



## Legal Basis And Grounds For The Dismissal Of Claims Before The State Administrative Court (a Study of Decision No. 27/Plw/2024/PTUN.SMD)

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### ABSTRACT

The dismissal procedure plays a strategic role in maintaining judicial effectiveness, preventing abuse of the right to bring a claim, and ensuring that only cases satisfying the applicable legal requirements proceed to examination and adjudication. This study examines the legal basis governing the dismissal procedure for claims before the State Administrative Court, with reference to Decision No. 27/Plw/2024/PTUN.SMD, and the grounds on which the judges rejected the opposition to the dismissal order. The study employs normative legal research based on a literature review and qualitative analysis. The findings show that the dismissal procedure is principally governed by Article 62(1), in conjunction with Article 62(3), of Law No. 5 of 1986 concerning State Administrative Courts. The assessment of legal standing concerns direct impact, a legitimate legal interest, and the relevance of the legal issue raised. The court rejected the opposition because, first, the claim concerned a dispute that had previously been filed with substantially the same subject matter and parties; and, second, the claim was submitted after the applicable filing period had expired.

**Keywords:** Dismissal Procedure, State Administrative Claim, State Administrative Court.

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### 1. INTRODUCTION

The State Administrative Court (Pengadilan Tata Usaha Negara, PTUN) is one of Indonesia's judicial institutions vested with authority to adjudicate state administrative disputes. It provides a forum for citizens who consider themselves harmed by acts or decisions of government officials to obtain legal protection. Accordingly, the PTUN serves not only as a forum for dispute resolution but also as an instrument for maintaining a balance between governmental authority and citizens' civil rights.

The protection of citizens' civil rights is a fundamental principle of the rule of law. Government administration must be conducted in accordance with the law when public officials exercise their authority.

Government institutions perform state administrative functions, and policies issued by public officials may produce legal consequences for citizens. When a state administrative decision harms a citizen, the affected person may file a claim before the PTUN (Ni Kadek Anggie Khanaya Maharani 2026).

Judicial power in state administrative matters is exercised by the State Administrative Courts and the High State Administrative Courts (Pengadilan Tinggi Tata Usaha Negara, PTTUN), under the supervision of the Supreme Court. The Supreme Court constitutes the highest judicial authority for legal remedies arising from administrative disputes adjudicated by the PTUN and PTTUN. Although certain aspects of the proceedings draw



upon civil procedural law applied in the general courts, the specific rules governing public administrative decisions are regulated by state administrative procedural law (Soetami 2026). In addition, administrative court judges play a more active role in establishing the material truth, whereas judges in the general courts tend to adopt a more passive role.

The filing of a claim concerning a dispute with a public official before the PTUN must follow the stages prescribed by state administrative procedural law. A preliminary examination is conducted to screen the substance and admissibility of the claim. Article 62 of the Law on State Administrative Courts authorizes the Chief Judge of the Court to assess the admissibility of a claim before the examination of the merits begins (Law No. 5 of 1986 concerning State Administrative Courts). This preliminary review is known as the dismissal procedure. Through this mechanism, the PTUN may prevent claims that fail to satisfy the formal requirements of procedural law from proceeding to a full hearing.

Under Law No. 5 of 1986, judicial authority within the state administrative court system is exercised by the State Administrative Courts (PTUN) and the High State Administrative Courts (PTTUN), both of which operate under the Supreme Court. The PTTUN primarily hears appeals from PTUN decisions, except in two specific matters: jurisdictional disputes between State Administrative Courts and disputes that have previously been examined through an administrative appeal.

The legal foundation of the PTUN is set out in Law No. 5 of 1986 concerning State Administrative Courts, as amended by Law No. 51 of 2009. The considerations underlying this legislation emphasize that the establishment of the PTUN is intended to promote an orderly, stable, just, and balanced system of government and to ensure legal certainty in relations between citizens and government bodies or officials.

This article examines a dismissal-related case that was initially filed on 28 March 2022 as State Administrative Court Case No. 16/G/2022/PTUN.SMD. The case was decided on 27 July 2022, and the claim was declared inadmissible because the East Kalimantan Regional Executive Board of the Golkar Party lacked legal standing. It did not possess the authority or direct legal capacity to represent the Golkar Party as a legal entity before the court. The plaintiff subsequently filed another claim in 2024. In Order No. 27/G/2024/PTUN.SMD, the Chief Judge of the Samarinda State Administrative Court declared the claim inadmissible because it had been filed after the applicable time limit and concerned a dispute that had previously been brought before the court. Therefore, the same dispute could not simply be refiled before the

Samarinda State Administrative Court; the appropriate legal remedy should have been pursued before the High State Administrative Court within the prescribed period.

The dismissal procedure plays a strategic role in maintaining judicial effectiveness, preventing abuse of the right to bring a claim, and ensuring that only cases satisfying the applicable legal requirements proceed to examination and adjudication. To distinguish the present study from previous research, the authors reviewed the following literature.

First, a 2020 study by Anak Agung Tias Sandya Dianti and Anak Agung Sagung Laksmi Dewi, published in *Jurnal Konstruksi Hukum*, was entitled 'Legal Opposition Following a Dismissal Order Issued by the Chief Judge of the State Administrative Court: A Case Study at the Denpasar State Administrative Court.' The study employed library research and a qualitative design. It examined written administrative decisions falling within the jurisdiction of the PTUN and the legal mechanism for opposing a dismissal order. The study concluded that an object of dispute within PTUN jurisdiction is a written determination issued by a state administrative body or official that produces legal consequences and causes harm to an individual or private legal entity. It further explained that a claim is first subjected to a screening stage to determine whether it may proceed. The matter is then examined under a summary procedure by judges appointed by the Chief Judge. If the plaintiff's opposition is granted, the dismissal order is revoked and the merits are examined under the ordinary procedure. If the opposition is rejected, no further legal remedy is available to the plaintiff (Samarinda State Administrative Court Decision No. 27/G/2024/PTUN.SMD, n.d.). The present study differs from that research because it specifically analyzes the contents of Samarinda State Administrative Court Decision No. 27/G/2024/PTUN.SMD, whereas the earlier study focused more generally on administrative court procedure.

Second, Sulistyowati's 2022 study, published by the Association of Lecturers of Constitutional and Administrative Law (APHTN-HAN), was entitled 'The Dysfunction of the Dismissal Process in the State Administrative Court: A Case Study of Decision No. 41/G/LH/2018/PTUN.PBR.' The study used a normative legal method and descriptively analyzed the decision. It examined the stages of the dismissal process and the dysfunction that may arise in administrative court proceedings. The study explained that judicial review of administrative action begins with an administrative preliminary stage, followed by the dismissal procedure and preparatory examination, before proceeding to an ordinary hearing. It found that proceedings had continued despite

the absence of a valid object of dispute, thereby undermining the function of the dismissal procedure and the principle of simple, speedy, and low-cost justice (Sulistiyowati 2022). The present study examines a different decision and a different legal issue, namely the expiry of the filing period.

Third, Lisatul Chumairoh's 2022 study in Tinjauan Hukum was entitled 'A Juridical Analysis of Article 62 of Law No. 5 of 1986 concerning the Function of the Dismissal Procedure in State Administrative Court Proceedings.' The study used normative legal research based on a literature review. It analyzed the dismissal procedure and its application in administrative court proceedings. The study explained that, under Article 62 of Law No. 5 of 1986, the Chief Judge may issue a reasoned order following a deliberative meeting. The dismissal procedure enables individuals and private legal entities to understand whether their claims satisfy the requirements for examination and protects them from unnecessary procedural disadvantage (Chumairoh 2022). The present study differs by analyzing Samarinda State Administrative Court Decision No. 27/G/2024/PTUN.SMD through the framework of state administrative procedural law, whereas Chumairoh primarily examined the statutory regulation of the dismissal procedure.

The significance of this study lies in its examination of the legal basis governing the dismissal of claims before the State Administrative Court and the reasons underlying the rejection of the opposition in Decision No. 27/Plw/2024/PTUN.SMD. The novelty of the study consists in identifying and analyzing the legal grounds and judicial reasoning applied by the PTUN when implementing state administrative procedural law in the dismissal stage.

## 2. RESEARCH METHOD

This study employs normative legal research based on a literature review and qualitative analysis. It uses statutory and doctrinal approaches. The principal object of analysis is Decision No. 27/Plw/2024/PTUN.SMD, examined in conjunction with Law No. 5 of 1986 concerning State Administrative Courts, as amended by Law No. 51 of 2009, and relevant doctrines of state administrative procedural law and the dismissal procedure.

## 3. RESULTS AND ANALYSIS

### a. A. Legal Basis Governing the Dismissal Procedure for Claims before the State Administrative Court Based on Decision No. 27/Plw/2024/PTUN.SMD

*The term 'dismissal procedure' is used in proceedings before the State Administrative Court. In ordinary English usage, 'dismissal' may refer to termination, including termination of employment following a disciplinary violation (Ranuhandoko 2008). In the context of state administrative*

*procedural law, however, the term has a different meaning. It refers to the preliminary rejection or declaration of inadmissibility of a claim that does not satisfy the applicable procedural requirements.*

Wiyono explains that the dismissal procedure begins with a preliminary review by the court clerk of the formal requirements of the plaintiff's claim. The clerk then submits the claim to the Chief Judge for an assessment of whether it should proceed to further examination. The Chief Judge may appoint judges to examine the matter and provide legal reasoning regarding the admissibility of the claim (Rayhan 2023). In PTUN proceedings, dismissal does not mean employment termination; rather, it denotes the rejection or return of a procedurally defective claim. Following a deliberative meeting, the Chief Judge may issue a dismissal order where the claim fails to satisfy the formal or substantive requirements for examination.

For example, where a claim is filed before the PTUN but the dispute actually falls within the jurisdiction of the general courts, the dismissal procedure enables the court to declare the claim inadmissible at an early stage. The Chief Judge may also consider whether the claim is time-barred, obscure, or fails to satisfy the formal and substantive requirements. A dismissal order may be issued only after the deliberative examination prescribed by procedural law.

The dismissal procedure promotes judicial effectiveness by preventing judges from conducting a full examination of claims that are procedurally inadmissible. A claim must be supported by an adequate legal basis, including the plaintiff's legal standing. The following discussion analyzes the plaintiff's standing and the Order of the Chief Judge of the Samarinda State Administrative Court No. 27/G/2024/PTUN.SMD (Samarinda State Administrative Court Decision No. 27/G/2024/PTUN.SMD, n.d.).

The plaintiff was the East Kalimantan Provincial Regional Executive Board of the Golkar Party, represented by Rudy Mas'ud Muhammad as Chair and Husni Fahrudin as Secretary. The claim was registered with the Clerk's Office of the Samarinda State Administrative Court on 7 August 2024. On 15 August 2024, the court issued Summons No. 670/PAN.PTUN/W6TUN.3/HK2.7/VIII/2024, requesting the plaintiff to provide information. The plaintiff did not attend and stated that it had not yet received notice of the hearing in the case a quo. According to the plaintiff, the summons was only received by post at the office of the East Kalimantan Provincial Regional Executive Board of the Golkar



Party on Thursday, 22 August 2024, at 5:00 p.m. On Friday, 23 August 2024, the Chief Judge issued the order through the e-Court system. The plaintiff argued that the prescribed dismissal process had not been properly conducted and that, under Article 62(1) of Law No. 5 of 1986, the order should therefore be declared invalid or null and void.

The object of the opposition was the Order of the Chief Judge of the Samarinda State Administrative Court No. 27/G/2024/PTUN.SMD, dated 22 August 2024. The opposition was subsequently registered with the Samarinda State Administrative Court. According to the statement of claim formally transmitted by the court clerk under Cover Letter No. 770/PAN.PTUN/W6.TUN3/HK2.7/IX/2024 dated 27 September 2024, the opposition was registered only on 26 September 2024. It was therefore declared inadmissible without further examination because it failed to satisfy the formal filing requirement and had been submitted after the applicable deadline. The opposition should have been filed no later than 5 September 2024, within the maximum period of fourteen days prescribed by Article 62(1) in conjunction with Article 62(3) of Law No. 5 of 1986 concerning State Administrative Courts.

Article 62(1), in conjunction with Article 62(3), of Law No. 5 of 1986 concerning State Administrative Courts provides that the Chief Judge shall conduct a deliberative examination and may declare a claim inadmissible or manifestly unfounded where, among other matters, the dispute falls outside the court's jurisdiction, the elements of a State Administrative Decision are not satisfied, or the claim has been filed after the applicable time limit. An opposition to the dismissal order must be filed within fourteen days after the order is pronounced.

I Dewa Gede Palguna explains that legal standing is a constitutional entitlement of individuals, groups, and legal entities to seek judicial review of legislation or governmental policies alleged to conflict with the 1945 Constitution. In assessing standing, the court examines the applicant's direct interest and whether the challenged norm infringes a constitutional right (Palguna 2025). The criteria commonly used to establish standing include, first, a direct impact, meaning that the applicant can demonstrate how the challenged rule or policy directly affects them; second, a legitimate legal interest in the matter; and

third, the relevance of the legal issue, meaning that the issue raised is substantively connected to the applicable legislation or government policy (Egidia Renanda Pradini and Qinthara Qamarani Haryanto 2025). The application must therefore raise a substantial and relevant legal issue that is directly connected to the applicant's legal interest.

The legal-standing criteria relevant to Samarinda State Administrative Court Decision No. 27/G/2024/PTUN.SMD may be described as follows:

#### 1. Direct Impact

The dispute in the case a quo had previously been filed as Case No. 16/G/2022/PTUN.SMD on 28 March 2022. The parties, object, and principal claims were substantially the same. In the decision dated 27 July 2022, the claim was declared inadmissible because the plaintiff, the East Kalimantan Regional Executive Board of the Golkar Party, lacked legal standing and did not possess the authority or direct legal capacity to represent the Golkar Party as a legal entity before the court. The subsequent filing therefore had a direct connection to the same parties and object addressed in the earlier decision.

#### 2. Legitimate Legal Interest

In calculating the filing period, the plaintiff argued that the limitation period had been suspended from the filing of Case No. 16/G/2022/PTUN.SMD on 28 March 2022 until the cassation decision, No. 84 K/TUN/2023, was received by the defendant on 4 May 2023, with the period beginning to run on 5 May 2023. However, Case No. 27/G/2024/PTUN.SMD was not filed until 7 August 2024. It therefore exceeded the ninety-working-day filing period, having been refiled more than one year later. The PTUN accordingly declared the claim inadmissible. Although the plaintiff had an interest in obtaining a favorable judgment, that interest did not eliminate the requirement to comply with the statutory time limit.

#### 3. Relevance of the Legal Issue

The court rejected the plaintiff's opposition and declared Claim No. 27/G/2024/PTUN.SMD inadmissible. The legal issue raised in the opposition was therefore assessed in accordance with Articles 110 and 112 and Article 62(1)(e) of the Law on State Administrative Courts.

**b. B. Grounds for the Judges' Rejection of the Opposition to the Dismissal Order in Decision No. 27/Plw/2024/PTUN.SMD**

According to Wahyunadi, the Chief Judge's examination under the dismissal procedure is necessarily case-specific because the calculation of the filing period may depend on two different contexts: the date on which the State Administrative Decision was received by the plaintiff and the date on which it was publicly issued or announced (Renius Albert Martin 2020). Although the time limit may appear inflexible, the plaintiff must identify and substantiate the starting point that applies to the circumstances of the case.

The dismissal procedure enables the PTUN to prevent abuse of the right to bring a claim where the substantive and procedural requirements have not been satisfied (Wahyunadi 2016). Administrative procedural law therefore requires judges to examine the claim carefully at the preliminary stage. Article 24(1) of the 1945 Constitution affirms that judicial power must uphold law and justice, while Article 28D(1) guarantees every person legal certainty, equal protection, and equality before the law. The dismissal procedure serves as the initial mechanism for determining the formal admissibility of claims filed by individuals, private legal entities, or state administrative bodies and officials in disputes concerning State Administrative Decisions.

Both plaintiffs and defendants in state administrative disputes seek fair legal certainty. A State Administrative Decision may generate a dispute and cause loss to an individual or private legal entity. The dismissal procedure helps determine whether the challenged decision may continue to operate as the object of the dispute, thereby ensuring that the rights and obligations of the parties are addressed through the appropriate judicial process (Ridwan 2018). State administrative procedural law therefore authorizes the Chief Judge to conduct an initial screening before the case proceeds to a full examination.

The Chief Judge examines whether the claim satisfies the applicable formal and substantive requirements. Where a State Administrative Decision does not adversely affect a person or legal entity, there may be no legal basis for challenging it. Conversely, where a decision issued by a state administrative official causes harm, the affected party may seek judicial review. A State Administrative Decision may be challenged where it conflicts with higher legislation, in accordance with the principle *lex superior derogat legi inferiori* (Indroharto 2025). Nevertheless, if the

facts demonstrate that the decision lawfully protects the public interest, the claim may be rejected.

This framework is relevant to the grounds on which the PTUN rejected the opposition to the dismissal order in Decision No. 27/Plw/2024/PTUN.SMD. The substantive reasons for the rejection may be summarized as follows.

First, the claim failed to pass the dismissal review. The Chief Judge of the Samarinda State Administrative Court considered that a substantially identical dispute had previously been filed. In the earlier decision, the claim of the East Kalimantan Regional Executive Board of the Golkar Party had been declared inadmissible because the plaintiff lacked legal standing and did not possess the authority or direct capacity to represent the Golkar Party as a legal entity before the court. The plaintiff nevertheless filed the claim again. The Chief Judge is authorized to issue a reasoned order declaring a claim inadmissible or manifestly unfounded where the subject matter falls outside the court's jurisdiction, the requirements under Article 56 have not been fulfilled, the claim is not based on proper legal grounds, or the plaintiff's demands have already been satisfied. Because the subsequent claim concerned the same dispute, the dismissal order was upheld by the panel examining and deciding the opposition.

Second, the claim was filed prematurely or after the applicable filing period had expired. In Decision No. 27/Plw/2024/PTUN.SMD, the judges rejected the opposition because the relevant ninety-day period had elapsed. A claim filed before the issuance of the State Administrative Decision, or after the statutory period has expired, is inadmissible. Article 55 of Law No. 5 of 1986 prescribes a ninety-day period calculated from the date on which the decision is received or announced. Although the limitation period may restrict access to judicial review, it is intended to provide legal certainty. Under Article 53 of Law No. 5 of 1986, a claim may be based on the allegation that the challenged decision conflicts with applicable legislation, that the relevant administrative body or official abused its authority, or that the official failed to take proper account of the affected interests when issuing or declining to issue the decision.

Dismissal, or preliminary examination, before the State Administrative Court is a strategic screening mechanism regulated principally by Article 62 of Law No. 5 of 1986 and its amendments. It is intended to preserve judicial effectiveness and efficiency by filtering out claims that are not suitable for a full examination. The Chief Judge may declare a claim inadmissible or manifestly unfounded where the dispute falls outside the PTUN's jurisdiction because the object is not a State Administrative Decision or belongs to another jurisdiction; the claim fails to satisfy



formal requirements, including the ninety-day filing period; the plaintiff lacks legal standing because they are not directly harmed by the challenged decision; or another legal defect prevents the claim from proceeding, for example where the object has been revoked or the decision was issued in an emergency situation. Strict application of the dismissal procedure may function as an instrument of procedural discipline, but it must be based on careful legal analysis rather than a merely administrative assessment.

Based on the normative legal analysis and the case approach to PTUN decisions, the principal grounds for issuing a dismissal order and declaring a claim inadmissible or manifestly unfounded may be grouped into the following categories under Article 62(1) of the Law on State Administrative Courts:

- 1) The claim falls outside the jurisdiction of the PTUN. This occurs where the object of the claim is not a State Administrative Decision as defined in Article 1 point 9 of the Law on State Administrative Courts, or where the dispute belongs to another judicial jurisdiction, such as a purely private-law dispute within the authority of the general courts.
- 2) The formal requirements of the claim have not been satisfied. This may include incomplete identification of the parties, error in persona, or filing more than ninety days after the State Administrative Decision was received or announced. Compliance with the filing period is treated as a mandatory procedural requirement.
- 3) The plaintiff lacks a legal interest. The plaintiff does not have an interest that is directly harmed by the challenged State Administrative Decision and therefore lacks legal standing. This may occur where the decision is general in nature or does not specifically affect the plaintiff's personal rights or interests.
- 4) A legal defect prevents the claim from being examined. For example, the challenged decision may have been revoked or annulled before the claim was filed, or it may constitute a State Administrative Decision issued in the context of war, a state of emergency, or a military dispute.

#### 4. CONCLUSION

The legal basis governing the dismissal procedure in Decision No. 27/Plw/2024/PTUN.SMD is Article 62(1), in conjunction with Article 62(3), of Law No. 5 of 1986 concerning State Administrative Courts. The assessment of legal standing in relation to Samarinda State Administrative Court Decision No. 27/G/2024/PTUN.SMD involves three principal considerations. First, there must be a direct impact,

demonstrated by evidence that the challenged rule or policy directly affects the applicant. Second, the applicant must possess a legitimate legal interest in the dispute. Third, the legal issue raised must be relevant and directly connected to the applicable legislation or government policy.

Legal practitioners and prospective plaintiffs are advised to conduct comprehensive due diligence regarding the legal effect (*rechtsgevolg*) of the object of dispute before filing a claim. The dismissal procedure under Article 62(1) of Law No. 5 of 1986 requires the challenged object to satisfy the elements of being concrete, individual, and final.

The judges rejected the opposition to the dismissal order in Decision No. 27/Plw/2024/PTUN.SMD for two principal reasons. First, the claim failed the dismissal review because the Chief Judge of the Samarinda State Administrative Court found that a substantially identical dispute had previously been filed and that the East Kalimantan Regional Executive Board of the Golkar Party lacked legal standing to represent the party as a legal entity. Second, the claim was filed after the applicable time limit. The judges held that the ninety-day filing period had expired.

Plaintiffs and their legal representatives should act proactively and maintain orderly case administration. Where there is a delay or difficulty in receiving an official summons from the PTUN bailiff, counsel should promptly submit a formal request for adjournment or use the Supreme Court's e-Court platform to monitor service of summonses in real time, thereby avoiding procedural consequences arising from non-attendance that may result in the dismissal of the opposition.

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