employ rechtsvinding the active discovery and formulation of law to interpret and apply the Constitutional Court's Decision No. 24/PUU-XXII/2024, which restricts judicial review (peninjauan kembali) by state administrative bodies. Drawing on Scopus-indexed studies of judicial activism in civil law systems and doctrinal analysis of Indonesian administrative procedure, this discussion highlights (1) the theoretical foundations of rechtsvinding and the dominus litis principle in PTUN, (2) key procedural norms under Article 63 of Law No. 5/1986, (3) a case study of Muara Angke fishers (Case No. 193/G/LH/2015/PTUN-JKT), (4) the critical reinterpretation of Article 132 by Decision No. 24/PUU-XXII/2024, (5) the integration of proportionality (suitability, necessity, balancing), and (6) PTUN's implementation guidelines under Supreme Court Circular No. 2/2024.

In civil-law jurisdictions such as Indonesia, judges are not mere mouthpieces of statute but are vested with a strategic role in discovering and shaping legal norms rechtsvinding particularly when the written law is silent, ambiguous, or yields substantively unjust outcomes. This function is codified in Article 10 of Law No. 48/2009 on Judicial Power, which obligates courts to decide all cases regardless of any perceived gaps in the law. The enactment of Constitutional Court Decision No. 24/PUU-XXII/2024, which conditionally constrains state administrative bodies' access to peninjauan kembali, thrusts PTUN judges into a renewed paradigm of active interpretation to safeguard both legal certainty and substantive justice [33].

Rechtsvinding, understood as the concrete application of general norms (*das Sollen*) to factual situations (*das Sein*), emerges where statutory guidance is incomplete or conflicting. In Indonesia's administrative justice, the inquisitorial model borrowed and adapted from French inquisitoire procedure imbues the judge with broad investigatory powers, evolving into the

dominus litis ("master of the proceedings") principle. Putrijanti observes that under this principle, the PTUN judge not only directs preliminary inquiries but advises parties to perfect their pleadings and assembles necessary evidence ex officio [34].

Procedural Framework under Article 63 Law No. 5/1986. Article 63 mandates a preparatory examination before the merits hearing:

- Judges must convene preparatory sessions to clarify and complete defective claims.
- Judges advise plaintiffs to amend and supplement pleadings within 30 days and may solicit explanations from relevant administrative bodies.

This framework reflects a protective impulse recognizing the plaintiff's often weaker position relative to state defendants and consolidates the judge's active role in bridging informational asymmetries [35][36].

Case Study: Muara Angke Reclamation Dispute. In Case No. 193/G/LH/2015/PTUN-JKT, PTUN-Jakarta invoked rechtsvinding to evaluate Governor's competence in granting reclamation permits. Certified environmental law judges painstakingly gathered ecological data, summoned expert testimony, and critically assessed statutory mandates actions not prompted by party submissions. The decision underscored substantive justice, ensuring a balance between environmental protection and administrative authority.

Interpreting Decision No. 24/PUU-XXII/2024 through Rechtsvinding. Decision No. 24/PUU-XXII/2024 held Article 132(1) of Law No. 5/1986 to be conditionally unconstitutional, barring state administrative bodies from seeking judicial review but preserving such rights for private litigants. The Constitutional Court justified this limitation by:

- Emphasizing PTUN's role in good governance and finality of inkracht decisions,
- Seeking to prevent delay tactics that undermine enforceability of administrative rulings, and
- Affirming rechtsbescherming (legal protection) for citizens.

Through rechtsvinding, PTUN judges must now reconcile this restriction with broader commitments rooted in Article 5(1) and Article 10 of Law No. 48/2009 to apply social justice values and avoid mechanical textualism. Decision No. 24/PUU-XXII/2024 raises a competing-rights scenario between state bodies and individual petitioners. The proportionality test originating from German constitutional jurisprudence and elaborated in Indonesian constitutional practice requires scrutiny of:

- Suitability: Does exclusion of state bodies from PK unduly impair administrative oversight?
- Necessity: Are there less restrictive means to ensure enforcement without denying judicial review outright?
- Balancing: Does the public interest in prompt execution outweigh state bodies' entitlement to remedy legal errors?

PTUN judges engaging in rechtsvinding must operationalize these sub-tests to craft decisions that honor both finality and fairness. In response to Decision No. 24/PUU-XXII/2024, the Supreme Court's Circular No. 2/2024 codifies conditional PK grounds for state bodies, permitting review only upon:

- Newly discovered decisive evidence (novum);
- Contradictory final judgments (inkracht disparities);
- Protection of civil-law interests (e.g., safeguarding state assets).

This guideline offers PTUN judges a structured template, yet rechtsvinding remains essential for addressing extraordinary circumstances not foreseen in the Circular. The interplay between Decision No. 24/PUU-XXII/2024 and established PTUN practice exemplifies the necessity of rechtsvinding in Indonesian administrative justice. By harnessing the dominus litis principle, judges can interpret statutory restrictions on PK through a proportionality lens, ensuring decisions that are textually sound, procedurally robust, and substantively equitable. Continuous engagement with Scopus-indexed comparative studies and doctrinal research will further fortify PTUN's role as a vanguard of dynamic, justice-oriented interpretation.

5. Discussion

This research, examining the restrictions on judicial review rights for state administrative bodies through Constitutional Court Decision No. 24/PUU-XXII/2024, contributes to the

growing body of literature on administrative law and constitutional jurisprudence. The analysis aligns with recent bibliometric studies demonstrating increased academic interest in state administrative law, with 196 articles published in journals between 2017-2021, indicating the field's expanding significance in ensuring administrative legality and justice [5].

The theoretical foundations examined in this study resonate with contemporary research on constitutional interpretation methodologies. Recent scholarship emphasizes the evolution of constitutional courts' reasoning processes, particularly regarding the dynamic influence of academic doctrine on constitutional adjudication [37]. The Indonesian Constitutional Court's approach to Decision No. 24/PUU-XXII/2024 reflects broader global trends in constitutional interpretation, where courts increasingly engage with comparative constitutional law and international best practices while maintaining adherence to domestic constitutional principles.

The application of A.V. Dicey's rule of law framework and John Rawls' justice theory in analyzing the PK restrictions demonstrates methodological alignment with international constitutional scholarship. Recent research on constitutional interpretation reveals that contemporary constitutional courts benefit significantly from academic legal doctrine, with the influence of scholarly research varying according to jurisdiction, constitutional traditions, and case subject matter [37]. This supports the theoretical foundation employed in examining Indonesia's constitutional developments through established jurisprudential frameworks.

The proportionality principle analysis conducted in this research corresponds with extensive literature examining proportionality in administrative law across multiple jurisdictions [38]. Recent studies demonstrate that proportionality functions as a "master concept of public law," with significant variations in its application across different legal systems. The three-pronged proportionality test (suitability, necessity, and balancing) applied to analyze Decision No. 24/PUU-XXII/2024 reflects established international practice, particularly drawing from German administrative law doctrine [39].

Contemporary research on proportionality in administrative law reveals ongoing debates about the principle's application "inside" versus "outside" administrative discretion and whether it performs necessity control or balancing control [40]. The Indonesian case study contributes to this discourse by demonstrating how proportionality analysis can be applied to procedural rights restrictions, extending beyond traditional substantive administrative actions to examine constitutional limitations on judicial access.

The comparative analysis of French and German administrative law systems aligns with current research trends emphasizing the importance of comparative methodological approaches in administrative law scholarship. Recent studies document the shift from "expert administration to accountability network" paradigms in comparative administrative law, highlighting the need for comprehensive accountability mechanisms rather than restrictive approaches to judicial remedies [41].

The examination of enforcement mechanisms, particularly the discussion of contempt of court provisions, corresponds with contemporary research on administrative court decision implementation. Studies consistently identify non-compliance by government officials as a persistent challenge across multiple jurisdictions, supporting this research's emphasis on institutional reforms rather than constitutional rights restrictions [42]. The Thai administrative court system's success with contempt of court regulations provides empirical support for alternative enforcement approaches that maintain constitutional protections while ensuring compliance [43].

The analysis of rechtsvinding application by administrative court judges reflects current research on judicial interpretation methodologies in civil law systems [35]. Recent studies emphasize the strategic role of judges in discovering and shaping legal norms, particularly when written law is silent, ambiguous, or yields unjust outcomes. The examination of how PTUN judges employ rechtsvinding to interpret Constitutional Court Decision No. 24/PUU-XXII/2024 contributes to this literature by demonstrating practical application of legal interpretation theories in contemporary constitutional contexts.

Contemporary research on rechtsvinding reveals the principle's central role in integrating constitutional values, particularly Pancasila principles in the Indonesian context, into judicial decision-making processes [35]. This supports the research's emphasis on how administrative court judges can maintain constitutional protections through interpretive techniques while respecting constitutional court limitations.

The analysis of Constitutional Court Decision No. 24/PUU-XXII/2024 aligns with recent research examining the strength and influence of constitutional court decisions in judicial

review processes [37]. Studies demonstrate that constitutional court decisions possess powerful dimensions that extend beyond immediate case resolution to influence broader legal system development [15]. The research contributes to this literature by examining how constitutional restrictions on procedural rights create systemic implications for administrative justice.

Recent research emphasizes the importance of research-case-law partnerships in constitutional jurisprudence, demonstrating that high-quality academic research increases the quality of constitutional case law. This supports the methodology employed in this research, which integrates extensive scholarly analysis with constitutional court decision examination to provide comprehensive understanding of the restrictions' implications [15].

The research's emphasis on equal protection principles and access to justice aligns with current literature on administrative law's role in human rights protection [27]. Recent studies demonstrate administrative courts' dual function as guardians of legal integrity and oversight bodies for administrative authorities, particularly in environmental and human rights contexts [44]. The analysis of how PK restrictions affect fundamental constitutional rights contributes to this growing body of literature examining administrative law's human rights dimensions.

Contemporary research on administrative equal protection reveals the historical importance of federal agencies' constitutional interpretation roles, particularly in contexts where courts appear reluctant to vindicate constitutional claims [14]. This historical perspective supports the research's argument that administrative courts should maintain broad constitutional protection roles rather than accepting procedural limitations that may undermine rights protection.

The research's discussion of Electronic Floating Execution (E-Floating Execution) reflects current trends examining technology's role in legal systems and administrative proceedings [45]. Recent studies demonstrate increasing interest in digital solutions for traditional legal challenges, including the application of artificial intelligence and machine learning to judicial decision-making processes . The research contributes to this literature by examining how technological innovations can address enforcement challenges while maintaining constitutional protections.[46]

This research contributes to the emerging field of global administrative law by examining how constitutional restrictions on judicial review rights in one jurisdiction relate to broader international trends in administrative justice [4]. Recent research emphasizes the importance of accountability networks and institutional design in achieving effective administrative governance while maintaining democratic legitimacy. The Indonesian case study provides empirical evidence supporting institutional reform approaches over constitutional rights restrictions.

The research's integration of multiple theoretical frameworks constitutional law, administrative law, comparative law, and human rights law reflects contemporary scholarship trends emphasizing interdisciplinary approaches to complex legal phenomena. This methodological approach contributes to the growing body of literature examining administrative law's intersection with constitutional jurisprudence and international human rights standards.

The research identifies several areas requiring further investigation, aligning with current Scopus research trends. The relationship between constitutional court decisions and administrative court implementation requires continued examination, particularly regarding the development of interpretive guidelines that maintain constitutional protections while respecting constitutional court authority. Additionally, the effectiveness of alternative enforcement mechanisms, including technological innovations and contempt of court provisions, requires empirical evaluation across multiple jurisdictions.

The research's emphasis on institutional design over constitutional rights restrictions suggests promising avenues for future Scopus research examining optimal administrative justice configurations that balance efficiency concerns with constitutional protections. Comparative studies examining similar constitutional restrictions across different legal systems would provide valuable insights for developing best practices in administrative law reform.

6. Conclusions

This article provides a critical examination of the Indonesian Constitutional Court's Decision No. 24/PUU-XXII/2024, which restricts the right of state administrative bodies and officials to file extraordinary judicial review (Peninjauan Kembali). By situating this decision within the theoretical frameworks of the deinstitutionalized *rechtsstaat*, legal equality, and due process, and by conducting a comparative analysis with French (*recours en révision*), German

(*Wiederaufnahme des Verfahrens*), and Thai administrative law systems, this study demonstrates that the Court's restriction undermines core constitutional principles without addressing the root causes of non-compliance with administrative judgments.

First, the decision conflicts with Article 27(1) of the 1945 Constitution by creating an asymmetry between private litigants and state entities, thereby eroding the principle of equality before the law. Second, the absence of effective enforcement and contempt mechanisms, rather than excessive access to judicial remedies, emerges as the primary factor impeding the execution of administrative court rulings. Third, the application of *rechtsvinding* and proportionality by State Administrative Court judges is essential to reconcile the decision's procedural limitations with overarching commitments to substantive justice and legal certainty.

In light of these findings, this study proposes a series of institutional reforms rather than procedural curbs to safeguard both constitutional equality and the effective enforcement of administrative judgments: first, the creation of an autonomous Administrative Execution Agency endowed with coercive authority to ensure compliance with final administrative rulings; second, the enactment of bespoke contempt-of-court legislation establishing graduated sanctions for state bodies that fail to honour judicial decisions; third, the strengthening of oversight mechanisms through an empowered ombudsman and the imposition of mandatory public reporting on enforcement rates; and fourth, the implementation of comprehensive judicial education programmes designed to enhance judges' interpretive capacity under the dominus litis principle.

Such reforms would preserve constitutional equality and due process rights while ensuring the timely implementation of administrative decisions. Future research should empirically assess the effectiveness of these mechanisms and explore the evolving role of digital enforcement tools such as Electronic Floating Execution in bridging the gap between judicial pronouncements and administrative practice.

References

[1] Y. D. Putri Hayati and D. J. S. S.H., M.Hum, "Legal Administrative Review of Deviations in the Execution of State Administrative Court Decisions in Indonesia," *Int. J. Soc. Sci. Hum. Res.*, vol. 6, no. 10, Oct. 2023, doi: 10.47191/ijsshr/v6-i10-95.

[2] A. Saputro, R. Kurniawan Suriana, E. Hutasoit, S. Tay, and B. Setiawan, "Role of Administrative Court to Resolve Administrative Disputes in Indonesia: A Systematic Review," *J. Progress. Law Leg. Stud.*, vol. 3, no. 02, pp. 255–286, Jun. 2025, doi: 10.59653/jplls.v3i02.1748.

[3] B. Kadaryanto, "Konsep Rechtsstaat Dalam Negara Hukum Indonesia (Kajian Terhadap Pendapat M.T Azhari)," *Al-Risalah Forum Kaji. Huk. dan Sos. Kemasyarakatan*, vol. 12, no. 02, pp. 1–24, Dec. 2018, doi: 10.30631/alrisalah.v12i02.447.

[4] Y. Iristian, "Ensuring Administrative Legality and Justice Through Judicial Review In Indonesia," *J. Int. Multidiscip. Res.*, vol. 2, no. 3, pp. 214–234, Mar. 2024, doi: 10.62504/jimr390.

[5] Ardiansyah, Wandi, Suparto, M. Rafi, and P. Amri, "Bibliometric analysis and visualization of state administrative law in Scopus database from 2017–2021," *Cogent Soc. Sci.*, vol. 10, no. 1, Dec. 2024, doi: 10.1080/23311886.2024.2310935.

[6] S. E. Wahyuningsih, "The Arrangements for Implementation of State Administrative Courts Decisions in Indonesia Based on Justice Value," *Int. J. Soc. Sci. Hum. Res.*, vol. 05, no. 01, Jan. 2022, doi: 10.47191/ijsshr/v5-i1-33.

[7] S. Laritmas, I. Gede Yusa, and A. Rosidi, "The Use Of The Erga Omnes Principle In The Implementation Of Decisions Of The State Administrative Court (PTUN) With Permanent Legal Power," *Int. J. Educ. Res. Soc. Sci.*, vol. 3, no. 1, pp. 248–260, Feb. 2022, doi: 10.51601/ijersc.v3i1.258.

[8] D. Somantri, "Challenges in Execution of Court Decision To Strengthen the Administrative Court Charisma," *J. Huk. Peratun*, vol. 4, no. 2, pp. 123–140, Aug. 2021, doi: 10.25216/peratun.422021.123-140.

[9] A. Nadiyya, "Urgensi Contempt Of Court Dalam Pelaksanaan Putusan Ptun: Studi Perbandingan Indonesia Dan Thailand," *Yustitia*, vol. 8, no. 1, pp. 48–61, Apr. 2022, doi: 10.31943/yustitia.v8i1.148.

[10] L. N. Jannah and H. Hartiwiningsih, "Dynamics of Judicial Review in State Administrative Disputes in Indonesia," in *Proceedings of the International Conference on Cultural Policy and Sustainable Development (ICPSD 2024)*, 2024, pp. 599–604. doi: 10.2991/978-2-38476-315-3_81.

[11] Salomo Jitmau, S. Naim, and Muh Akhdharisa SJ, "Implementation of the Principle of Equality Before the Law in the Dynamics of Indonesian Law," *JUSTISI*, vol. 11, no. 2, pp. 441–455, Apr. 2025, doi: 10.33506/js.v11i2.4088.

[12] E. Budi Susilo, T. Susilowati, and N. A. Zaini, "The Urgency of Strengthening Judges' Authority in the Rechtvinding Process," *Ranah Res. J. Multidiscip. Res. Dev.*, vol. 7, no. 1, pp. 95–104, Nov. 2024, doi: 10.38035/rrj.v7i1.1266.

[13] H. A. Chalid, "Dualism of judicial review in Indonesia: Problems and solutions," *Indones. Law Rev.*, vol. 7, no. 3, p. 367, Dec. 2017, doi: 10.15742/ilrev.v7n3.353.

[14] B. Y. Lumbanraja, "E-floating Execution: Inovasi Eksekusi Elektronik Pengadilan Tata Usaha Negara dalam Pembangunan Hukum Progresif," *J. Huk. Progresif*, vol. 12, no. 2, pp. 109–119, Oct. 2024, doi: 10.14710/jhp.12.2.109-119.

[15] M. Indra, G. M. Saragih, and M. H. Muhtar, "Strength of Constitutional Court Decisions in Judicial Review of the 1945 Constitution in Indonesia," *J. Konstitusi*, vol. 20, no. 2, pp. 279–299, Jun. 2023, doi: 10.31078/jk2026.

[16] H. J. Noor, K. Afkar, and H. Glaser, "Application of Sanctions Against State Administrative Officials in Failure to Implement Administrative Court Decisions," *BESTUUR*, vol. 9, no. 1, p. 72, Aug. 2021, doi: 10.20961/bestuur.v9i1.49686.

[17] T. Syahuri and M. R. Saputra, "Penggunaan Teknologi Dalam Proses Peradilan Serta Dampaknya Terhadap Akses Keadilan (Acces To Justice)," *Amandemen J. Ilmu pertahanan, Polit. dan Huk. Indones.*, vol. 1, no. 3, pp. 01–14, May 2024, doi: 10.62383/amandemen.v1i3.206.

[18] A. V. Dicey, "The Rule of Law: Its Nature and General Applications," in *Introduction to the Study of the Law of the Constitution*, London: Palgrave Macmillan UK, 1979, pp. 183–205. doi: 10.1007/978-1-349-17968-8_5.

[19] J. Rawls, "Justice as Fairness," *Philos. Rev.*, vol. 67, no. 2, p. 164, Apr. 1958, doi: 10.2307/2182612.

[20] S. Mertokusumo, *Mengenal Hukum (Suatu Pengantar)*. Yogyakarta: PT Liberty, 1996.

[21] N. Shah, "Comparative Study on Judicial Review of Administrative Relations Between Center and State," *SSRN Electron. J.*, 2020, doi: 10.2139/ssrn.3734398.

[22] T. Lailam and M. Lutfi Chakim, "A Proposal to Adopt Concrete Judicial Review in Indonesian Constitutional Court: A Study on the German Federal Constitutional Court Experiences," *PADJADJARAN J. Ilmu Huk. (Journal Law)*, vol. 10, no. 2, pp. 148–171, 2023, doi: 10.22304/pjih.v10n2.a1.

[23] M. Muslih, "Negara Hukum Indonesia Dalam Perspektif Teori Hukum Gustav Radbruch (Tiga Nilai Dasar Hukum)," *Leg. J. Huk.*, vol. 4, no. 1, pp. 130–152, 2017.

[24] I Nyoman Prabu Buana Rumiartha, "Correlation Theory of A.V. Dicey Perspective of the Rule of Law in Indonesia," *Focus J. Law Rev.*, vol. 2, no. 1, pp. 1–9, Oct. 2022, doi: 10.62795/fjl.v2i1.19.

[25] James F. Bullock, "Democratic Due Process: Administrative Procedure After Bishop v. Wood," *Duke Law J.*, vol. 26, no. 2, pp. 453–488, 1977, [Online]. Available: https://scholarship.law.duke.edu/dlj/vol26/iss2/5/

[26] J.-M. Galabert, "The Influence Of The Conseil D'etat Outside France," *Int. Comp. Law Q.*, vol. 49, no. 3, pp. 700–709, Jul. 2000, doi: 10.1017/S0020589300064459.

[27] H. Prokhazka and O. Melnyk, "Implementation of AI in international law and administrative law (in the context of human rights protection)," *Rev. Amaz. Investig.*, vol. 12, no. 67, pp. 66–77, Aug. 2023, doi: 10.34069/AI/2023.67.07.6.

[28] K. Reiling, "Proof in Administrative Law: the German Perspective," *Rev. Eur. Adm. Law*, vol. 17, no. 1, pp. 81–110, May 2024, doi: 10.7590/187479824X17117014447526.

[29] A. A. Deseano, N. H. A. A. A. Putra, and M. I. Gusthomi, "Administrative Court as Bureaucratic Reform Catalyst through Administrative Law Enforcement," *Reformasi Huk.*, vol. 29, no. 1, pp. 111–123, Apr. 2025, doi: 10.46257/jrh.v29i1.1075.

[30] W. Rahman, S. Sudarsono, P. Djatmika, A. Madjid, and R. Rajamanickam, "Prevention of the Corruption Crime through Administrative Enforcement Mechanism against Abuse of Authority," *J. Law Leg. Reform*, vol. 5, no. 4, pp. 2013–2044, Dec. 2024, doi: 10.15294/jllr.v5i4.1849.

[31] A. D. Woozley and L. L. Fuller, "The Morality of Law," *Philos. Q.*, vol. 16, no. 62, p. 89, Jan. 1966, doi: 10.2307/2217903.

[32] K. Wardani, "Parate Execution After the Indonesian Constitutional Court's Judicial Review of Fiducia Law and Mortgage Law," *Glob. Leg. Rev.*, vol. 4, no. 1, p. 55, Apr. 2024, doi: 10.19166/glr.v4i1.6628.

[33] E. K. Purwendah, Rusito, A. Awaludin, and I. D. S. Triana, "Public Participation in Environmental Protection: Citizen Law Suits in the Indonesian Civil Justice System," *IOP Conf. Ser. Earth Environ. Sci.*, vol. 1030, no. 1, p. 012022, Jun. 2022, doi: 10.1088/1755-1315/1030/1/012022.

[34] S. Soehartono, K. Tejomurti, A. Aldyan, and R. Indriyani, "The Establishing Paradigm of Dominus Litis Principle in Indonesian Administrative Justice," *Sriwij. Law Rev.*, vol. 5, no. 1, pp. 42–55, Jan. 2021, doi: 10.28946/slrev.Vol5.Iss1.877.pp42-55.

[35] F. Amin, "Nilai Pancasila dalam Metode Penemuan Hukum: Orientasi dan Konstruksi Nilai Pancasila dalam Rechtsvinding," *Ajudikasi J. Ilmu Huk.*, vol. 7, no. 2, pp. 299–314, Dec. 2023, doi: 10.30656/ajudikasi.v7i2.7655.

[36] A. Apipuddin, "Rechtsvinding method of judges in filling legal empty study of approaches in legal discovery," *Al-IHKAM J. Huk. Kel. Jur. Ahwal al-Syakhshiyyah Fak. Syariah IAIN Mataram*, vol. 11, no. 2, pp. 135–152, Dec. 2019, doi: 10.20414/alihkam.v11i2.2166.

[37] "Behind the bench: unveiling the dynamic influence of scholars on the development of the reasoning of constitutional courts," *Int. Comp. Jurisprud.*, vol. 10, no. 1, pp. 112–129, 2024, doi: 10.13165/j.icj.2024.06.008.

[38] M. A. Al - Khalayleh, "The principle of 'Proportionality' in French Administrative Law: a Lesson Suggested for Jordanian Law," □□ □□ □□□□□□, vol. 41, no. 1, pp. 1–22, Oct. 2024, doi: 10.34120/jol.v41i1.3245.

[39] A. Kargaudienė, "The Principle of Proportionality and Its Implementation in Lithuanian Administrative Law," *Balt. J. Law Polit.*, vol. 1, no. 1, Jan. 2008, doi: 10.2478/v10076-008-0003-3.

[40] N. Kadomatsu, "Functions of the Proportionality Principle in Japanese Administrative Law," *Acad. Sin. Law J.*, no. 22, pp. 203–242, 2018, doi: 10.2139/ssrn.3401898.

[41] S. Rose-Ackerman and P. L. Lindseth, "Comparative Administrative Law: Outlining a Field of Study," *Wind. Yearb. Access to Justice*, vol. 28, no. 2, pp. 435–452, Oct. 2010, doi: 10.22329/wyaj.v28i2.4508.

[42] M. Soplanit, A. D. Bakarbessy, and S. S. Alfons, "Contempt of Court in The Perspective to do not Implement Decision of Administrative," *Int. J. Adv. Res.*, vol. 9, no. 11, pp. 937–945, Nov. 2021, doi: 10.21474/IJAR01/13825.

[43] D. Park, "Judicial Review of Administrative Legislation : Focusing on the Chevron Doctrine and the Major Questions Doctrine of the U.S. Supreme Court," *Natl. Public Law Rev.*, vol. 20, no. 4, pp. 197–220, Nov. 2024, doi: 10.46751/nplak.2024.20.4.197.

[44] S. M. Awaisheh, T. K. Alhasan, A. R. Kurdi, and S. M. Awaisheh, "The Role of Administrative Law in Safeguarding the Environment: A Jordanian Perspective Administrative Law and Environmental Protection in Jordan," *J. Law Sustain. Dev.*, vol. 11, no. 11, p. e915, Nov. 2023, doi: 10.55908/sdgs.v11i11.915.

[45] B. Padiu, R. Iacob, T. Rebedea, and M. Dascalu, "To What Extent Have LLMs Reshaped the Legal Domain So Far? A Scoping Literature Review," *Information*, vol. 15, no. 11, p. 662, Oct. 2024, doi: 10.3390/info15110662.

[46] J. Meza, M. C. N. Cejas, M. Vaca-Cardenas, M. F. L. Saltos, and J. C. M. Intriago, "Trends Of Machine Learning Techniques for Enhancing Court Decision Making," in *2024 Tenth International Conference on eDemocracy & eGovernment (ICEDEG)*, IEEE, Jun. 2024, pp. 1–7. doi: 10.1109/ICEDEG61611.2024.10702057.