

The Urgency of Legal Justice in Determining the Timeframe for Filing a Lawsuit with the Administrative Court

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Abstract. *The deadline for filing a lawsuit to the PTUN is legally based on Article 55 of Law No. 51 of 2009. This study aims to examine the 90-day deadline that has been regulated in the PTUN Law, how its implications for the rights of citizens who are lost due to the lack of procedural flexibility in proceedings at the PTUN. The urgency of this research is to explain more deeply the urgency of legal justice related to the deadline for filing a lawsuit to the PTUN. The approach method used in this study is to use a normative juridical approach that examines law as a system and construction of norms by analyzing it from the aspects of legislation, legal principles, doctrines, and court decisions. The results, first, the deadline for filing a lawsuit is regulated normatively through Article 55 of the PTUN Law, which stipulates that a lawsuit must be filed within a 90-day time limit from the receipt or announcement of the KTUN. Regarding third parties who are not directly addressed, the judge refers to the jurisprudence of several previous decisions and refers to SEMA No. 3 of 2015. Second, related to the many N.O decisions due to the expiration of the lawsuit submission, judicial activism becomes important but also does not mean violating formal rules.*

Keywords: *Administrative; Expiration; Justice; Lawsuit.*

1. INTRODUCTION

The conflict between justice and legal certainty seems never-ending, like two blades that always collide, especially when it comes to the application of rigid written laws that cannot be changed when faced with a concrete problem. Legal certainty becomes a boundary for the construction of a norm that is clear, unambiguous and multi-interpretable, so that it can always be predicted. Meanwhile, justice always seeks something behind the certainty of the law itself, which is faced with concrete problems, sometimes requiring interpretation beyond just what is conveyed in the law, especially through the perspective of the community's sense of justice that can lead to changes in the legal system.(Yuddin Chandra Nan Arif, 2013)

The deadline for filing a lawsuit to the State Administrative Court is legally based on Article 55 of Law No. 51 of 2009 concerning the Second Amendment to Law No. 5 of 1986 concerning State Administrative Courts, which states that, "A lawsuit can only be filed within a period of ninety days from the time the Decision of the State Administrative Agency or Official is received or announced." Meanwhile, for parties not mentioned in the State Administrative Court (KTUN), the purpose of the 90-day calculation, the Supreme Court issued SEMA No. 2 of 1991 concerning Guidelines for the Implementation

of Several Provisions in Law No. 5 of 1986 concerning the State Administrative Court, which states that: "For those who are not the target of a KTUN, but who feel that their interests have been harmed, the deadline as referred to in Article 55 is calculated casuistically from the time they feel that their interests have been harmed by the KTUN and are aware of the Decision."(Jaelani, 2019)

The legal problems are, which the regulations regarding the deadline for filing a lawsuit are not merely numbers, but rather aim to create legal certainty and balance citizens' rights. However, beyond the perspective of legal certainty, the deadline for filing a lawsuit should also be reviewed from the perspective of legal justice. The resolution of state administrative disputes is not solely determined by the formal aspects of the court procedures at the State Administrative Court (PTUN), but rather by the extent to which judges strive to find material/substantive truth on a case-by-case basis, from the perspective of whether or not a case is dismissed early on the grounds that it has expired or exceeded the 90-day deadline for filing a lawsuit without further examination.

This requires the role of PTUN judges, emphasizing the importance of judicial activism, commonly translated as judicial activity. In the context of the Indonesian PTUN, judicial activism can be applied by judges based on the principle of *dominis litis*, namely the principle of judges' active participation in case resolution to determine material truth in order to realize the values of justice. Judicial activism refers to Article 5 paragraph (1) and Article 10 paragraph (1) of Law No. 48 of 2009 concerning Judicial Power. The provisions in these articles provide a legal basis in the form of the discretion and independence of judges to uphold the law in accordance with a sense of justice. Judges are not bound by the wording of laws or formal rules, but rather the paradigm shifts from procedural legal certainty to substantive justice.(Sudarsono, 2021) This is due to several factors, including: the law always evolves to keep pace with society, laws do not always regulate everything necessary to resolve specific cases, and judges, when deciding cases, are required to explore and understand the values and sense of justice within society.

Fighting for justice is a citizen's right that must be protected through legal procedural channels, particularly litigation or the courts. In principle, justice is a fundamental part of society's life, and its rights cannot be diminished by State Administrative Decisions issued by government officials.(Haq & Syanel, 2022) When a State Administrative Court (PTUN) is issued with material that has the potential to violate citizens' constitutional rights, the state has sought to utilize the PTUN as a means for the public to exercise their constitutional rights.

This study aims to find out and examine the 90-day grace period stipulated in the PTUN Law and its implications for citizens' rights, which are diminished by the lack of procedural flexibility in PTUN proceedings. The urgency of this research is to further clarify the urgency of legal justice related to the grace period for filing lawsuits with the PTUN. The gap of research problem, which is because many cases have been dismissed or declared inadmissible solely for formal reasons, such as the expiration of the lawsuit filing period exceeding 90 days. Therefore, is this legal norm relevant if used continuously in resolving state administrative disputes? Is there no discretion or judicial activism that judges can exercise in resolving certain cases if the lawsuit deadline has been exceeded? The rationale for selecting this research framework is to develop alternative legal policies that can be chosen to develop legal conceptual reforms related to the time limit for filing lawsuits with the State Administrative Court (PTUN). This

research aims to find an appropriate legal formulation so that future state administrative dispute resolution reflects the growing sense of legal justice in society.

The State Administrative Court (TUN) is, in principle, a cornerstone of justice in safeguarding the rights of its citizens from a public law perspective. This is intended to provide sufficient legal protection to prevent and avoid potential abuse of authority by government officials. Under the PTUN Law, any member of the public may file a state administrative lawsuit, including: (Florentina Dewi Pramesuari, 2024)

1. A written lawsuit may be filed with the competent court by any person or civil legal entity who feels that the issuance of a State Administrative Decision is deemed detrimental or has the potential to cause harm to the intended party;
2. In such a lawsuit, in addition to the reasons mentioned in paragraph (1), other reasons include violations of laws and regulations and general principles of good governance.

In general, the flow of TUN dispute resolution as regulated in Article 1 paragraph (4) of Law No. 5 of 1986 concerning TUN, is a dispute that arises between individuals or bodies / TUN officials which can be resolved in 2 ways, namely administrative efforts and efforts to file a lawsuit with the PTUN. Administrative efforts are based on Article 48 of Law No. 5 of 1986 concerning State Administration which states that, "In the event that a TUN Body or Official is given authority by or based on statutory regulations to administratively resolve certain TUN disputes, then it is void or invalid with or without being accompanied by a claim for compensation and available administrative remedies." In addition to the PTUN Law, administrative efforts are also based on Law No. 30 of 2014 concerning Government Administration in Articles 75-77 of the UUAP, which can consist of administrative appeals and objections. In the UUAP, administrative efforts are mandatory before a TUN lawsuit is filed. A lawsuit can be filed by a person/civil legal entity who feels that their interests have been harmed by the State Administrative Court Decision (KTUN). This lawsuit can be filed in writing with the competent court containing a demand that the disputed KTUN be declared null and void/invalid with or without a claim for compensation/rehabilitation. The deadline for filing a lawsuit is 90 days from the time the KTUN was announced or received by the State Administrative body/official.(Khoiriyah, 2022)

There are 3 levels of justice within the State Administrative Court, including:(Sri Wahyuni & Arif Wibowo, 2023)

1. The Supreme Court (MA), the highest court in the judicial system, is located in Jakarta. The MA is tasked with examining cases at the cassation level that have previously been decided by lower-level courts.
2. The High State Administrative Court (PTTUN), based on Article 51 of Law No. 5 of 1986 concerning the PTUN, has the following powers: (a) Examining and deciding state administrative disputes at the appellate level; (b) Examining, deciding, and resolving state administrative disputes at the first level as stipulated in Article 48; (c) Examining and deciding at the first and final levels disputes over jurisdiction between state administrative courts according to their respective jurisdictions; (d) A cassation appeal may be filed against a state administrative court decision referred to in paragraph (3)

3. 3. The State Administrative Court (PTUN), tasked with implementing the judicial system for those seeking justice in state administrative disputes, has the authority to decide and examine disputes at the first level.

Legally, the deadline for filing a lawsuit is 90 days from the date the decision is received or announced. This is reinforced by SEMA No. 2 of 1991, one of the Supreme Court regulations governing warnings and instructions in case examinations, which function to create responsive laws that align with social justice. Regarding the deadline for filing a lawsuit, the Supreme Court provides guidance, including:(Gaspersz et al., 2023)

1. The calculation of the grace period in Article 55 of the PTUN Law stops when the lawsuit is registered with the PTUN clerk's office;
2. Regarding Article 62 paragraph (6) and Article 63 paragraph (4), a new lawsuit can be filed within the remaining grace period for those not addressed by the disputed KTUN. For parties who feel their interests have been harmed, it is calculated on a case-by-case basis from when the party feels harmed by the relevant KTUN;

Law is a political product, making it difficult to expect the creation of good and correct laws, as the ancient Roman proverb says "oid leges sino moribus," meaning that law is meaningless if not accompanied by morality. This proverb explains that law cannot be separated from morality, how a law is enforced based on moral aspects, especially when creating the legal product itself. Van Apeldorn illustrates that law does not just stop at being a rule that binds its citizens, but must also have an aspect of justice.(Laia & Purwanto, 2023) The purpose of law in Gustav Radbruch's theory, namely utility, certainty, and justice, are things that must be realized by the law itself so that it can balance all three. The creation of good laws so that it can realize justice in society as the legal principle of fiat justitia ruat coelum, which means justice must be upheld even if the heavens fall. The principles of equality before the law must also not be forgotten so that the law always corresponds to the champions of justice, not blunt to the upper and sharp to the lower, but rather. Access to law for everyone must be guaranteed so that society receives sufficient legal protection.

The discourse on justice has been widely conveyed by many philosophers, from Socrates, Plato, Aristotle, and even John Rawls, each with their own perspective. Justice, according to Rawls, is seen as justice as fairness. According to Rawls, justice is divided into two classifications: the original position and the veil of ignorance. Regarding these two classifications, he explains that in the initial situation and a person's lack of understanding of their place, position, or social status in society, no one is disadvantaged or advantaged, so that every human being in that condition has the same opportunity, which can be said to be fair between individuals as rational beings. Meanwhile, according to Hart, the perspective of justice is shifted to that each individual has a relative position before other groups, namely in the form of equality or inequality. Kelsen interprets justice from another perspective, namely as a quality that is not related to the substance of the positive legal order but from the aspect of its implementation, namely legality. From these various views, justice can at least be explained through the principles of rationality, publicity, presumption of innocence, and consistency, especially in relation to the implementation of legal justice in the court process.(Ruman, 2012)

Justice from Aristotle's perspective explains that in his thoughts on distributive and corrective justice, he emphasized that the law must provide equal treatment before the

law by considering the rights and responsibilities borne by each individual. Aristotle's theory of justice when linked to the condition of the Indonesian nation, where law enforcement is still concerning in terms of substance, structure and legal culture, is actually interconnected with social justice in the Pancasila state foundation, especially the second and fifth principles. The second principle reflects the concept of distributive justice while the fifth principle reflects the concept of commutative justice.(Salman & Budhiartie, 2024) But the principle of legal justice is actually continuously related to other principles in Radbruch's concept that are no less important in resolving cases in court, namely its relationship with the principle of legal certainty which is often at odds and also the principle of legal utility which views law from a *doelmatigheid* perspective rather than from a normative juridical perspective. The purpose of this study is to explain the legal regulations for the deadline for filing a TUN lawsuit after the UUAP and to describe the urgency of legal justice in determining the deadline for filing a TUN lawsuit. The significance of this research, is by creating of good laws so that it can realize justice in society. Being too rigid with the 90-day time limit rule is ignoring justice itself and has an impact on the justice-seeking community.

The state of the art in this research, which previous research related to the problem topic being studied includes: First, research reviewed by Moch Chafid and Anna Erliyana, with the title, "Implications of Procedural Time-Limits on State Administrative Decision Lawsuits (Comparative Study: Indonesia, Australia, Canada)."(Chafid & Erliyana, 2020) This study compares the application of time limits for filing lawsuits against State Administrative Court decisions with those in other countries, including Australia and Canada. The results show that while other countries also regulate deadlines for filing lawsuits, their implementation is flexible, and in certain cases, judges can exercise discretion to extend the deadline even after the deadline has expired. The difference with the research reviewed by the author is the lack of in-depth analysis of the legal justice lost due to lawsuit lapses, even though this serves as the philosophical and fundamental basis for the importance of reinterpreting procedural time limits in Indonesia.

Second, the study reviewed by Renius Albert Marvin and Anna Erliyana, entitled "Polemics Over the Time Limit for Filing Lawsuits to the State Administrative Court."(Martin & Erliyana, 2020) In this study, the regulation of the 90-day grace period before filing a lawsuit to the PTUN is examined, where if it exceeds the rules, it will result in the disputed KTUN not being able to be sued again. Where in this case the Constitutional Court has been recorded as having tested the legal norm "within a ninety-day grace period" 4 times, as stated in several decisions including Constitutional Court Decision No. 1 / PUU-V / 2007, Constitutional Court Decision No. 57 / PUU-XIII / 2015, Constitutional Court Decision No. 76 / PUU-XIII / 2015, and Constitutional Court Decision No. 22 / PUU-XVI / 2018. The difference with the research that the author studied is that there has not been an in-depth study regarding the loss of legal justice as an impact of cases in the PTUN which were declared unacceptable for formal reasons, namely exceeding the deadline for filing a lawsuit. The novelty of this research lies in the study of human rights and is analyzed based on the latest regulations after the issuance of the law on government administration.

2. RESEARCH METHODS

The method used in this research was normative juridical approach,(Rosidi et al., 2024) This study examines law as a system and construction of norms by analyzing it from the

perspective of statutory regulations, legal principles, doctrines, and court decisions. This approach also examines various doctrinal and legislative approaches related to the principle of legal justice and its relationship to the deadline for filing a lawsuit at the State Administrative Court (PTUN). The data used in this study is secondary data, classified into primary legal materials and secondary legal materials. (Zaman & Simatupang, 2023) Primary legal materials in the form of laws and regulations related to the topic studied include the 1945 Constitution of the Republic of Indonesia, Law No. 30 of 2014 concerning Government Administration, Law No. 5 of 1986 in conjunction with Law No. 9 of 2004 in conjunction with Law No. 51 of 2009 concerning State Administrative Courts, and Law No. 48 of 2009 concerning Judicial Power, as well as related court decisions. Meanwhile, secondary materials used come from journals, scientific articles, books, and papers related to the topic studied. Data collection methods (Hayati, 2021) This method utilizes library research as a data collection method, which examines and analyzes written sources such as books, journals, articles, and laws and regulations relevant to the topic under study. The primary objective is to establish a theoretical foundation, compare findings with previous research, and provide a strong context for the problem under study. The initial step is to conduct a positive legal inventory by sorting legal norms based on the chronological order of their statutes. Data analysis is conducted using qualitative methods. (Winarna et al., 2021) with deductive logical thinking by identifying the deadline for filing a lawsuit based on the principle of justice, which is then concluded.

3. RESULT AND DISCUSSION

3.1. Regulation of Deadline for Filing Lawsuits Based on Law No. 30 of 2014 in Administrative Courts

The provisions regarding the deadline for filing a lawsuit as stipulated in the PTUN Law normatively limit the expiration of the lawsuit to no more than 90 (ninety days) from the date of receipt or announcement of the KTUN. (Spaltani, 2024) The object of the dispute. This procedural legal norm was not readily accepted. Historically, it has been repeatedly subjected to judicial review at the Constitutional Court, as it was deemed unconstitutional and detrimental to citizens' constitutional rights. The Constitutional Court has reviewed this legal norm four times, as outlined in several decisions, including Constitutional Court Decision No. 1/PUU-V/2007, Constitutional Court Decision No. 57/PUU-XIII/2015, Constitutional Court Decision No. 76/PUU-XIII/2015, and Constitutional Court Decision No. 22/PUU-XVI/2018.

In the development of state administrative law, especially after the enactment of Law No. 30 of 2014 concerning State Administration, (Spaltani, 2025), causing material and formal law to undergo transformation and change, one of which includes expanding the absolute competence of the State Administrative Court. The latest material review case related to the deadline for filing a State Administrative Court lawsuit is as filed by the applicant's attorney, Yoshua Adhinugraha Mandiraatmadja in Case Number 149/PUU-XXI/2023, who submitted a request related to Article 55 of the PTUN Law that, "A lawsuit may only be filed within a ninety-day period from the time of receipt or announcement of the Decision of the State Administrative Agency or Official," is considered to hinder the applicant in obtaining inheritance rights. This is related to the concrete problem faced by the applicant, namely the violation of dual identity ownership or dual KTPs, which causes the Civil Registration Office to have no clear reason to remove one of the KTP data. However, Constitutional Justice M. Guntur Hamzah requested that the applicant be

able to improve the lawsuit by understanding PMK 2/2021 no later than Monday, December 18, 2023. (*Hak Waris Terhalangi Akibat Tenggang Waktu Gugatan Di PTUN - Berita _ Mahkamah Konstitusi RI*, n.d.)

In the provisions of Article 75 UUAP, it is required that the settlement of TUN disputes must first take administrative measures first and applies to all types of cases. This is further regulated in PERMA No. 6 of 2018 concerning Guidelines for the Settlement of Government Administrative Disputes After Taking Administrative Measures which stipulates that the 90-day grace period for filing a lawsuit at the PTUN is calculated from the time the Decision on administrative measures is received by the public or announced by the State Administrative Agency and/or Official. This is stated in Article 5 (1) PERMA No. 6 of 2018. With the existence of new regulations in PERMA without negating the sound of the norms regulated in UUAP, this creates legal uncertainty because there are 2 provisions that regulate the same thing but with different rules. (Kartabrata et al., 2025)

The legal construction of administrative remedies is regulated in detail from Article 75 to Article 78 of the UUAP, where Article 75 paragraph (1) of the UUAP states, "Citizens who are disadvantaged by Decisions and/or Actions may submit Administrative Efforts to Government Officials or the Superiors of Officials who determine and/or carry out Decisions and/or Actions." Furthermore, regarding these administrative remedies, the TUN agency/Official is authorized to resolve objections to Decisions and/or Actions determined and/or carried out that are submitted by Citizens."

The regulation of administrative remedies in the form of objections and administrative appeals in the UUAP indicates a conjunctivities between administrative remedies and judicial remedies. According to Umar Dani, (Bayu Rahmaddoni, Kurnia Warman, 2023) Administrative remedies are considered the initial step before going to the first instance court. Therefore, there is a process of responding and responding to the issuance of a fictitious positive KTUN between the government issuing the disputed KTUN and the affected community before the lawsuit is filed with the PTUN.

The UUAP and PERMA No. 6 of 2018 implicitly regulate the shift in the deadline for filing a lawsuit, particularly for parties directly addressed by the KTUN, who are the object of the dispute, or those directly harmed by the issuance of the disputed object. However, for parties not addressed by the KTUN, the deadline remains based on Article 55 of the PTUN Law, although this is not explicitly explained. This is further clarified in SEMA No. 2 of 1991, which states, "For those not addressed by a KTUN but who feel their interests have been harmed, the deadline as referred to in Article 55 is calculated on a case-by-case basis from the moment they feel harmed by the decision and become aware of the decision." This formulation was further updated in SEMA No. 3 of 2015, which states, "The 90-day grace period for third parties is calculated from the time the party first learns of the KTUN that is detrimental to their interests." Based on the legal construction in SEMA No. 2 of 1991, the 90-day grace period for third parties not directly addressed by the disputed object is calculated on a case-by-case basis, cumulatively, from the time the third party feels their interests have been harmed and from the time they learn of the KTUN that is the subject of the dispute. This can be achieved in several ways, including finding out directly from the government official who issued the KTUN, through an announcement, or from other related parties.

However, after being amended by SEMA No. 3 of 2015, the original phrase "from the time the person concerned feels their interests have been harmed by the KTUN and has

become aware of the KTUN" was changed to, "from the time the person concerned first learns of the KTUN that is detrimental to their interests."(Yunantyo Adi Setiawan, 2022)

Regarding the 90-day deadline, conceptually, this deadline is intended to ensure legal certainty. However, it is relatively long compared to the deadline for filing a lawsuit in other countries. For example, in the Netherlands, the deadline is only 6 weeks, while in Germany, it is only 1 month.(Yunantyo Adi Setiawan, 2022) Thus, the 90-day policy, based on the mandate of the law's creators, is the most appropriate and wisest, considering that Indonesia has 4 PTTUNs and 28 PTUNs throughout the country. Technically, it is intended to reach plaintiffs who reside far from the court where the lawsuit is filed. Although, in its development, the 90-day period is still being challenged, or some have requested judicial review to the Constitutional Court. However, from a comparative legal system perspective and in comparison with other countries, the time period stipulated in the PTUN Law is sufficiently long to protect citizens' rights.

3.2. The Urgency of Legal Justice in Determining the Deadline for Filing State Administrative Lawsuits

In practice, the application of the grace period provisions raises several problems, such as the plaintiff's ignorance of the issued KTUN due to the lack of formal notification from government agencies or because the KTUN was not announced to the public. In certain cases, the role of the judge is required in interpreting the deadline for filing a lawsuit so that citizens' rights can be given sufficient legal protection. For example, in case 250/G/2024/PTUN.JKT, the grace period issue became a major concern because the object of the dispute, namely the Mining Business Permit, was issued a long time ago in 2009, while the lawsuit was only filed by PT. Sentosa Kurnia Bahagia in July 2024. If interpreted using Article 55 of the PTUN Law, this lawsuit is vulnerable to being declared as an expired lawsuit. However, the judge needs to reinterpret it based on the grace period provisions after the UUAP and PERMA No. 6 of 2018 were present. In fact, PT. Sentosa Kurnia Bahagia has taken administrative measures in the form of an administrative objection to the government but has not received a response and then continued with an administrative appeal to the President on June 21, 2024. Meanwhile, the President's reply letter was only issued on August 5, 2024 after the lawsuit was registered with the PTUN, so that in accordance with the provisions of the PERMA that the calculation of the grace period is calculated 90 days not from the issuance of the KTUN but after the completion of the administrative efforts process.(Agustin et al., 2026)

The PERMA's provisions provide maximum protection for citizens' substantive rights, allowing them to file lawsuits even after a considerable period has elapsed since the issuance of the State Administrative Decision (KTUN). On the one hand, this provision appears to trigger the possibility of reviving disputes that have been in existence for more than 90 days after administrative action. However, on the other hand, it could be a positive factor for disputes that have not yet been investigated and could potentially harm citizens' substantive rights.(Slamet, 2023) This is in order to realize legal justice in society.

If speaking from the perspective of legal justice, then the judicial power is an independent power in administering justice to uphold law and justice as stated in Article 24 paragraph (1) of the 1945 Constitution. The judiciary is a protective shield and enforcer of justice. It is also stated in Article 28 D paragraph (1) which states that, "Everyone has the right to recognition, guarantee of protection and certainty of fair law

and equal treatment before the law." Furthermore, justice in John Rawls' theory states that the principles of justice are divided into 2, namely (1) the principle of equal freedom which states that everyone has equal rights to basic freedoms where a person chooses the principle of justice because they do not know the initial positions of each individual in society, (2) the principle of socio-economic differences which is the principle of social inequality to provide maximum benefits for disadvantaged parties (justice as fairness).(Seregig, 2023)

In resolving state administrative disputes based on transformative changes to state administrative procedural regulations, judges must analyze cases in a case-by-case manner, not solely based on textual articles as stipulated in the PTUN Law. Judges' decisions are also greatly influenced by several factors, including policy, the judge's personality, and organizational or institutional constraints.(Haryono, 2019) In resolving disputes, if a norm is open to multiple interpretations, the Supreme Court needs to create further regulations that serve as guidance for judges, particularly PTUN judges, in examining cases substantively and procedurally. This is in line with Stahl's view that one of the characteristics of a state based on the rule of law is the existence of administrative courts to resolve disputes, and that administrative courts were established, among other things, to prevent arbitrary behavior by the government. Agreeing with Stahl, Prajudi Atmosudirdjo stated that the purpose of establishing PTUN is to protect the public, whose legal interests are often harmed by the authorities.(Azhar, 2021) In the considerations of Law No. 5 of 1986 concerning State Administrative Courts, it is stated that, "One of the objectives of establishing state administrative courts is to realize a prosperous, safe, peaceful, and orderly state and national life that guarantees the standing of citizens before the law..."

Regarding the deadline for filing a lawsuit, despite being regulated by Supreme Court Regulation No. 6 of 2018, many court decisions have been found to declare lawsuits inadmissible because the lawsuit was declared out of date (the statute of limitations). This makes it important to examine the judge's considerations in deciding these cases. Among the state administrative decisions declaring the plaintiff's lawsuit inadmissible (Niet Ontvankelijk Verklaard) are those listed in Table 1.

Table 1. Administrative Court Decision

Decision	Verdict	Judge's Legal Consideration	Plaintiff vs Defendant
Decision Number 10/G/2025/PTUN. KPG	In the exception: Accepting the defendant's exception that the plaintiff's lawsuit has expired and the second intervening defendant's exception that the plaintiff's lawsuit has expired.	The object of the dispute is known to the second intervening defendant to be the party directly addressed by the object of the dispute, while the plaintiff is a party not directly addressed by the object of the dispute. Therefore, the deadline for filing a lawsuit is calculated from the plaintiff's first knowledge of the object of the dispute, which is detrimental to his interests.	Thomas Busu as Plaintiff against the Head of the Kupang Regency Land Office as Defendant and the Ministry of Higher Education, Science, and Technology as the second intervening defendant. Object of the dispute: Right of Use Certificate No. 76/Noelbaki Village, issued October 30, 2014, in the name of the Government of the

Decision Number 25/G/2023/PTUN. BJM	In the exception to accepting the defendant's claim that the plaintiffs' lawsuit has expired and failed to meet the deadline, as well as the second intervening defendant's exception regarding the lawsuit's lapse of time (expiration).	That after considering the object of the a quo dispute, the name of the rights holder is clearly stated as Hasim Sutiono, thus the Plaintiffs' position in this case is as a third party, namely a party not directly addressed by the object of the a quo dispute and who feels their interests have been harmed by the issuance of the object of the dispute. That calculated from the date the plaintiff became aware of the object of the dispute, namely December 27, 2017, until its registration with the Banjarmasin State Administrative Court, it is legally established that the 90-day deadline has passed.	Fatimah, Muhammad Yamin, Aspianoor, Hasni as plaintiffs versus the Head of the Banjar Regency Land Office as defendants and Hasim Sutiono as the second intervening defendant. Object of the dispute: Replacement Certificate of Ownership No. 02296/Kayu Bawang, dated January 19, 2015 in the name of Hasim Sutiono
Decision Number 119/G/2022/PTU N.PL	In the defendant's exception regarding the exception of the statute of limitations and the second defendant's exception regarding the plaintiff's lawsuit, it was stated that the plaintiff's lawsuit had expired.	Before being filed with the State Administrative Court (PTUN), this case had already been filed in a civil trial. Therefore, because the plaintiff is not the party directly addressed to the disputed object, the statute of limitations is calculated from the date the plaintiff first learned of the disputed object. Based on the legal facts, the panel of judges believes that the plaintiff was aware of the issuance of the disputed object in 2008-2009 during the civil trial in case number 31/Pdt.G/2008/PN.Tli at the Tolitoli District Court. Therefore, in conjunction with the provisions of Article 55 of the PTUN Law in conjunction with Articles 75-78 of the UUAP in conjunction with PERMA No. 6 of 2018, the lawsuit filed with the PTUN on November 18, 2022, is declared to have expired.	Hindong Zaitun as plaintiff against the Head of the Tolitoli Regency Land Office as defendant and Yohana Situru as second intervening defendant. Object of dispute: Land Ownership Certificate No. 434, Lalos Village, Galang District, Toli-Toli Regency, on behalf of Rights Holder Johana Manan
Decision Number 20/G/2017/PTUN. JPR	In the exception: Accepting the defendant's and the second defendant's intervening exception regarding the lawsuit having expired.	The deadline for filing a state administrative dispute lawsuit with the State Administrative Court (PTUN) for third parties not directly addressed by the State Administrative Court (KTUN) is not expressly regulated in Article 55 of the PTUN Law. Therefore, the judge is guided by the legal principles in Supreme Court Decision No. 41K/TUN/1994 dated June 10, 1994, and Decision No. 270K/TUN/2001 dated March 4, 2002, as jurisprudence. He also refers to SEMA No. 2 of 1991, which contains guidelines	Rais Ridjaly is the plaintiff against the Head of the Sorong City Land Office as the defendant, and Christian Gosal is the second intervening defendant. Object of dispute: Land Ownership Certificate Number L 618, Klawuyuk Subdistrict, dated August

for standardizing the calculation of the time limit for parties not addressed by the KTUN.

23, 2005, in the name of Christian Gosal.

Based on the legal facts, the Panel of Judges is of the opinion that the plaintiff was aware of the harm to his interests as early as 2010, during the first mediation stage. If the lawsuit was filed on July 24, 2017, it means the lawsuit has exceeded the deadline stipulated in Article 55 of the PTUN Law.

Decision Number
20/G/2024/PTUN.
MDO

In the exception: Accepting the exception of the second defendant's intervention regarding the plaintiff's lawsuit filed after the time limit (expiration) has expired.

That in Law No. 6 of 2014 concerning Villages does not regulate administrative efforts, in accordance with Article 3 (2) of PERMA No. 6/2018, administrative efforts refer to the provisions of UUAP Article 77. That the administrative effort was filed by the plaintiff on May 8, 2024, based on Article 77 paragraph (4), the defendant is authorized to resolve the objection within 10 working days, the latest of which falls on May 28, 2024. With no response from the defendant, then based on the calculation of 90 days for the plaintiff to sue the object of the dispute starting from May 29, 2024, it falls on August 29, 2024 to register his lawsuit at the Manado PTUN.

That by registering the disputed object at the Manado Administrative Court on September 6, 2024, the Court is of the opinion that the registration of the case has expired, contrary to Article 55 of the Administrative Court Law.

Agustinus Rembaen as plaintiff against the Regent of the Talaud Islands as defendant and Johan T. Rembaen as second intervening defendant.

Object of dispute:
Decree of the Regent of the Talaud Islands No. 70 of 2024 concerning the dismissal of acting village heads and the appointment of village heads in the Talaud Islands Regency, dated February 20, 2024.

Decision Number
43/G/2022/PTUN.
MDO

In the exception: Accepting the defendant's exception regarding the lawsuit filing being out of time or having expired.

In the explanation of Article 55 of the PTUN Law, it is explained that, "For the party named in the State Administrative Court (KTUN) being sued, the 90-day grace period is calculated from the date of receipt of the contested KTUN... and so on."

In the a quo case, the Panel of Judges found that the plaintiff, as the party directly addressed by the disputed KTUN, therefore the grace period for filing a lawsuit is calculated from the date they received the disputed object.

Based on the legal facts, it was found that after the disputed object was issued, the plaintiff filed a Building Permit (IMB) application, which was subsequently responded to by the defendant via letter

PT. Wenang Permai Sentosa as plaintiff against the Head of the Manado City Investment and One-Stop Integrated Services Office as defendant

Object of Dispute:
Land Use Permit (SIPPT) No. 203/7874/13/IPPT/BP2T/XII/2014 dated December 17, 2014, in the name of PT. Wenang Permai Sentosa

dated July 22, 2016. The plaintiff received the disputed object in 2014, while the a quo lawsuit was filed with the Court on November 10, 2022. Therefore, the plaintiff's lawsuit has exceeded the time limit for filing a lawsuit, thus contradicting Article 55 of the PTUN Law. Therefore, the plaintiff's a quo lawsuit is declared inadmissible.

In the decisions above, the author found that 5 lawsuits were declared inadmissible, consisting of 3 lawsuits where the plaintiff was a party not directly targeted by the object of the dispute, while 2 lawsuits where the plaintiff was a party directly targeted by the object of the dispute. In addition to these 5 decisions, there are many more similar decisions, where the judge plays a role in determining whether the casuistic case is worthy of further examination in the main case or stops at the formal examination stage only. Judges have a role in realizing substantive justice as justice given based on substantive legal rules without looking at procedural errors that do not affect the plaintiff's substantive rights.(Optapia et al., 2025). However, this does not mean that in order to achieve substantive justice, formal rules are not enforced or can be violated. According to Black's Law Dictionary Edition, substantive justice is defined as: that which is carried out in accordance with the rules of substantive law, without regard to procedural errors that do not affect the plaintiff's substantive rights.(Hakim, 2025). Substantive justice does not mean that judges must ignore the wording of the law, but must still refer to the formal procedural rules of the law which can provide legal certainty and a sense of justice in society.

In realizing substantive justice, in addition to relying on the judge's conviction and legal facts in resolving cases, casuistic cases still require the role of PTUN judges to resolve cases fairly and with certainty. In accordance with the principles of PTUN procedural law, judges play an active role in implementing the principle of *dominis litis*. Therefore, in interpreting the law, the practice of judicial activism continues to be a hope for contributing to legal breakthroughs. The practice of judicial activism emphasizes *interessenjurisprudenz*,(Hasanah et al., 2022) That is, the judge's view of legal rules is not based solely on formal-logical aspects, but is assessed according to the law's objectives. According to Paulus Effendie Lotulung, the special characteristics of administrative law can be seen in the development of jurisprudence, which is not only based on doctrine and written norms, but also on codification.(Haq & Syanel, 2022) In light of the numerous N.O. decisions issued due to the statute of limitations for filing lawsuits before judges can examine the merits of the case, judicial activism is crucial, but it should not violate formal rules. This would create other problems, namely legal uncertainty and unfairness among judges in resolving cases.

From a human rights perspective, the implementation of the deadline for filing lawsuits must be carried out fairly without compromising the fundamental rights of citizens. One of the fundamental principles of human rights is the right to justice and the right to be recognized as a person before the law, which includes the right to access to court. This is enshrined in the Constitution, the Human Rights Law, the Universal Declaration of Human Rights, and the ICCPR. (Hajatulloh, 2025) Therefore, the application of the deadline for filing a lawsuit at the State Administrative Court (PTUN) should be carried out within the framework of human rights protection, fulfillment, and respect. Judges hold the primary responsibility for interpreting legal rules wisely and fairly so that the

principle of legal certainty can be aligned with the principle of substantive justice without violating citizens' rights.

4. CONCLUSION

The deadline for filing a lawsuit is regulated normatively through Article 55 of the PTUN Law, which stipulates that a lawsuit must be filed within a 90-day period from the receipt or announcement of the KTUN. This regulation is especially for parties directly addressed by the KTUN as the object of the dispute. Regarding third parties who are not directly addressed, the judge refers to the jurisprudence of several previous decisions and refers to SEMA No. 2 of 1991 which was updated in SEMA No. 3 of 2015. In accordance with the principles of PTUN procedural law, judges play an active role in implementing the principle of *dominis litis*. Substantive justice does not mean that judges must ignore the wording of the law, but must still refer to the formal procedural rules of the law which can provide legal certainty and a sense of justice in society. In realizing substantive justice, in addition to relying on the judge's conviction and legal facts in resolving cases, casuistic cases still require the role of PTUN judges to resolve cases fairly and with certainty. Associated with the many N.O decisions due to the expiration of the lawsuit submission before the judge can examine the main case, judicial activism becomes important but also does not mean violating formal rules. Judges play an important role in upholding legal certainty so that it can run in line with the principle of substantive justice without eliminating the rights of citizens.

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