

## **Ambiguity in APIP Supervisory Findings and the Limits of Administrative Court Jurisdiction in Indonesia**

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### **Abstract**

*This study examines the ambiguity of the phrase “APIP Supervision Results” in Article 2(2) of Supreme Court Regulation No. 4 of 2015, which has led to inconsistent judicial interpretations and legal uncertainty regarding the jurisdiction of the Administrative Court in reviewing alleged abuse of authority. While existing studies primarily address the general relationship between administrative courts and supervisory mechanisms, they have not sufficiently analyzed the plurality of APIP supervisory regimes and their implications for jurisdictional limits. Employing normative legal research with statutory, case, conceptual, and philosophical approaches, this study analyzes regulatory frameworks and divergent court decisions to identify interpretative inconsistencies. The findings reveal that APIP supervision operates within a pluralistic and fragmented regulatory structure, encompassing multiple forms beyond regular and specific-purpose supervision, thereby rendering a purely formal interpretation inadequate. This study argues that limiting the meaning of “APIP Supervision Results” to specific supervisory typologies undermines legal certainty and restricts access to judicial protection. Accordingly, it proposes a shift toward a substantive interpretative approach based on normative criteria capable of accommodating diverse supervisory practices. The novelty of this research lies in its systematic reconstruction of the concept of APIP supervision results through a substantive-normative framework that integrates the plurality of supervisory regimes with theories of authority and legal certainty. Its contribution is to provide a doctrinal basis for clarifying the limits of administrative judicial authority and to offer practical guidance for achieving consistency in judicial interpretation, thereby strengthening legal certainty and administrative justice in Indonesia.*

**Keywords:** Administrative Court; APIP Supervision Results; Authority; Legal Certainty

### **1. INTRODUCTION**

Article 21 of Law Number 30 of 2014 on Government Administration (Law 30/2014) authorizes the State Administrative Court (PTUN) to assess alleged abuses of authority by public officials,<sup>1</sup> as a legal safeguard following findings from internal government oversight conducted by the Government Internal Supervisory Apparatus (APIP), which includes bodies such as the Financial and Development Supervisory Agency (BPKP), inspectorates general, and provincial or local inspectorates.<sup>2</sup> Supreme Court Regulation Number 4 of 2015 (PERMA 4/2015) establishes the procedural framework for this assessment,<sup>3</sup> and Article 2(2) requires that PTUN may proceed only when APIP supervisory results are available. Without such

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<sup>1</sup> M. Ikbar Andi Endang, “Law Ratio and Law Implication Examination of Authority Abuse According To Law of State Administration,” *Jurnal Hukum Peratun* 3, no. 1 (2021): 71–96, <https://doi.org/10.25216/peratun.312020.71-96>.

<sup>2</sup> Leonardo Adiguna, “The Prosecutor’s Authority to Conduct a Criminal Investigation Based on The Government Administration Law,” *Administrative and Environmental Law Review* 2, no. 1 (2021): 11–20, <https://doi.org/10.25041/aer.v2i1.2214>.

<sup>3</sup> Aju Putrijanti, “The Competence of the Administrative Court and Administrative Justice,” *Fiat Justisia: Jurnal Ilmu Hukum* 14, no. 2 (2020): 97–112, <https://doi.org/10.25041/fiatjustisia.v14no2.1890>.

findings, the court lacks the procedural basis to examine allegations, thereby limiting its jurisdiction.<sup>4</sup>

Divergent interpretations of the phrase “APIP Supervision Results” in Article 2(2) PERMA 4/2015 have led to inconsistent PTUN rulings, as seen in contrasting decisions by PTUN in Surabaya and Medan, where one accepted a petition based on a Special Purpose Supervision Report while the other limited admissibility to Regular Supervision only. This lack of uniformity creates legal uncertainty regarding which forms of APIP supervision issued by bodies such as the BPKP or provincial inspectorates may serve as a valid basis for judicial review. Although earlier research by the author recommended interpreting “APIP Supervision Results” broadly to include both Regular and Special Purpose Supervision, further study revealed that APIP employs additional supervisory forms that vary across institutions.<sup>5</sup> Consequently, limiting interpretation to only two types risks reducing legal protection and creating further inconsistency. This research, therefore, aims to reassess and clarify the limitations of PTUN authority under Article 2(2) PERMA 4/2015 by more comprehensively examining the meaning of “APIP Supervision Results”.

Several previous studies have examined the authority of the Administrative Court (PTUN) to review elements of abuse of authority and its relationship with oversight by APIP. However, these studies tend to discuss this issue in general terms and do not specifically explore the various forms of APIP oversight in relation to the limitations of PTUN's authority as regulated by law. One such study was written by Syam (2023). This work primarily analyzes the legal politics underlying the Administrative Court's absolute authority and criticizes the limitations of testing authority under APIP oversight and before criminal proceedings. The strength of this study lies in its comprehensive analysis of the legal and political basis and the reasons for the expansion of the PTUN's authority. However, this study mostly analyzes the results of APIP oversight in general and does not elaborate further on the pluralism of the APIP oversight legal regime, even though this directly affects the scope and limitations of the PTUN's authority. As a result, although this study provides an important theoretical framework, it leaves a gap by failing to analyze the pluralism of APIP oversight forms.<sup>6</sup>

Furthermore, previous research by Ihfan (2024) interpreted the phrase "APIP Supervision Results" based on the type of supervision. This approach proved inadequate to capture the complexity of the regulations governing APIP supervisory authority and the plurality of APIP supervision forms. The strength of Ihfan's study lies in its attempt to interpret "APIP Supervision Results," thereby contributing to the understanding of the phrase. However, its analytical scope is limited because it interprets APIP supervision in only two forms: regular and specific objectives, whereas there are several other forms of supervision, each with different legal implications. Therefore, this study still has significant weaknesses and continues

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<sup>4</sup> Firma Novi Anggoro, “Abuse Of Authority By Civil Servants (Ratio Legis Article 36 of Government Regulation Number 94 of 2021 Concerning Civil Servant Discipline),” *Rechtsvinding* 11, no. 2 (2022): 211–28, <https://doi.org/10.33331/rechtsvinding.v11i2.936>.

<sup>5</sup> Awaludin Nur Ihfan, “Problematika Kewenangan Pengadilan Tata Usaha Negara Dalam Pengujian Unsur Penyalahgunaan Wewenang,” *Media Iuris* 7, no. 1 (2024): 69–100, <https://doi.org/10.20473/mi.v7i1.44793>.

<sup>6</sup> Fauzi Syam, Sukanto Satoto, and Helmi Helmi, “Politik Hukum Pemberian Kompetensi Absolut Peradilan Tata Usaha Negara Dalam Pengujian Penyalahgunaan Wewenang,” *Undang: Jurnal Hukum* 6, no. 1 (2023): 189–233, <https://doi.org/10.22437/ujh.6.1.189-233>.

to generate debate because it does not accommodate the plurality of APIP supervisory regimes in constructing limitations on the jurisdiction of state administrative courts. This is what differentiates this article from the previous one, which will elaborate further on the plurality of APIP supervisory regimes.<sup>7</sup>

Anggoro's (2024) study focuses on harmonizing the legal framework governing the judiciary's role in preventing the abuse of power by government officials. The strength of this study lies in its orientation toward the desired law, as it offers a normative reconstruction aimed at creating a more coherent and integrated oversight system between administrative and criminal justice mechanisms. By emphasizing the concept of *ius constituendum*, this study provides valuable insights into how the Indonesian legal system can evolve to reduce overlapping institutional authority and increase legal certainty. However, this study does not further examine the limits of the PTUN's authority, particularly regarding the phrase "APIP Supervision Results," despite ongoing debate and discourse on APIP supervision results, including those that align with administrative and criminal law. Furthermore, this study does not deeply examine the plurality of APIP supervision regimes and how these differences affect the limits of PTUN judicial competence. Therefore, the position of the researcher's article differs significantly from Anggoro's study, as it focuses more on elaborating on APIP supervision results as a provision of PTUN jurisdiction.<sup>8</sup>

Overall, previous studies have examined only the general testing of elements of abuse of authority and have not specifically addressed the ambiguity inherent in the phrase "APIP Supervision Results" or its correlation with the limits of the PTUN's authority or jurisdiction. Therefore, this research position fills an important gap by directing its analytical focus to the ambiguity and plurality of the APIP supervisory regime, an issue that previous studies have not explored in detail. The strength of this research lies in its effort to uncover the disharmony between the plurality of the supervisory regime and the construction of limitations on the PTUN's jurisdiction. This sharper and more specific analysis allows the research to provide more precise doctrinal clarification than previous works that only discuss the topic in passing. The purpose of this study is to systematically describe and analyze the ambiguity and plurality of the phrase "APIP Supervision Results" in the context of testing elements of abuse of authority. The significance of the research is to provide a dogmatic and practical contribution, demonstrating to legal practitioners that APIP supervision results take various forms and cannot be limited to a few.

## 2. METHOD

This study uses normative legal research because it can address regulatory fragmentation, disparities in court decisions, and the complexity of the APIP supervision regime. Furthermore, because the issues raised stem from differences in interpretation that can be categorized as legal ambiguity, it is clear that the most appropriate research approach is normative legal research. To address this problem, this study uses three analytical approaches. First, the statutory

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<sup>7</sup> Ihfan, "Problematika Kewenangan Pengadilan Tata Usaha Negara Dalam Pengujian Unsur Penyalahgunaan Wewenang."

<sup>8</sup> Anggoro, "Abuse Of Authority By Civil Servants (Ratio Legis Article 36 of Government Regulation Number 94 of 2021 Concerning Civil Servant Discipline)."

regulatory approach, an approach that examines all laws and regulations related to the legal issue, is used in this context to identify the plurality of regulations related to APIP supervision and its relationship to the PTUN jurisdiction. Second, the case approach, an approach used to examine the ratio decidendi used by judges to arrive at decisions, is used in this context to analyze the disparity of judges' interpretations of APIP Supervision Results. Third, the conceptual approach, an approach used to provide a new idea or concept on the issue raised, in this context, is used to develop a normative construction intended to resolve legal problems.<sup>9</sup> Fourth, the philosophical approach, an approach used to analyze existing values in light of Pancasila and the theory of legal certainty.<sup>10</sup> Legal materials were collected through literature studies and documentation of relevant legal sources. At the same time, the analytical techniques applied were descriptive, focusing on systematically analyzing and explaining existing legal issues through grammatical, systematic, and teleological interpretations.<sup>11</sup> Syllogistic analysis (legal reasoning test) was also used to analyze the accuracy of the judge's ratio decidendi.<sup>12</sup>

### 3. RESULTS AND DISCUSSION

#### 3.1 The Ambiguity of "APIP Supervision Results" as a Limitation of the PTUN's Authority in Examining Elements of Abuse of Authority

As described in the previous section, the differing interpretations of the phrase "APIP Supervision Results" among judges indicate a lack of uniformity in understanding the PTUN's authority in examining elements of abuse of authority. This phenomenon indicates a problematic legal dogma; unclearly formulated norms open the door to diverse, even contradictory, interpretations.<sup>13</sup> This section will outline the results of previous research analyses and new, previously undiscussed findings.

Based on the description of the application in Decision No. 9/P/PW/2018/PTUN.SBY, it was found that the applicant was the Inspector of Bojonegoro Regency. The object of the application for review was the State Administrative Decree (KTUN) that he had issued, namely the Decree of the Inspector of Bojonegoro Regency No. 800/13. a/201.412/2016. In essence, this decision changed the official travel expenses of the Bojonegoro Regency Inspectorate in carrying out supervision. However, in the Specific Purpose Audit Result Report issued by the BPKP of East Java Province, Number LATT-1019/PW13/5/2017 dated December 11, 2017, it was found that there was an abuse of authority, which was considered to have the potential to cause state financial losses, so that the applicant was deemed to have abused his authority. Because he felt aggrieved, the applicant then filed an application with the PTUN to examine. The panel of judges in the case stated that the court had the authority to examine the application. The panel of judges in the Decision used grammatical interpretation, which is used to

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<sup>9</sup> Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Prenada Media, 2005). 136-177

<sup>10</sup> Al Ghozali Hide Wulakada, "Philosophical Approach in Legal Research," *Journal of Public Representative and Society Provision* 5, no. 3 (2025): 545-553, <https://doi.org/10.55885/jprsp.v5i3.606>.

<sup>11</sup> Muwahid, Muwahid, "Metode Penemuan Hukum (Rechtsvinding) Oleh Hakim Dalam Upaya Mewujudkan Hukum Yang Responsif," *Al-Hukama': The Indonesian Journal of Islamic Family Law* 7, no. 1 (2017): 224-248, <https://doi.org/10.15642/al-hukama.2017.7.1.224-248>.

<sup>12</sup> Ha Thanh Nguyen, et al, "LLMs for legal reasoning: A unified framework and future perspectives," *Computer Law & Security Review* 58 (2025): 1-16, <https://doi.org/10.1016/j.clsr.2025.106165>.

<sup>13</sup> Andrias Winarno, Bambang Sugiri, and Yuliati Cholil, "Kekaburan Norma dalam Pasal 55 Undang-Undang Nomor 24 Tahun 2011 tentang Badan Penyelenggaraan Jaminan Sosial," *Media Iuris* 4, no. 3 (2021): 341-372, <https://doi.org/10.20473/mi.v4i3.29023>.

understand the legal meaning of the legal text itself.<sup>14</sup> This is because the panel of judges directly stated that the Specific Purpose Supervision Results, which were detrimental to the applicant, had fulfilled the provisions of Article 2 paragraph (2).

A thorough examination of the Surabaya Administrative Court Decision reveals that the panel of judges did not explicitly state in its legal considerations that they were interpreting the applicable norms. However, as Sudikno Mertokusumo points out, whenever a judge links concrete facts revealed in court to applicable positive legal provisions, they are essentially engaging in legal interpretation, even if this is not explicitly stated in the ruling or the considerations. This interpretation is an integral part of the legal discovery process (*rechtsvinding*), as legal norms are generally abstract and require further interpretation to be applied to the concrete circumstances at hand.<sup>15</sup> Therefore, the absence of an explicit statement regarding the method of interpretation does not necessarily negate the fact that the judge has interpreted the case.

In the Surabaya State Administrative Court ruling, the panel's decision to accept the applicant's request for judicial assessment of alleged abuse of authority, where the allegation was based on APIP findings derived from a Special Purpose Supervision, reflects a particular interpretation of the term "APIP Supervision Results" as stipulated in Article 2 paragraph (2) of PERMA 4/2015. By affirming its competence to hear the application, the court implicitly recognized that supervision conducted for specific purposes falls within the intended scope of that provision. From an analytical standpoint, the judges' reasoning may be classified as a grammatical or textual interpretation, as it relies on the ordinary linguistic understanding of the term "supervision results," which commonly encompasses special-purpose supervisory outcomes. Although the decision does not explicitly articulate the interpretive method employed, the court's acceptance of the application effectively demonstrates that APIP supervision undertaken for specific objectives is deemed sufficient to satisfy the normative requirements outlined in Article 2 paragraph (2) of PERMA 4/2015.

In contrast to the considerations of the Surabaya PTUN Decision above, in Decision No. 3/P/PW/2021/PTUN.MDN, the applicant is the Principal of SMA Negeri 8 Medan. The object of the application is the government's administrative actions in specifically the use of BOS funds for the 2017 and 2018 academic years. Based on the Specific Purpose Supervision Results of the North Sumatra Provincial Inspectorate, as stated in the Supervision Results Report in the Form of a Special Examination of Alleged Misuse of BOS Funds at SMA Negeri 8 Medan, Number: ITPROVSU. 403/R/2021 dated March 15, 2021, the applicant was declared to have abused his authority in using BOS funds. The applicant submitted a request for review to the PTUN. However, the application was deemed not to comply with Article 2 paragraph (2) because the losses experienced by the applicant were based on the Specific Purpose Supervision Results. Here, the panel of judges interpreted the phrase "APIP Supervision

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<sup>14</sup> Muhammad Pradana Putra Cinta Annata Nurhan, Rizky Sri Hapsari, Rr. Luh Sekar Nur Sukmawati, Ahmad Fadhil Haidar, Roderick Natanael, "Relevansi Fungsi Penafsiran Gramatikal Dalam Memahami Hukum," *Jurnal Ilmu Hukum, Sosial, Dan Humaniora* 2, no. 9 (2024): 273–78.

<sup>15</sup> Sudikno Mertokusumo, *Penemuan Hukum Sebuah Pengantar* (Yogyakarta: Maha Karya Pustaka, 2020). 96

Results" in the a quo article to mean only Regular Supervision, so the court was deemed not authorised to hear the application.

The legal reasoning adopted in the Medan State Administrative Court decision reveals several problematic aspects. These deficiencies can be outlined in the following discussion. To begin with, the panel of judges' interpretation lacks a sufficiently strong legal foundation. In their judicial considerations, the judges articulated the following position,

*“Considering, that in the provisions of Article 16 paragraph (3) of the Government Regulation of the Republic of Indonesia Number 12 of 2017 concerning the Development and Supervision of Regional Government Implementation, it is stipulated that the Supervision of Regional Government Implementation carried out by the Government Internal Supervisory Apparatus (APIP) is carried out at the activity stages a. preparation of regional planning and budgeting documents; b. implementation of the Development of Regional Government Implementation; c. implementation of national strategic programs in the region; d. end of the term of office of the regional head to evaluate the achievements of the regional medium-term development plan; and e. supervision for specific purposes in accordance with the provisions of laws and regulations; Considering, that based on the provisions above, it can be concluded that the Supervision carried out by the Government Internal Supervisory Apparatus (APIP) can be in the form of regular Supervision and Supervision with specific purposes.”*

Based on the legal considerations above, the panel of judges outlined the provisions of Article 16, paragraph (3) of Government Regulation Number 12 of 2017 concerning Guidance and Supervision of Regional Government Implementation (PP 12/2017). This article regulates the stages of supervision activities by APIP regarding the Implementation of the Regional Government. By referring to this provision, the panel of judges concluded that supervision carried out by APIP can be in the form of regular supervision and supervision with a specific purpose. If examined more closely, this provision explicitly does not regulate expressis verbis (firmly and clearly) that supervision carried out by APIP can be distinguished into regular supervision and supervision with a specific purpose. In fact, the word "regular" is not found at all in the formulation of this article. In the explanation of the a quo article, there is a reasonably clear statement that only provides an explanation of Article 16 paragraph (3) letter d, and even then, only provides additional explanation regarding what is meant by the Regional Medium-Term Development Plan (RPJMD).

The next legal consideration that the researcher considers problematic is as follows.

*"Considering, that because the provisions of Article 21 of Law Number 30 of 2014 concerning Government Administration are further provisions of Article 20, the Panel of Judges is of the opinion that the Court's authority as referred to in Article 21 is the Court's authority to examine and decide on applications for assessing whether or not there is abuse of authority in decisions and/or actions of government officials after the results of regular Supervision by the Government Internal Supervisory Apparatus (APIP)."*

*"Considering, that because the Applicant's interest in his application does not have a direct legal relationship with the results of the regular inspection of the Government Internal Supervisory Apparatus (APIP) but has a legal relationship with the results of the inspection of the Government Internal Supervisory Apparatus (APIP) for a specific purpose, namely to fulfill the request for assistance from the Medan District Attorney's Office for an Investigative Audit (vide evidence P-1) then based on the provisions of Article 21 of the Republic of Indonesia Law in conjunction with Article 2 of the Supreme Court Regulation Number 4 of 2015 concerning Guidelines for Proceedings in the Assessment of the Element of Abuse of Authority, the Panel of Judges is of the opinion that the Court is not authorized to examine, decide and resolve the Applicant's application."*

The panel of judges further reasoned that because Article 21 of Law 30/2014 constitutes an elaboration of Article 20, the competence of the State Administrative Court under Article 21 should be understood as being exercisable only after APIP has conducted routine supervisory activities. On this basis, the judges concluded that the PTUN may assess allegations of abuse of authority in governmental decisions and/or actions solely following the issuance of regular APIP supervision findings. From the researcher's perspective, the core flaw in the Medan PTUN ruling lies in this restrictive interpretation, which assumes that the PTUN's jurisdiction under Article 21 of Law 30/2014 is contingent upon the existence of regular supervisory results from APIP. This assumption appears to stem from the view that Article 20 of the same law confers upon APIP exclusive authority to prevent abuse of authority. However, a careful and systematic examination of Articles 20 and 21 of Law 30/2014, including their official explanations, reveals no explicit or implicit provision that confines the PTUN's authority to circumstances involving only regular APIP supervision. On the contrary, neither norm establishes a conditional relationship between judicial review by the PTUN and the form of APIP supervision, as such a restriction is introduced only at Article 2, paragraph (2), of PERMA 4/2015.

In this context, the researcher considers that the Medan State Administrative Court panel grounded its legal analysis on an improper normative framework. Consequently, the legal reasoning employed in the decision is flawed, as the legal references cited are insufficient to justify the conclusion that the term "APIP Supervision Results" should be narrowly construed as limited to outcomes of regular supervision. Furthermore, in another part of its considerations, the panel asserted that the applicant's petition lacked a direct legal nexus with the results of regular APIP supervision. In reality, however, the application was directly connected to APIP supervision conducted for a specific purpose, namely to respond to a request for an investigative audit from the Medan District Prosecutor's Office (as evidenced by Exhibit P-1). By relying on Article 21 of Law 30/2014 and Article 2 of PERMA 4/2015 to declare the court incompetent to examine, hear, and adjudicate the petition, the panel ultimately denied jurisdiction. From the researcher's standpoint, this conclusion is untenable, as it is derived from earlier premises that rest on an inaccurate legal foundation and fail to demonstrate sufficient logical coherence or relevance in supporting the judges' final determination.

Second, the interpretation does not conform to the principles of legal reasoning. From a normative perspective, Article 50 of Law Number 48 of 2009 concerning Judicial Power stipulates that every judge's decision must be accompanied by a description of the considerations and legal basis supporting the decision. The decision must also refer to statutory provisions or unwritten legal sources used as references in the judicial process. This provision emphasizes that the judge's decision must contain structured and adequate arguments. If this requirement is not met, the decision may be deemed insufficiently reasoned or classified as "Onvoldoende Gemotiveerd".<sup>16</sup> The considerations that form the basis of the decision can be sourced from norms in written regulations, accepted legal principles, previous decisions, or doctrines or opinions of legal experts. Under these provisions, a decision without sufficient argumentation is legally flawed. The term "reasons" in Article 50 also serves as the foundation for the judge to construct a decision through a series of arguments or a process of legal reasoning.

In interpreting a norm, legal reasoning is an indispensable prerequisite, as it is through this mechanism that legal reasons are constructed, rendering the interpretation rational and logically justifiable. Legal reasoning rests on a set of rules or principles that must be applied sequentially and methodically, including the formation of concepts or terms, the formulation of legal statements (propositions), and the drawing of conclusions (inferences). The results of this reasoning must then be expressed through rationally acceptable legal arguments to achieve the goals of upholding legal certainty, justice, and truth. The strength of an argument can be assessed by the validity of the premises used and the appropriateness of the structure of the conclusions drawn from them. If the premises and conclusion are consistent, the argument is considered valid. However, if the premises are true but the conclusion is erroneous, the argument is invalid. In the practice of resolving legal issues, the most common form of inference is indirect inference, as the process begins with several premises that are then formulated into a logical construct, a syllogism. Through this method, the third proposition is obtained in the form of a conclusion.

An examination of the legal reasoning in the Medan State Administrative Court decision reveals a defect in the judges' inferential process. This deficiency is evident in the inconsistency between the normative grounds relied upon and the conclusion ultimately reached. Although the panel cited Articles 20 and 21 of Law 30/2014 as the basis of its reasoning, the conclusion formulated does not accurately reflect the substance or intent of those provisions. When the structure of the judges' considerations is assessed using a syllogistic framework, weaknesses in the logical reasoning become apparent, as elaborated below. The major premise established is that the Court possesses the authority to receive, examine, and adjudicate applications concerning the existence of abuse of authority by government officials following the issuance of APIP supervision results, as stipulated in Article 21 of Law 30/2014 in conjunction with Article 2 paragraph (2) of PERMA 4/2015. The minor premise asserts that oversight of prohibitions against abuse of authority, as regulated in Articles 17 and 18, is

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<sup>16</sup> Aditya Yuli Sulistyawan dan Aldio Fahrezi Permana Atmaja, "Arti Penting Legal Reasoning Hakim Dalam Pengambilan Putusan Perkara Di Pengadilan Untuk Menghindari 'Onvoldoende Gemotiveerd,'" *Jurnal Ius Constituendum* 6, no. 2 (2021): 482–96, <https://doi.org/10.26623/jic.v6i2.4232>.

conducted by the Government Internal Supervisory Apparatus, pursuant to Article 20 of Law 30/2014. However, from these premises, the panel concluded that the Court's authority to conduct such examinations arises only after the results of regular APIP supervision. This conclusion does not logically follow from the premises and reveals a flaw in the judges' reasoning.

From the syllogism construction described previously, it is clear that there is a logical inconsistency between the premises used and the conclusion drawn by the panel of judges. Neither the major nor the minor premise explicitly or implicitly contains a reference to "results of regular APIP supervision" as a normative category that determines the PTUN's authority. However, this term appears in the conclusion as the basis for assessing the court's authority. This indicates that the resulting conclusion does not have an adequate causal relationship with the minor premise, considering that the minor premise merely emphasizes the position and function of the APIP as an apparatus that carries out supervision over the prohibition of abuse of authority by government officials, without providing any limitations regarding the type, form, or classification of the supervision carried out. On the other hand, the central premise used as a reference also does not contain a norm requiring that the PTUN's authority to conduct a review can only arise after the results of APIP supervision in a specific form. However, it generally emphasizes only the attribution of the PTUN's authority to assess whether there is an element of abuse of authority. Thus, the insertion of the concept of "regular supervision" in the conclusion does not have a strong argumentative basis in the structure of the syllogism, thus giving rise to a logical leap that has the potential to weaken the validity of the legal reasoning used and reflects an inconsistency in the process of concluding.

Referring to the previous explanation, it can be emphasized that the legal interpretation adopted by the panel of judges in the Medan PTUN Decision, which limits the PTUN's authority to assess abuse of authority only after the results of regular APIP supervision, lacks a proper legal basis. This inaccuracy is rooted in errors in the legal reasoning process applied by the panel of judges. Furthermore, the argumentation pattern in the decision indicates a logical fallacy, particularly a fallacy of relevance (*ignoratio elenchi*), because the conclusions drawn have no direct connection to the premises used. Rationally, the conclusions constructed in the panel of judges' argumentation do not flow logically from the available premises, resulting in an unfounded leap of reasoning between premises and conclusions that do not correlate.

Third, the interpretative approach adopted is inconsistent with the philosophical and sociological foundations underlying the mechanism for assessing abuse of authority. Prior to the enactment of Law 30/2014 on Government Administration and the issuance of PERMA 4/2015, the Indonesian legal framework lacked sufficient normative instruments to safeguard government officials in the exercise of their powers, particularly in situations involving discretionary actions that often occupy a legally ambiguous space. In the absence of such an administrative review mechanism, actions that were essentially administrative in character were frequently and prematurely subjected to criminal proceedings, without an initial evaluation to determine whether they actually constituted an abuse of authority. In practice, law enforcement agencies have tended to favor punitive criminal measures, even when the underlying issues are more appropriately addressed in administrative or civil law. This

enforcement pattern not only disregards the administrative law origins of the concept of abuse of authority, but also creates a substantial risk of criminalizing policy decisions and discretionary acts undertaken by government officials. Accordingly, the mechanism for testing elements of abuse of authority was fundamentally intended to address this imbalance by positioning administrative law as a preliminary screening process, with criminal law functioning only as a last resort (*ultimum remedium*). Interpretations that unduly restrict access to this mechanism, therefore, run counter to its original purpose, as they risk reinstating a legal approach that places criminal law as the primary instrument (*primum remedium*) in evaluating governmental actions.

Moreover, an analysis of the legislative deliberation records surrounding the Government Administration Bill reveals two principal rationales for the expansion of the State Administrative Court's jurisdiction to evaluate allegations of abuse of authority, as embodied in Article 21 of Law 30/2014. First, the expansion of this judicial competence was intended to address an existing regulatory vacuum, thereby providing normative protection for decisions and/or actions taken by governmental bodies and officials. Through this framework, the provision seeks to prevent the misuse of authority and to create a legal environment that enables public institutions and officials to exercise innovation in governance without the constant risk of unjust criminal prosecution.<sup>17</sup>

Furthermore, the expansion of authority is intended to ensure legal certainty and establish early prevention mechanisms against potential abuse of authority in the decision-making process and the implementation of actions (including the use of discretion) by government officials. This orientation is aimed at strengthening the principles of bureaucratic reform so that governance practices can be conducted transparently, free from corrupt, collusive, and nepotistic tendencies, and deliver effective, high-quality public services. The paradigm that Law 30/2014 aims to construct reflects a commitment to fulfilling human rights while affirming the position of government officials as legal subjects with equal standing with citizens.<sup>18</sup>

Essentially, the mechanism for examining allegations of abuse of authority is formulated to ensure legal safeguards for government officials, particularly to shield administrative decisions and actions from premature or unwarranted criminal liability. Such protection is implemented through procedural avenues that permit officials to seek judicial review of the legality of their conduct. This framework also embodies the principle of *presumptio iustae causa*, under which every administrative act or decision is presumed lawful unless and until it is declared otherwise by a competent judicial or administrative authority. Furthermore, the mechanism serves to uphold the principle of equality before the law among public officials, thereby promoting fairness within governmental administration. In light of these considerations, it may be firmly concluded that the interpretation adopted by the panel of judges in Medan PTUN Decision No. 3/P/PW/2021/PTUN.MDN, restricting the meaning of "APIP supervision results" in Article 2 paragraph (2) of PERMA 4/2015 solely to outcomes of regular supervision, is flawed. This

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<sup>17</sup> Endang, "Law Ratio and Law Implication Examination of Authority Abuse According To Law of State Administration."

<sup>18</sup> Sri Warjiyati Helga Nurmila, Moh. Bagus, "Polemik Pemberlakuan UU No. 30 Tahun 2014 Tentang Administrasi Pemerintahan Dalam Antologi Peraturan Perundang-Undangan Hukum Tata Usaha Negara," *Sosio Yustisia: Jurnal Hukum Dan Perubahan Sosial*, 1, no. 2 (2021): 1–21, <https://doi.org/10.15642/sosyus.v1i2.108>.

interpretation lacks a sound legal foundation, departs from proper standards of legal reasoning, and runs counter to the fundamental objective of the abuse-of-authority review mechanism: to provide legal protection for public officials so they are not readily accused of abusing authority or subjected to unjust criminalization.

Restricting the jurisdiction of the State Administrative Court solely to routine APIP supervision outcomes produces significant legal consequences, particularly for government officials or state administrators who suffer legal harm as a result of special-purpose APIP supervision. Under such a narrow interpretation, these officials are effectively deprived of the opportunity to request a judicial assessment of alleged abuse of authority. This is problematic, given that special-purpose supervision is typically conducted precisely in situations involving allegations of misuse of authority, indications of state or regional financial losses, or suspected corruption offenses. Consequently, the application of this restrictive interpretation by judges should be avoided, as it fosters legal uncertainty in judicial proceedings and further complicates the mechanism for reviewing abuse of authority. To uphold the principle of equality before the law, Article 2 paragraph (2) of PERMA 4/2015 should be construed inclusively, encompassing the results of both regular and special-purpose APIP supervision. Such an interpretation guarantees that all government officials who consider themselves adversely affected by either form of supervision are afforded the same legal opportunity to seek judicial review of alleged abuse of authority.

A subsequent re-evaluation revealed an additional fact that had not been addressed in earlier studies. The applicant in the Medan State Administrative Court case, Jongor Ranto Panjaitan, the principal of SMAN 8 Medan, was later legally proven to have committed a corruption offense resulting in losses to state finances, as stipulated under Article 2 paragraph (1) in conjunction with Article 18 of Law Number 31 of 1999, as amended by Law Number 20 of 2001 on the Eradication of Corruption Crimes. This criminal case was adjudicated by the Medan District Court, with the verdict rendered on June 13, 2022. Information regarding this conviction was obtained from various online media sources, as the relevant court decision has not yet been published in the Supreme Court's official Decision Directory. When this criminal ruling is placed within the chronological context of the Medan PTUN proceedings, where the administrative application was filed on May 5, 2021, and the decision issued on June 3, 2021, it introduces a new dimension for interpreting the panel's reasoning, particularly its restrictive interpretation that confined "APIP Supervision Results" solely to outcomes of regular supervision.

Referring to the legal hermeneutics study presented by Jazim Hamidi, legal interpretation must be conducted holistically in the relationship between text, context, and contextualization.<sup>19</sup> In earlier studies, the researcher's analysis was largely confined to the textual dimension, namely the legal reasoning articulated in the Medan State Administrative Court decision. When the contextual and contextualizing dimensions are taken into account, several critical questions emerge. For instance, did the judges' restrictive interpretation, limiting APIP supervision results solely to regular supervision, stem from their belief that the applicant had, in fact,

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<sup>19</sup> Jazim Hamidi, *Hermeneutika Hukum: Sejarah, Filsafat, & Metode Tafsir* (Malang: UB Press, 2011). 45.

committed an abuse of authority, causing state financial losses? Moreover, did the panel assume that criminal proceedings against the applicant were already underway when the petition was filed? A comprehensive reading of the decision, however, reveals no indication that a criminal process had commenced at that stage. Furthermore, if the judges were indeed convinced that the applicant had abused authority, resulting in state losses, it is reasonable to question why the application was not dismissed outright. Article 17 letter (c) of PERMA 4/2015 explicitly provides that an application should be rejected where elements of abuse of authority are found in the actions or decisions of a government official. Such an outcome would have contributed significantly to judicial practice, particularly given that, to date, there has been no State Administrative Court ruling that expressly affirms the existence of abuse of authority in the decisions and/or actions of government officials.

When viewed through the lens of the *ius curiae novit* principle, as affirmed in Article 10 paragraph (1) of Law Number 48 of 2009 on Judicial Power, which prohibits judges from refusing to adjudicate a case on the basis that applicable law is absent, questions arise regarding the interpretive approach adopted by the Medan PTUN panel.<sup>20</sup> The judges' reasoning appears to employ an *a contrario* construction that effectively reverses this principle, suggesting that a case may be dismissed precisely because a legal provision is deemed to exist. This approach is reflected in the panel's reliance on Article 16, paragraph (3), of Government Regulation 12/2017 as an interpretive basis, despite the provision not substantively supporting the conclusion reached. To date, no norm explicitly categorizes limited or special-purpose supervision as regular supervision. Notwithstanding the subsequent discovery of additional facts, the interpretation adopted in the Medan PTUN ruling remains binding. Under the doctrine of *res judicata pro veritate habetur*, judicial decisions must be regarded as correct and authoritative, as they carry a coercive legal force.<sup>21</sup> Consequently, it can be concluded that Article 2, paragraph (2) of PERMA 4/2015 continues to suffer from a lack of legal clarity.

In addition to the differences in interpretation in the two decisions described previously, another decision accepts a request for judicial review, declaring that the applicant abused authority based on APIP supervision results other than in the regular form, and for certain purposes. In Decision No. 2/P/PW/2017/PTUN.JBI, the applicant is the Head of the Food Crops, Horticulture, and Food Security Service of Tebo Regency, Jambi Province. The object of the judicial review request is the KTUN in the form of Addendum I to the Agreement Letter for Additional Contract Time to Implement the Sungai Abang Reservoir Construction Work Package, VII Koto District, Tebo Regency No: 521/263/SP/IV/DPT/2015 and Service Note No: 521.21/247/IV/DPT/2016 Regarding the Request for Inspection of Reservoir Construction in Sungai Abang Village for the 2015 Fiscal Year. The decision essentially extends the contract for the construction of the river reservoir. The results of the APIP supervision in this application were issued by the Tebo District Inspectorate in the form of a Special Inspection Results Report No. 700/69/B.1/ITKAB/2016, dated May 16, 2016. The panel of judges connected this fact

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<sup>20</sup> Arie Purnomosidi Aris Setyo Nugroho, Danang Catur Wahyu Wijayanto, "Menguji Asas *Ius Curia Novit*, Ruang Lingkup Dan Batasan," *Jurnal Cakrawala Ilmiah* 3, no. 6 (2024): 2125–34.

<sup>21</sup> Fathorrahman Fathor and Aan Eko Widiarto, "Rethinking 'Res Judicata Pro Veritate Habetur' in Indonesian Judiciary," *Indonesian Journal of Law and Economics Review* 19, no. 1 (2024): 7, <https://doi.org/10.21070/ijler.v19i1.995>.

with Article 1, number 18, in conjunction with Article 21, paragraph (1) of Law 30/2014, and believed that the court had the authority to test it.

Based on the description of the Jambi PTUN Decision, it is clear that the applicant was found to have abused his authority based on the results of APIP supervision in a special form, which is a different form from the two previously described supervision forms. Here, the panel of judges still accepted the application. It can be said that the panel of judges used a grammatical interpretation, the same as in the Surabaya PTUN Decision, namely directly stating that the Special Examination Results had fulfilled the formulation of Article 2 paragraph (2). This also proves that, even though the losses experienced by a government official are based on the results of APIP supervision, other than in the two forms, it does not rule out the possibility that the government official can still exercise his right to conduct a test.

From the explanation of the several decisions above, it is concluded that the losses suffered by the applicants are based on various forms of supervision and are not limited to regular forms or specific objectives. Other forms of APIP supervision are also detrimental and indicate that the applicants have abused their authority. This shows that the phrase "APIP Supervision Results" cannot be limited to only these two forms. The following presents a comparative table of the three PTUN decisions to clarify the disparities.

**Table 1.** Comparison of Three Decisions Interpreting the "APIP Supervision Results".

<b>Decision Number</b>	<b>2/P/PW/2017/PTU N. JBI</b>		<b>9/P/PW/2018/PTU N.SBY</b>	<b>3/P/PW/2021/PTUN. MDN</b>	
APIP Institution	Tebo	Regency Inspectorate	BPKP Representative Office for East Java Province	North	Sumatra Provincial Inspectorate
Forms of Supervision	Special Audit Report		Specific Purpose Audit Results	Report on Specific Purpose Results	Specific Purpose Monitoring Results
Judgment	Accepting Applicants' Requests		Accepting Applicants' Requests	Rejecting	the Applicant's Request
Judicial Interpretation Results	Results of "Special" Supervision		Results of "Specific Purpose" Supervision	Results of "Regular" Supervision	
Typology of Interpretation	Extensive Interpretation		Grammatical Interpretation	Restrictive Interpretation	

*Source: Primary Legal Materials, 2026 (Edited)*

From a regulatory standpoint, the Government Internal Supervisory Apparatus (APIP) was initially established under Government Regulation Number 60 of 2008 concerning the

Government Internal Control System (SPIP), which was enacted as an implementing regulation of Law Number 1 of 2004 on the State Treasury. This regulation primarily governs the internal control framework designed to ensure the effective functioning of governmental institutions. One of the key mechanisms for enhancing the reliability and effectiveness of SPIP is the implementation of internal oversight over the execution of governmental duties and functions, including accountability in state financial management.<sup>22</sup> Article 48 of PP 60/2008 stipulates that internal supervision is conducted by four APIP institutions: the Financial and Development Supervisory Agency (BPKP), the Inspectorate General, the Provincial Inspectorate, and the Regency or City Inspectorate, each operating within its respective authority.<sup>23</sup> Furthermore, Article 50 of the regulation specifies the forms of supervision undertaken by APIP, which encompass performance reviews or audits and audits conducted for specific purposes. Accordingly, PP 60/2008 formally recognizes two distinct categories of internal supervision.

In addition to being regulated under the internal control framework, the supervisory functions of the Government Internal Supervisory Apparatus (APIP) are also governed by Law Number 23 of 2014 on Regional Government. Article 379 of this law mandates the governor, in their capacity as head of the provincial administration, to provide guidance and oversight over provincial governmental bodies, with such duties operationally supported by the provincial inspectorate. As a follow-up to this statutory mandate, Government Regulation Number 12 of 2017 on the Guidance and Supervision of Regional Government Administration was promulgated. This regulation introduces and affirms another form of APIP oversight: the supervision of regional government administration, intended to ensure that the execution of governmental functions within the scope of regional authority is conducted in an efficient, effective, and lawful manner in accordance with prevailing statutory provisions.

The supervisory mandate of the Government Internal Supervisory Apparatus (APIP) is further reinforced within the framework of Law Number 30 of 2014 on Government Administration. Under Article 20 of this statute, APIP is expressly authorized to oversee compliance with the prohibition against abuse of authority. In exercising this mandate, APIP is empowered to assess whether decisions and/or administrative actions taken by public officials constitute an abuse of authority, based on the supervisory activities conducted by APIP.<sup>24</sup> The conclusions of such supervision are formally documented in a Supervision Result Report, which may indicate one of three outcomes: the absence of any error, an administrative error, or an administrative error resulting in losses to state finances. Accordingly, Law 30/2014 explicitly recognizes supervision related to the prohibition of abuse of authority as a distinct component of APIP's supervisory functions.

Based on the description of APIP supervisory authority as regulated in the three legal regimes and their derivative regulations above, it can be seen that each legal regime carries a different

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<sup>22</sup> Kurniawan Permana and Chindy Chresna Agung Bujana, "Examining the Efforts of Government Internal Supervisory Apparatus (APIP) in Enhancing Bureaucratic Reform, Organizational Integrity, and Risk Management: An Efficiency Analysis," *Integritas : Jurnal Antikorupsi* 10, no. 1 (2024): 107–22, <https://doi.org/10.32697/integritas.v10i1.1144>.

<sup>23</sup> Putri Nurmala Sari Siahaan, "Elements Testings Distortion of the Abuse of Authority Based on the Government Administration Law and Corruption Crime," *Corruptio* 2, no. 1 (2021): 45–60, <https://doi.org/10.25041/corruptio.v2i1.2246>.

<sup>24</sup> Julman Hente, "Kewenangan Pengadilan Tata Usaha Negara Dalam Menguji Unsur Penyalahgunaan Wewenang Pejabat Negara," *Jurnal Tana Mana* 4, no. 3 (2024): 430–40, <https://doi.org/10.33648/jtm.v5i3.509>.

concept of supervision and APIP supervision is divided into four (4) forms, namely performance audit supervision, supervision of specific objectives, supervision of regional government administration, and supervision of the prohibition of abuse of authority. After further research, it was found that each APIP has additional forms of supervision beyond the three legal regimes. The following explains other forms of APIP supervision based on the institutions and regulations of each.

Within the institutional framework of the BPKP, supervisory powers are further elaborated under Presidential Regulation Number 20 of 2023, which amends Presidential Regulation Number 192 of 2014 concerning the BPKP. Article 3, letter (e), of this regulation identifies two distinct supervisory mechanisms: investigative audits, conducted when there are indications of irregularities causing losses to state or regional finances, and examinations aimed at determining the amount of state or regional financial losses. These supervisory modalities are not encompassed within the general categories of supervision previously outlined. Both investigative audits and loss-calculation examinations are specifically employed in situations involving alleged abuse of authority that results in state financial losses or where there are indications of corruption offenses.<sup>25</sup> This regulatory framework demonstrates that BPKP possesses specialized supervisory instruments designed to assess suspected misuse of authority, particularly in cases with potential financial implications for the state.

In addition to the BPKP, other APIPs, such as inspectorates, also have different forms of supervision. Based on findings from the investigation, several Provincial Inspectorates have forms of supervision beyond those regulated in the three legal regimes previously explained. The Central Java Provincial Inspectorate has Investigative Supervision. The South Kalimantan Provincial Inspectorate has a Special Supervision mechanism, which is also used in cases of abuse of authority or indications of state financial losses. This proves that several provincial inspectorates have their own forms of supervision. The data in this study are limited to provincial inspectorates; other inspectorates, such as inspectorates general and district/city inspectorates, have not been studied. Both inspectorates also have the potential to have different forms of supervision. This also shows that the results of previous studies are less able to accommodate these differences, because there are still other forms of supervision besides the two.

If the interpretation of the APIP Supervision Results is limited to these two forms, it will result in PTUN judges focusing only on formal law, thereby emphasizing the Regular and Specific Purpose forms (formats). According to Peter Mahmud Marzuki, legal sources in the formal sense are those contained in textual formulations, such as official documents.<sup>26</sup> If judges focus more on formal law, it is feared that they will ignore material law, namely the substance or content of the supervision results themselves, which state that government officials have abused their authority. This is certainly not in line with the spirit of establishing a testing mechanism because the orientation of PTUN judges should provide legal protection for officials who are found to have abused their authority. Therefore, a new formulation is needed

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<sup>25</sup> Syam, Satoto, and Helmi, "Politik Hukum Pemberian Kompetensi Absolut Peradilan Tata Usaha Negara Dalam Pengujian Penyalahgunaan Wewenang."

<sup>26</sup> Peter Mahmud Marzuki, *Pengantar Ilmu Hukum* (Jakarta: Kencana, 2021). 304 - 305.

for the phrase "APIP Supervision Results" that can accommodate the differences in the form of supervision in each APIP.

### **3.2 The Ambiguity of "APIP Supervision Results" Reviewed from the Perspective of the Theory of Authority and Legal Certainty**

The Preamble to the 1945 Constitution positions Pancasila as Indonesia's grundnorm,<sup>27</sup> providing the nation's fundamental philosophical and normative foundation through a coherent hierarchy of principles in which belief in the One God grounds the system and social justice represents its ultimate aim.<sup>28</sup> As a result, Indonesia's constitutional identity establishes it as a Pancasila-based legal state,<sup>29</sup> distinct from Western models of rechtsstaat or rule of law, by integrating legal certainty and rights protection with the values of justice, morality, and social welfare. Within this framework, all actions and policies of state institutions and citizens must adhere to the principle of legality,<sup>30</sup> enabling law to function not merely as a mechanism of control but as an instrument for realizing the constitutional ideals of justice, order, and the common good.

The principle of legality, which requires that every action of a state organ or institution must be grounded in law, is closely connected to the concept of authority in public administration. Under this principle, all state activities must not only be carried out by authorized bodies but must also be supported by a clear and explicit legal basis in statutory regulations.<sup>31</sup> The legality principle thus serves as the cornerstone of state governance, ensuring that authority is exercised lawfully (*rechtmatig*), is accountable, and is not arbitrary. Under this principle, the law serves as a limiting framework that defines the scope, procedures, and objectives of authority, ensuring that the actions of state officials remain aligned with constitutional values and the rule of law.

In relation to the legal issues under discussion, the authority of the PTUN to assess elements of abuse of authority is firmly rooted in positive law, namely Law 30/2014 concerning Government Administration, in conjunction with PERMA 4/2015.<sup>32</sup> On this basis, when the PTUN conducts an examination or assessment of alleged abuse of authority, such actions constitute a legitimate exercise of judicial authority. Viewed from the perspective of the theory of sources of authority, the PTUN's competence in this matter is attributive in nature, as it is directly conferred by statutory provisions. This distinguishes it clearly from delegated or mandated authority, where powers are transferred from one institution to another. In this case, there is no transfer of authority; instead, the legislature itself establishes and defines the

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<sup>27</sup> Triwanto and Esti Aryani, "The Urgency of Granting Authority to Assess Corruption Justice Collaborators," *Bestuur* 8, no. 1 (2020): 60–69, <https://doi.org/10.20961/bestuur.v8i1.42720>.

<sup>28</sup> Bambang Setyawan, "The Existence of Public Information Commission Related to Public Information Disclosure Principles in Improving Public Services," *Yuridika* 36, no. 3 (2021): 545–48, <https://doi.org/10.20473/ydk.v36i3.30382>.

<sup>29</sup> Riana Susmayanti, "Konsep Tanggung Jawab Sosial Dalam Peraturan Perundang-Undangan Di Indonesia," *Arena Hukum* 7, no. 3 (2014): 303–471.

<sup>30</sup> Nur Hidayat and Desi Apriani, "Koherensi Sistem Hukum Pancasila Dengan Metode Penalaran Ideologi Pancasila," *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 12, no. 1 (2021): 143–60, <https://doi.org/10.22212/jnh.v12i1.1985>.

<sup>31</sup> Dyah Ayu and Vijaya Laksmi, "Study of Authority from a Civil Law Perspective," *Sinomics Journal* 4, no. 2 (2025): 259–68, <https://doi.org/10.54443/sj.v4i2.497>.

<sup>32</sup> Aju Putrijanti and Lapon Tukan Leonard, "The Competence of Administrative Court To Examine the Abuse of Power," *Jurnal IUS Kajian Hukum Dan Keadilan* 7, no. 1 (2019): 107–27, <https://doi.org/10.29303/ius.v7i1.605>.

PTUN's competence, thereby reinforcing legal certainty and the legitimacy of judicial review in the field of administrative law.<sup>33</sup>

Authority occupies a central position as the basis for formal legality, namely, to assess the legitimacy of a government action based on its form and procedure. The principle of *Presumptio Iustae Causae* is born from the concept of formal legality, which means that every government action is considered valid until proven otherwise. This concept is in line with the judicial review mechanism, where the administrative actions of government officials are considered valid and do not abuse authority until the PTUN declares otherwise. On the other hand, there is material legality that focuses on the purpose behind the granting of authority. This purpose must be in accordance with the intent and function stipulated by law. In the administrative law literature, this principle is known as the Principle of Specificity (*specialiteit beginsel*),<sup>34</sup> which emphasizes that authority can be exercised only for specific purposes and within the limits expressly stipulated by law.

Maarseveen emphasizes that the exercise of authority cannot be unlimited. According to his framework, authority is built upon three essential components.<sup>35</sup> The first is the element of influence, which reflects that authority is fundamentally intended to shape, guide, or regulate the conduct of legal subjects. In this context, the PTUN's competence to conduct reviews has a tangible impact on both the judges who adjudicate cases and government officials who submit applications, thereby positioning the court to influence and direct the behavior of the relevant legal actors. The second component is the existence of a legal foundation, which requires that every act of authority be supported by legitimate and valid legal norms. Consistent with the theory of attributive authority, the PTUN's power to conduct such reviews derives directly from statutory and regulatory provisions, particularly those established through Supreme Court regulations. The third component concerns conformity or limitation, meaning that authority must operate within clearly defined boundaries and adhere to established legal standards. Although the PTUN's authority to examine cases is formally limited, the way these limits are currently formulated has led to divergent interpretations, creating ambiguity and undermining legal certainty in their application.

In a Pancasila-based legal state, the principle of legality is fundamentally tied to legal certainty, which is essential for achieving justice and preventing arbitrary state action. This mandate is reinforced by Article 28D(1) of the 1945 Constitution, guaranteeing every person recognition, protection, and fair legal certainty. As a result, legal certainty serves as a guiding norm that ensures clarity, predictability, and consistency in the application of law, thereby upholding the law's legitimacy and safeguarding society from unequal treatment and abuse of power. However, this ideal of legal certainty is challenged in the context of the State Administrative Court's authority to examine elements of abuse of authority, particularly as regulated in Article 2 paragraph (2) of PERMA 4/2015.

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<sup>33</sup> Sri Nurhari Susanto, "Metode Perolehan Dan Batas-Batas Wewenang Pemerintahan," *Administrative Law & Governance Journal* 3, no. 3 (2020): 430–41, <https://doi.org/10.14710/alj.v3i3.430%20-%2020441>.

<sup>34</sup> Sri Nurhari Susanto, "Komponen, Konsep Dan Pendekatan Hukum Administrasi Negara," *Administrative Law & Governance Journal*, 4, no. 1 (2021): 144–57, <https://doi.org/10.14710/alj.v4i1.144%20-%2020157>.

<sup>35</sup> Victor Imanuel W. Nalle, *Konsep Uji Materil* (Malang: Setara Press, 2013). 12

The phrase “results of APIP supervision” has generated interpretive ambiguity, leading in divergent judicial practices and uncertainty about the scope of the PTUN’s competence. Such ambiguity obscures the boundaries of judicial authority and undermines the principle encapsulated in the maxim *Ubi Jus Incertum, Ibi Jus Nullum*, which underscores that the absence of legal certainty negates the existence of law itself.<sup>36</sup> While the law is fundamentally intended to create order and balance between certainty and justice, unclear legal formulations hinder legal subjects from aligning their conduct with applicable norms and weaken mechanisms for controlling state power. From a philosophical standpoint, this condition indicates that the current regulation governing the limits of the PTUN’s authority to assess abuse of authority has not yet fully reflected the legal ideals and foundational values of justice embedded in the philosophy of the Indonesian nation.

According to Jan Michiel Otto, legal certainty is not only the primary goal of the legal system but also a crucial strategic pillar in the development process in developing countries. In his theory of Real Legal Certainty, Otto argues that legal certainty has certain requirements.<sup>37</sup> a) Legal certainty requires that legal rules be formulated clearly, unambiguously, consistently, and easily accessible to the public. These rules must originate from legitimate state authorities and reflect three key characteristics: clarity, consistency, and accessibility of information. b) Government agencies or competent authorities must consistently implement these legal regulations and demonstrate compliance. c) The majority of citizens must know and accept the contents of these regulations so that their behavior is compliant and in line with the provisions in force. d) The judicial role must be carried out by judges who are independent, impartial, and able to apply the law consistently in resolving cases. e) Judicial decisions can be implemented concretely.

If the ambiguity surrounding the phrase “APIP Supervision Results” in Article 2 paragraph (2) of PERMA 4/2015 is examined through Jan Michiel Otto’s concept of Real Legal Certainty, it becomes evident that the provision fails to satisfy the essential elements of legal certainty. First, Otto’s requirement that legal norms must be clear, unambiguous, consistent, and accessible is not met, because the regulation provides no definitive formulation of what constitutes APIP supervision results, nor does it specify which types of oversight fall within its scope. This ambiguity also intersects with the doctrine of authority attribution, which requires that the powers conferred upon PTUN be expressly granted and delineated by statute. When the meaning of “APIP Supervision Results” is left vague, the scope of PTUN’s authority becomes uncertain, creating the risk that the judiciary assumes authority beyond what is explicitly granted (*ultra vires*), contrary to administrative law principles.

Second, Otto emphasizes that competent authorities must apply rules consistently. However, PTUN decisions have interpreted the same phrase differently, ranging from specific-purpose supervision (PTUN Surabaya) to regular supervision (PTUN Medan) and special supervision (PTUN Jambi). Such inconsistency demonstrates a systemic failure to meet the second and

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<sup>36</sup> Baharuddin Riqiy and Muhammad Ahsanul Huda, “Interpreting Article 22(2) of the 1945 Constitution of the Republic of Indonesia Post Constitutional Court Decision 54/PUU-XXI/2023,” *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 4, no. 1 (2024): 24–37, <https://doi.org/10.15294/ipmhi.v4i1.76687>.

<sup>37</sup> Jan Michiel Otto, *Kepastian Hukum Di Negara Berkembang* (Jakarta: Komisi Hukum Nasional Republik Indonesia, 2003). 122-123.

fourth components of Otto's framework, as judicial application becomes unpredictable and varies across jurisdictions.

Third, the theory requires that citizens, here government officials, be subjected to oversight, know and understand applicable regulations. However, the coexistence of multiple APIP supervisory frameworks (e.g., BPKP's oversight structure, regional inspectorate guidelines, and sector-specific supervisory models) makes it impossible for officials to anticipate which type of APIP supervision qualifies as a lawful basis for PTUN review. Without clear statutory or regulatory criteria, individuals cannot align their behavior with the law, violating Otto's third requirement.

Finally, the enforceability of judicial decisions, although possible in practice, becomes problematic because future cases will face conflicting precedents arising from the ambiguous standard. This undermines the fifth requirement of Otto's theory, that judicial decisions must resolve disputes in a manner that reinforces predictability rather than producing new uncertainty. Therefore, a clear normative definition and set of criteria for "APIP Supervision Results" is essential, not merely to guide APIP institutions themselves, but to safeguard the boundaries of PTUN's attributed authority and to ensure the coherent, uniform application of the law. Without such clarification, the provision remains incompatible with the fundamental elements of legal certainty as articulated by Jan Michiel Otto.

Beyond the problem of unclear norms, several studies have also identified practical difficulties in the exercise of the PTUN's competence to examine allegations of abuse of authority. Research conducted by Dewi Cahyandari and Shinta Hadiyantina indicates that a significant number of government officials do not exercise their right to file an application for such an examination, primarily due to insufficient dissemination of information and a lack of understanding of the available procedural mechanisms.<sup>38</sup> In addition, earlier studies have noted that the restriction on PTUN's authority, as regulated in Article 2, paragraph (1), of PERMA 4/2015, creates further legal complications, particularly in situations where applications are declared inadmissible because a criminal process is already underway. Drawing from these findings, at least two core issues can be identified. First, there remains a low level of awareness among government officials concerning the mechanism for testing elements of abuse of authority. Second, the narrow scope of judicial review under Article 2, paragraph (1), leads to frequent dismissals of applications. Moreover, when these conditions are combined with divergent interpretations and regulatory inconsistencies concerning APIP supervision results, there is a serious concern that the right to seek judicial assessment of alleged abuse of authority may become ineffective in practice. This risk arises from the increasingly complex legal framework and the lack of clarity within the governing regulations themselves.

The potential for legal protection provided through the review mechanism is enormous. However, if the PTUN's authority in this review continues to be narrowed, the right to conduct it will be lost. Thus, the disparity in the interpretation and regulation of the APIP Supervision

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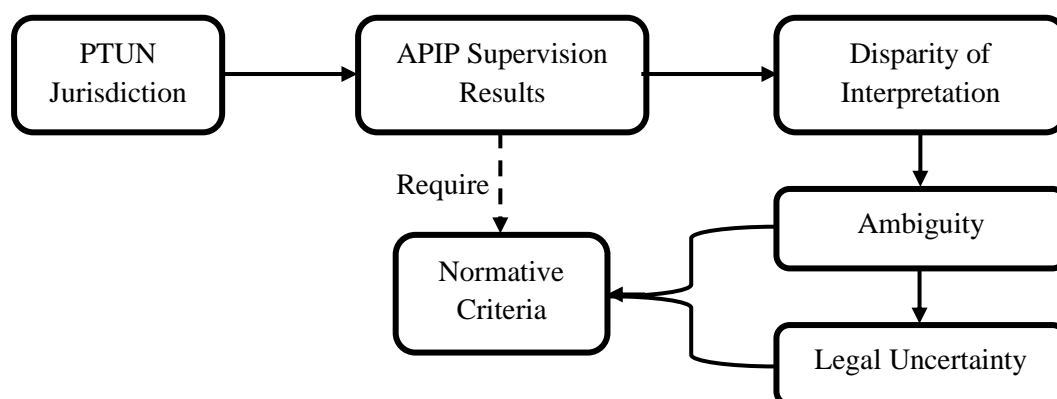
<sup>38</sup> Dewi Cahyandari and Shinta Hadiyantina, "Model Sosialisasi Pengujian Penyalahgunaan Wewenang Dalam Mewujudkan Good Governance Di Kota Malang," *Jurnal Supremasi* 12, no. 1 (2022): 59–72, <https://doi.org/10.35457/supremasi.v12i1.1756>.

Results mentioned above does not meet the public's needs and demands, especially those of government officials. The hope is that government officials can exercise their rights when deemed to have abused their authority. However, in practice, this is complicated by the regulations themselves. Therefore, to provide a normative formulation that can address the complexity of existing problems, a new formulation for the phrase "APIP Supervision Results" is necessary. The goal is to provide legal protection with legal certainty.

Based on the previous discussion, there are two main points to be noted. First, there are differences in opinion and interpretation among judges in several decisions regarding the phrase "APIP Supervision Results" in Article 2 paragraph (2) of PERMA Number 4 of 2015. Second, there is no unification regarding the form of APIP supervision, so there is a potential for government officials to be declared to have abused their authority based on APIP supervision results other than in regular forms and for specific purposes. These two points prove that there is legal ambiguity in the provisions of Article 2 paragraph (2) of PERMA Number 4 of 2015 and the lack of legal certainty because there is no clear measure of what constitutes "APIP Supervision Results" that can fulfill the formulation of the article in question, so that if a government official is declared to have abused their authority based on a certain form of supervision, there is no guarantee that the official can file a review with the State Administrative Court or not.

Researchers conceptually propose that APIP supervision results should no longer be interpreted based on the form of supervision. Instead, this interpretation is presented in the criteria. The provisions of an article must include mandatory criteria, one of which must be stated clearly and firmly so that they can be implemented without creating legal ambiguity. This criterion provision is also in line with the Principle of Specialization and Maarseveen's theory, which states that there must be clear limits to authority to prevent abuse and disagreement in its use. The purpose of establishing criteria in the form of measurements in this phrase is to facilitate PTUN judges in assessing the limits of the court's authority in reviewing. Therefore, when receiving a request, judges need only analyze the legal facts and apply the established criteria. The framework or conceptual scheme for the proposed idea is as follows:

**Figure 1: Conceptual Framework**



The proposed criteria will serve as a basis for state administrative court judges to refer to during testing. The goal is to eliminate paradigm differences and disparities in interpreting these provisions, particularly the phrase "APIP Supervision Results." The criteria related to APIP Supervision Results will not be elaborated in this study because they intersect with several provisions that cannot be incorporated into a single proposition. Instead, there are several other interrelated propositions. Therefore, the formulation of APIP Supervision Results criteria will be elaborated more comprehensively in subsequent research. However, the need for criteria is unavoidable given the complexity of the regulations governing APIP supervision.

#### 4. CONCLUSION

This study demonstrates that the ambiguity of the phrase "APIP Supervision Results" as stipulated in Article 2(2) of Supreme Court Regulation No. 4 of 2015 has generated divergent judicial interpretations, resulting in legal uncertainty and inconsistent delineation of the Administrative Court's jurisdiction in examining abuse of authority. The findings reveal that APIP supervision operates within a pluralistic regulatory framework and cannot be narrowly confined to formal typologies such as regular or specific-purpose supervision, as it encompasses multiple institutional forms with distinct legal implications. Accordingly, this study proposes a normative reconstruction that shifts the interpretative approach from a formalistic classification toward substantive criteria capable of accommodating the diversity of supervisory practices while ensuring legal certainty and coherence in judicial reasoning. The novelty of this research lies in the development of a substantive-normative interpretative model that systematically integrates the plurality of APIP supervisory regimes with the theory of authority and legal certainty—an aspect that has not been comprehensively addressed in prior scholarship. Its contribution is twofold: theoretically, it advances a doctrinal framework for clarifying the limits of administrative judicial authority in Indonesia; and practically, it provides a conceptual reference for judges, policymakers, and legal practitioners in formulating a more consistent and predictable standard of interpretation, thereby reducing fragmentation in judicial decisions and strengthening administrative justice.

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