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EVALUATING THE ROLE OF RELATIVE COMPETENCE IN LIMITING JUSTICE ACCESSIBILITY BEFORE ADMINISTRATIVE COURTS.

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Abstract

The Administrative Court Procedure Law, as set out in Law Number 5 of 1986 and amended by Law Number 51 of 2009, aims to balance the inherently "unequal positions of claimants and government defendants". Yet Indonesia's extensive geography and shifting authority following the Job Creation Law have effectively centralized challenges to central government administrative decisions in Jakarta. Although the Administrative Court adheres to the *actor sequitur forum rei* principle, Article 54(4) provides for exceptions through a open legal policy by making "Peraturan Pemerintah" that has never been issued. This regulatory vacuum undermines access to justice, as claimants face strict filing deadlines, mandatory administrative effort, and significant geographical barriers. The absence of the mandated regulation reveals a broader disharmony in the legal framework and suggests governmental reluctance to establish venue rules that would facilitate citizen access to judicial review. Critical analysis with other jurisdictions demonstrates that relative competence rules can be structured to account for the nature of governmental acts, the extent of public harm, and the imperative of ensuring meaningful access to justice.

Keywords : Administrative Court; Court Procedural Law; Access to Justice

A. Introduction

Conflicts between individuals within society and the state are an inevitability in the dynamics of state governance. Divergences between the private interests of citizens and the public authority exercised by the Government frequently give rise to friction with members of the community. In Indonesia, the resolution of such conflicts falls within the jurisdiction of the Administrative Court (Peradilan Tata Usaha Negara/PTUN). This judicial authority derives its competence from the provisions of Law Number 5 of 1986, as most recently amended by Law Number 51 of 2009 concerning the Administrative Court (hereinafter referred to as the Administrative Court Law or *UU Peratun*). The statute expressly provides that the Administrative Court has the competence to adjudicate and resolve disputes falling within the domain of governmental administrative disputes.[1]

Authority of absolute competence of the Administrative Court (PTUN) is regulated in greater detail across various statutory and regulatory instruments outside UU Peratun. Substantively, the jurisdiction of the PTUN encompasses the resolution of administrative disputes involving citizens or private legal entities (*rechtspersoon*) opposing governmental institutions or officials at both national and regional level. The Administrative Court Law (*UU Peratun*) contains provisions governing the procedures applicable to the resolution of disputes in the field of administrative law. These procedural rules are designed with the primary objective of providing a fair mechanism for resolving conflicts of interest, disagreements, or administrative disputes arising between individuals or private legal entities and governmental institutions or officials. The handling of disputes in this context is intended not only to ensure legal protection for citizens but also to contribute directly to the establishment of an orderly system of governance grounded in legal certainty.[2]

[1] *UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 5 TAHUN 1986 TENTANG PERADILAN TATA USAHA NEGARA* (1986), www.djpp.depkumham.go.id.

[2] Onma Ezra Rodi Aprilo et al., "ABSOLUTE COMPETENCE OF ADMINISTRATIVE COURT REGARDING DISPUTES ON LAND RIGHTS CERTIFICATE," *Jurnal Hukum Peratun* 5, no. 2 (2022): 159–74, https://doi.org/10.25216/peratun.522022.159-174.pg 160

The authority of PTUN has greatly expanded under various regulation those authority gave PTUN power to settle a dispute between people against Government Decisions on the topic as follows:[3]

a. Disputes concerning written administrative decisions (KTUN) that give rise to legal consequences;
b. The expanded scope of administrative dispute objects, including written KTUN encompassing "factual actions";
c. Administrative disputes arising within the executive, legislative, and judicial branches;
d. "Administrative decisions (KTUN) that are final in a broad sense";
e. "Administrative decisions (KTUN) that have the potential to create legal consequences";
f. Administrative decisions (KTUN) applicable to the general public (concrete–general);
g. "Acts or omissions by governmental bodies or officials";
h. "Review of abuse of authority as identified in the findings of internal government auditors (APIP)".

. Provisions concerning relative competence within the Administrative Court system are regulated under Article 54 of the Administrative Court Law (UU Peratun). In essence, this article stipulates that administrative lawsuits shall be filed with "the court whose territorial jurisdiction encompasses the domicile or official seat of the Defendant," consistent with the principle actor sequitur forum rei. Furthermore, Article 54 paragraph (2) provides that, where more than one governmental body is involved in creating a legal consequence for members of the public, the lawsuit may be filed against any one of the Defendants.

Article 54 paragraph (3) also opens the possibility for a Plaintiff whose domicile differs from the territorial jurisdiction of the court in which the Defendant is located to file the lawsuit with the Administrative Court (PTUN) whose jurisdiction covers the Plaintiff's residence. In such cases, the registry of the court where the lawsuit is filed shall forward the case to the court that holds proper jurisdiction, namely the court located within the Defendant's domicile. Article 54 paragraph (4) of the Administrative Court Law (*UU Peratun*) enables Plaintiffs, in certain exceptional disputes, to file their cases through the Administrative Court whose jurisdiction encompasses their domicile, thereby deviating from the general rule. This provision is expressly intended to address "specific categories of disputes," the detailed regulation of which is to be further elaborated through a government regulation. However, the government regulation that is expected to serve as the technical implementing framework for Article 54 paragraph (4) has not yet been issued.[4]

This regulatory gap creates a legal impediment for individuals seeking to assert their rights before the Court. The emerging trend of concealed "recentralization," introduced under the pretext of administrative efficiency in the Omnibus Law on Job Creation (*UUCK*), fails to account for the public's access to administrative justice. This has resulted in a re-concentration of Defendants for example governmental bodies issuing administrative decisions—at the central government level. For instance, disputes concerning mining permits, which were previously handled at the provincial level, and matters relating to coastal and marine area permits, which now fall under ministerial authority, illustrate this shift.(E. Simanjuntak, 2018)

The recentralization of authority following the enactment of the Omnibus Law on Job Creation (*UUCK*) failed to take into account the resulting shift in the relative administrative jurisdiction (*kompetensi relatif TUN*) attached to governmental officials. Several matters that previously fell within the jurisdiction of Administrative Courts located outside Jakarta have now been redirected to the jurisdiction of the Jakarta Administrative Court (PTUN Jakarta). A concrete example is Case Number 250/G/2024/PTUN.JKT, which challenged the legality of the revocation of a mining business license initially issued by the Regent of Musi Rawas, South Sumatra Province. Due to the change in administrative attribution, the authority to revoke such licenses no longer rests with local government, but has instead shifted to the Minister of Investment/Head of the Investment Coordinating Board (BKPM). The proceedings in this case prompted public protest, as affected communities argued that holding the trial in Jakarta failed to ensure justice for residents in the region.

The critical legal studies theory stipulate that the tendency Law can never be entirely neutral and will always contain certain political agendas which, from the perspective of critical legal studies, serve the interests of those in power as instruments of domination or oppression over society. Critical Legal Studies (CLS) positions itself as a school of thought that rejects the assumption that the design of a legal norm even when adopted through collective agreement can be trusted. It is grounded in a suspicion that legal norms often embody political tendencies oriented toward control and opposed to the broader public interest(Hunt, 1986). In the Indonesian context, Critical Legal

[3] Enrico Parulian Simanjuntak, "THE RISE AND THE FALL OF THE JURISDICTION OF INDONESIA'S ADMINISTRATIVE COURTS: IMPEDIMENTS AND PROSPECTS," *Indonesia Law Review* 10, no. 2 (2020): 160, https://doi.org/10.15742/ilrev.v10n2.611.

[4] Munir Fuady , *Aliran Hukum Kritis (Paradigma Ketidakberdayaan Hukum)* (Citra Aditya Bakti, 2003).pg 43

Studies (CLS) is used to assess whether legislation aligns with the nation's legal ideals rooted in Pancasila. CLS rejects any fixed, singular interpretation of Pancasila, viewing ideological meaning as dynamic and continually shaped by evolving social conditions.[5]

The concept of relative competence was always part of legal policy of law makers.[6] Competence refers to the specific authority inherent in a particular court. The term originates from the Medieval Latin competentia, meaning "that which falls within a person's authority". According to Sjahran Basah, competence in its narrow sense denotes the conferral of power upon an institution or court to perform adjudicatory functions.[7]

Older research shows that, the talk about rethinking the rules on administrative court relative competence was never been a focus. Sujayadi Sujayadi, Tata Wijayanta, Herliana Herliana research on relative competence shows corncen about the justification on why civil court make *actor sequitur forum rei* as basic principle to determine the relative competence under civil court in Indonesia.[8] This paper emphasize the urgency of ruling relative competence of administrative court to resolve administrative disputes in venues close to affected communities or Plantiff. Because administrative disputes are inherently tied to social stability, it is essential to establish appropriate rules on relative competence within the Administrative Court system, particularly for cases in which jurisdiction should follow the Plaintiff's domicile must be rethink of. This research seek to formulate of rules is needed to recalibrate relative competence in administrative adjudication, to enhance the access to justice for the people.

B. Research Method

This research employs a normative juridical method, examining primary, secondary, and tertiary legal materials to analyze the norms governing relative competence in administrative court adjudication. The legal materials used in this study consist of secondary data as the primary source, comprising: Primary Legal Materials, namely statutory and regulatory provisions; Secondary Legal Materials, including books, scholarly opinions, literature-based legal analyses, online articles, and information derived from social facts relevant to the practical application of law; Tertiary Legal Materials, such as dictionaries including Indonesian language dictionaries, legal dictionaries, and other relevant reference works.This paper using statute approach, historical approach and conceptual approach to make an argument why the legal vacuum under current administrative court procedure law are dangerous for access to justice for the people especially weak and marginalize public.

This study analyzes legal materials using a qualitative juridical method, linking primary legal sources with secondary and tertiary materials. The analysis employs grammatical interpretation to examine the linguistic meaning of norms particularly those governing relative competence in administrative adjudication and systematic interpretation to relate legal provisions to other laws within the broader legal system. Through these methods, the study interprets the authority and responsibility of administrative bodies or officials and their connection to determining the court's relative competence.

C. Results and Discussion

1. The history of PTUN Relative Competence

Grounded in the concept of the rule of law (*rechtsstaatsgedachte*), the establishment of the Administrative Courts (PTUN) constitutes a logical consequence of the principle that every act of government must be based on statutory regulations (*wetmatigheid van het bestuur*), or more broadly, on legality (rechtmatigheid). This principle affirms that governmental power cannot be exercised freely or without limits, but must instead be constrained by legal norms. Such a view aligns with the ideas of scholars such as Friedrich Julius Stahl and A.V. Dicey, who assert that the creation of administrative courts including the PTUN in Indonesia represents a concrete manifestation of the rule-of-law principle. Within this framework, every administrative act must comply with the law so that state authority remains within lawful boundaries and is subject to oversight, thereby preventing abuses of power that may infringe upon fundamental rights.[9]

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[5] Ibid pg 55
[6] Indah Dwi Qurbani, "Politik Hukum Pengelolaan Minyak Dan Gas Bumi Di Indonesia," *Arena Hukum* 5, no. 2 (2012): 115–21.pg 18
[7] Sjachran Basah, *Eksistensi Dan Tolok Ukur Badan Peradilan Administrasi Di Indonesia* (Alumni, 1997).pg 52
[8] Sujayadi Sujayadi et al., "ACTOR SEQUITUR FORUM REI: A THEORITICAL STUDY," *Jurnal Bina Mulia Hukum* 7, no. 2 (2023): 187–201, https://doi.org/10.23920/jbmh.v7i2.896.pg 201
[9] Hufron Hufron and Syofyan Hadi, "KOMPETENSI PERADILAN TATA USAHA NEGARA PASCA UNDANG UNDANG CIPTA KERJA," *Konferensi Nasional Asosiasi Pengajar Hukum Tata Negara Dan Hukum Administrasi Negara* 1, no. 1 (2023): 461–92, https://doi.org/10.55292/mq4ac643.pg 465

The historical emergence of Indonesia's administrative judiciary traces back to the mandate in Law No. 14 of 1970, which called for the establishment of an administrative judicial system. The PTUN Law, when drafted, did not rely on any prior administrative court model. During the Dutch colonial period, disputes involving governmental actions were adjudicated under civil law particularly Article 1365 BW while administrative matters were resolved through administrative bodies rather than courts.(Shodiqin & Wibowo, 2023) The existence of an administrative judiciary is considered a fundamental prerequisite in legal systems adopting the Continental European tradition, where the government exercises dominant authority over public affairs and the regulation of societal life. This dominance, however, simultaneously creates the potential for abuse of power by state officials, which may result in violations of citizens' rights. Consequently, administrative courts in civil law jurisdictions are designed both as mechanisms for supervising governmental actions and as instruments for providing legal protection against arbitrary state conduct. According to Paulus Effendie Lotulung, administrative courts are characteristic institutions within civil law countries, embodying the principle of *duality of jurisdiction*, which separates the general courts from administrative courts.(Lotulung, 1993) These courts possess distinct adjudicatory powers and procedural laws. In this tradition, administrative procedure is specialized, granting administrative courts exclusive authority to review unlawful administrative acts (*onrechtmatige overheidsdaad*) committed by the government as a public power holder. PTUN thus functions as a legal mechanism to control governmental conduct that may deviate from legal principles in the exercise of state authority.(E. P. Simanjuntak, 2020)

Due to limited legal precedents and constraints in personnel, financial resources, and institutional capacity, the early plan for establishing PTUN limited its presence to several designated regions, as reflected in the 1986 draft PTUN Bill. The draft proposed the establishment of PTUN in Medan, Palembang, Jakarta, Surabaya, Banjarmasin, and Ujung Pandang (Makassar), and of Administrative High Courts (PTTUN) in Jakarta and Ujung Pandang. The explanatory note to Article 138 of the draft Bill stated that PTUN would eventually be established in every provincial capital and, under certain conditions and subject to state financial capacity, in regency capitals. However, this institutional design met resistance from several parliamentary factions during the 1986 deliberations. After significant debate, the final formulation placed PTUN in every regency/municipal capital and PTTUN in every provincial capital. This approach was intended to provide closer and more accessible forums for communities seeking to challenge administrative decisions issued by local and regency-level governments. The plan to situate PTUN at the regency/municipal level as a measure to enhance access to justice was intended to be implemented gradually over a five-year period, taking into account the government's financial ability to prepare infrastructure. This resulted in the opening of several PTUN offices across Indonesia in 1990 and 1991 in cities such as Jakarta, Medan, Surabaya, and Ujung Pandang.[10]

The placement of PTUN locations directly affects the configuration of relative jurisdiction in administrative litigation. The draft PTUN Bill's Article 54 adopted the principle that administrative claims should be filed at the court with jurisdiction over the defendant's domicile. This formulation drew criticism from the Golkar faction (FKP), which argued that the Bill should also consider allowing claims to be filed in the plaintiff's domicile, reflecting relative competence rules in civil procedure where claims may be filed at the plaintiff's domicile under specific conditions. The Minister of Justice, Ismail Saleh, explained that the government designed relative jurisdiction to allow claims to follow the plaintiff's domicile in cases involving more than one administrative body or official as defendants, as reflected in Article 54(2). This was intended to facilitate administrative disputes by giving plaintiffs an alternative venue. Further discussion on this issue was deferred to a dedicated working committee.(Dani, 2018)

The deliberations reveal shared concerns between the Government and FKP on balancing jurisdictional principles with the practical burdens placed on litigants. The Minister cited the example: "If the defendant is a single official located in Jakarta, such as the Minister of Home Affairs, while the plaintiff resides in Irian Jaya, this would impose heavy burdens related to transportation and other costs." After further deliberations, Article 54 of the PTUN Law was finalized as follows:

- Administrative claims shall be filed with the court whose jurisdiction covers the defendant's domicile.
- If a claim is brought against multiple administrative bodies or officials located in different jurisdictions, it may be filed in the court covering the domicile of any one of them.
- If the defendant's domicile is outside the plaintiff's jurisdiction, the claim may first be filed in the plaintiff's local PTUN, which must then forward it to the competent court.

[10] Umar Dani, "Memahami Kedudukan Pengadilan Tata Usaha Negara Di Indonesia: Sistem Unity Of Jurisdiction Atau Duality Of Jurisdiction? Sebuah Studi Tentang Struktur Dan Karakteristiknya/Understanding Administrative Court In Indonesia: Unity Of Jurisdiction Or Duality Of Jurisdiction System? A Study Of Hierarchy And Characteristic," *Jurnal Hukum Dan Peradilan* 7, no. 3 (2018): 405–24.pg 409

- For certain types of disputes specified in a Government Regulation, claims may be filed in the plaintiff's domicile.

The *memorie van toelichting* does not provide a detailed rationale for the final formulation. However, it is clear that the final article represents a compromise between the Government and Parliament: relative competence would primarily follow the defendant's domicile, complemented by two exceptions administrative filing convenience (Art. 54(3)) and the possibility of plaintiff-based filing for specific disputes determined by Government Regulation (Art. 54(4)).In the Government's final statement at the 9th plenary session on 20 December 1986, Article 54 was presented as part of a broader set of provisions aimed at enhancing public accessibility, including:

1. Assistance from court clerks in drafting claims for illiterate litigants;
2. Fee waivers;
3. Expedited proceedings for urgent matters;
4. Establishment of PTUN in all regency/municipal capitals;
5. Filing claims at the nearest PTUN for forwarding;
6. Filing claims in the plaintiff's domicile for certain disputes.

However, the elaboration of the types of disputes covered by Article 54(4) remained ambiguous. No clear guidance was provided regarding the types of disputes eligible for plaintiff-based filing or the timeline for issuing the necessary Government Regulation. This normative gap ultimately undermined the objective of ensuring ease of access for justice seekers in administrative disputes. The initial concerns regarding litigation burdens on plaintiffs thus remained unresolved: while the law facilitated filing, it did not ensure *local adjudication*, meaning that practical access to justice was only partially addressed. The legislative history of the PTUN Bill demonstrates that the political decision on relative jurisdiction remained firmly rooted in the traditional principle of *actor sequitur forum rei*, which favors the defendant's domicile. Exceptions to this principle were left to be defined by the Government through delegated regulation.[11]

2. The effect of Vacuum of Law Under Article 54(4)

Procedural law is consistently emphasized as an instrument for the enforcement of substantive law. It is designed to ensure that the substantive norms governing concrete cases are realized in accordance with the purposes of their enactment. Procedural law provides the mechanism through which parties to a dispute may defend their rights through legal argumentation, which is then evaluated and constructed by judges into a judicial decision. Access to justice, legal certainty, and legal utility are therefore attainable only to the extent that procedural law remains effective as an avenue for dispute resolution.[12]

Departures from or innovations beyond established procedural law are traditionally interpreted as violations of judicial professionalism and ethics, because judges are expected to adhere strictly to procedural safeguards to realize substantive justice. The absence of strong critique and the slow pace of procedural reform have increasingly distanced administrative procedure from its foundational objective: safeguarding access to courts. The legislative history of administrative procedural law demonstrates that procedural accessibility in the Administrative Court was designed only half-heartedly. The scope of adjudicatory authority—initially limited to "written decisions" and later expanded to include "written decisions encompassing factual actions"—did not significantly enhance legal protection through judicial review of administrative acts. Legal accessibility has been confined merely to ease of filing a lawsuit, not to ease of undergoing adjudication. This is evident in Article 53(3) of the PTUN Law, which allows a lawsuit to be filed at the PTUN near the plaintiff's domicile, yet affirms that this does not alter the jurisdiction of the court determined under Article 53(1), which prioritizes the defendant's domicile.

The adherence to actor sequitur forum rei without meaningful exceptions suggests that the litigation process is structured not to meaningfully facilitate review, but merely to legitimize the Government's assertion that review is available while imposing burdensome preconditions, including:

(a) mandatory administrative remedies;
(b) compulsory appearance before the court at the defendant's location; and
(c) strict time limitations for filing a claim.

In practice, these normative preconditions are often difficult to satisfy. The growing number of lawsuits dismissed for "improper administrative remedies" or "expiration of limitation periods" indicates that procedural requirements

[11] Ibid pg 410
[12] Dani, "Memahami Kedudukan Pengadilan Tata Usaha Negara Di Indonesia: Sistem Unity Of Jurisdiction Atau Duality Of Jurisdiction? Sebuah Studi Tentang Struktur Dan Karakteristiknya/Understanding Administrative Court In Indonesia: Unity Of Jurisdiction Or Duality Of Jurisdiction System? A Study Of Hierarchy And Characteristic."

tend to protect the legality of governmental actions actions presumed to reflect the public interest rather than facilitate review by affected citizens. The mandatory administrative remedy should, in substance, serve as the Government's opportunity to justify its decision. Once that opportunity has been exercised, litigation should be positioned in a manner favorable to the plaintiff to rebalance the inherent inequality between individuals and the state. The limited time for filing lawsuits combined with the burdensome administrative remedy requirement should therefore be interpreted as a call to ensure procedural fairness rather than restrict access to the court.

Critical Legal Studies (CLS), developed in response to discrimination reinforced by law during the Vietnam War era, challenges legal formalism and positivism by demonstrating that law cannot be separated from politics. Scholars such as Duncan Kennedy, Karl Klare, Mark Kelman, Mark Tushnet, Morton Horwitz, Jack Balkin, and Roberto Mangabeira Unger—though ideologically diverse—share the premise that law functions as a political instrument. From this perspective, the stagnation of procedural reform in the Administrative Court reflects the state's reluctance to restructure procedural law in ways that guarantee access to justice, precisely because judicial review in the Administrative Court has the potential to suspend or delegitimize governmental decisions.

Consequently, PTUN procedural law has not been developed as an instrument to protect citizens from arbitrary governmental action. The procedural framework of the 1980s formed when administrative decisions were still dominated by central-government authority exercised through deconcentration and co-administration—did not anticipate contemporary patterns of administrative governance in which digitalized services and centralized regulatory standards allow the central government to assume authority rapidly. As a result, empirical administrative-court statistics show a structural imbalance: PTUN Jakarta receives seven to ten times more cases than other PTUNs. In 2024, PTUN Jakarta registered 484 new cases (in addition to 194 remaining from the previous year), while PTUN Serang registered only 55 new cases and PTUN Pekanbaru only 22. This concentration stems from the location of decision-making bodies in Jakarta.

The structural failure of the Administrative Court echoes Umar Dani's (2015) finding: due to the low number of administrative disputes in the regions, PTUN formation envisioned at the municipal/regency level under Article 6 has largely stalled, resulting in PTUNs remaining concentrated in provincial capitals under eight PTTUNs nationally. Litigants face several barriers: (a) PTUN locations are geographically distant; (b) procedural rules require physical attendance at hearings; and (c) Indonesia's vast archipelagic geography makes court access unequal. These factors disincentivize litigation—not because court fees are high, but because procedural burdens are. Building upon this analysis, an additional factor contributes to low rates of regional administrative litigation: the design of relative jurisdiction tied to the defendant's domicile. The volume of litigation correlates directly with the number of governmental institutions in an area; therefore, Jakarta a hub of central decision making bears most PTUN cases regardless of how many PTUN branches exist elsewhere.

This jurisdictional design, which ignores Indonesia's archipelagic geography and uneven infrastructure, structurally limits access to justice and discourages citizens from filing lawsuits. In turn, the lack of accessible judicial review risks triggering vertical conflict between communities and government institutions, as affected citizens may be unable to challenge distant state actions through the courts. The emergence of high-profile cases involving decisions that affect public welfare—such as Case No. 444/G/LH/2024/PTUN.JKT—illustrates a growing public effort to test whether state decisions truly serve the public interest. The dismissal of this case on the basis of expiration of the filing deadline demonstrates that procedural policy on access to litigation remains unfavorable to claimants. The expansion of administrative dispute objects under the UUAP should have been accompanied by corresponding reform in the categories of disputes exempt from the defendant-domicile rule. The dispute landscape now shows that administrative litigation is no longer confined to correcting individual decisions but increasingly involves reviewing decisions affecting collective rights and public welfare. Fragmentation of authority between central and regional governments has become a key determinant of relative jurisdiction in administrative adjudication. Cases 420/G/2023/PTUN.JKT and 89/G/2023/PTUN.JKT demonstrate that disputes concerning identical subject matter may be adjudicated in different courts depending on the issuing authority. While the structure of administrative bureaucracy makes this classification logical from the state's perspective, it is confusing and burdensome for plaintiffs, especially when the object and harm remain identical. Administrative disputes should not replicate the civil-law logic of "defense of rights," because what is evaluated is not private rights but the legality of governmental action.

3. Construction of the Concept of Administrative Dispute Objects and Their Relationship to Lawsuits Filed Based on the Plaintiff's Domicile

The development of administrative disputes in Indonesia provides an important indication for reconstructing the concept of relative competence in Administrative Court litigation. Such reconstruction must be grounded in

arguments of access to justice and the awareness that governmental decisions or actions may generate broad impacts on the community that are not expressly stated in the decision itself. The original character of Administrative Court disputes designed merely as a corrective mechanism against decisions imposed on individuals has increasingly lost relevance. Based on recent disputes adjudicated by the courts, the author argues that several types of cases should be exempted from using the domicile of the defendant authority as the basis for determining the territorial competence of the Administrative Court, for the following reasons:

First, the enactment of the Administrative Procedure Act (UUAP) as the framework regulating the relationship between government and administrative actions has expanded the objects of administrative disputes, which were initially limited to concrete, individual, and final decisions, into several forms, including:[13]

(a) concrete, individual, and final decisions (Art. 1(9) UU PTUN);
(b) decisions including factual actions (Art. 87(a) UUAP);
(c) final decisions in a broad sense (Art. 87(d));
(d) decisions with the potential to cause legal consequences (Art. 87(e)); and
(e) decisions applicable to the public (Art. 87(f)).

This expansion has resulted in the emergence of new types of lawsuits that no longer rely on a one-to-one causal relationship between government decisions and individuals or corporations, such as licensing. Decisions that do not specifically target individuals such as regional designation decisions, minimum-wage decisions, or governmental omissions to issue decisions may now give rise to standing for third parties who are adversely affected by those decisions.[14]

This development has been affirmed through jurisprudence and subsequently codified in Supreme Court Regulation No. 6 of 2018 concerning Guidelines for the Settlement of Administrative Government Disputes After Administrative Remedies (Perma 6/2018). Articles 4(1) (2) and 5(2) provide that third parties not directly addressed by a decision may file a lawsuit after pursuing administrative remedies within 90 days from first knowing the decision that harms their interests. Since the enactment of the UUAP, third parties may include organizations, community representatives, customary law communities, or individuals acting in the public interest (citizen lawsuits), as illustrated in Case No. 444/G/LH/2024/PTUN.JKT.

From a critical legal perspective, the dispute in that case reflects an expression of political power between the government and private actors that threatens the environmental interests of a broad community. The public opposition culminating in Administrative Court litigation demonstrates that the government's decision failed to comply with Article 46 of the UUAP, which requires prior consultation and the possibility of clarification with the community before issuing or taking an administrative action that burdens the public. The core issue of public rejection was not limited to disagreement with the PKKPRL decision but also concerned the transformation of the coastal community's way of life caused by the government's authorization of privatization of marine areas. Disputes of this type involve multi-layer licensing, in which regional and central governments coordinate in issuing permits. Communities with no knowledge of licensing procedures because they were not involved in applying for the permit may later suffer environmental or socioeconomic consequences. Such cases concern the preservation of environmental rights and involve collective harm. Therefore, they should be exempted from the defendant-domicile principle because the decision does not target the plaintiffs directly, yet the effects are felt locally. These characteristics include: (1) the plaintiffs played no role in the permit application process; (2) the effects of the decision are felt directly by the plaintiffs; and (3) the decision was made by the central government, not by the regional government. Such characteristics may serve as the basis for determining which disputes should be filed in the jurisdiction of the plaintiffs.(Dani, 2018)

Second, civil-service disputes are substantively conflicts between civil servants (ASN) as workers and the government as employer. Because ASN positions are regulated by different officials, identity and status are determined through multiple decisions. For example, an academic's functional appointment is established by a ministry, while transfers, dismissals, and sanctions are determined by the Pejabat Pembina Kepegawaian (PPK). Civil servants working in central ministries and agencies with offices throughout Indonesia may be subjected to decisions issued by PPK officials in Jakarta, obliging the ASN to file lawsuits at the defendant's domicile, as in Case No. 420/G/2023/PTUN.JKT, where a professor based in Semarang was required to litigate in Jakarta. Although ASN employment is excluded from labor law under the ASN Law (Act No. 20/2023), the substantive similarity to labor

[13] Ersyta Fellista and S H Aji, *PEMAKNAAN PERLUASAN OBJEK SENGKETA TATA USAHA NEGARA YANG MELIPUTI TINDAKAN FAKTUAL*, vol. 1, Justiciabelen, no. 1 (2018).pg 110

[14] Alofsen Sianturi, "Degradasi Kewenangan Pemerintah Daerah Dalam Pengelolaan Dan Perlindungan Hukum Lingkungan Pasca Omnibus Law," *Locus Journal of Academic Literature Review* 2, no. 8 (2023), https://doi.org/10.56128/ljoalr.v2i8.219.pg 231

relations indicates that territorial competence should reflect the venue where the worker performs daily duties. Article 81 of the Industrial Relations Dispute Settlement Law (Act No. 2/2004) provides that industrial-relations lawsuits shall be filed in the court covering the worker's workplace. This principle should inform administrative procedural reform for civil-service disputes, especially considering ILO Convention No. 151, which protects the labor rights of public-sector workers.

Third, Indonesian administrative authority operates under three concepts: decentralization, deconcentration, and co-administration (tugas pembantuan). In theory, deconcentration shifts legal responsibility from the original holder to the delegate. Moreover, Article 57 UU PTUN allows central authorities to appoint representatives in litigation. Therefore, if disputes concerning decisions of central agencies with regional implementation units are exempted from the defendant-domicile principle, the defendant will still be able to appear through regional representation. This aligns with the theory of government authority under which the state is conceptualized as an een ambten complex—a set of offices whose powers are exercised by officials carrying legal rights and duties. Taken together, these developments show that the fluctuating distribution of administrative authority between central and regional government significantly influences the public's ability to access justice. The current UU PTUN rigidly applies the actor sequitur forum rei principle, tying territorial competence to the location where the decision was issued. Exceptions to this principle remain an unfinished norm because the implementing regulation mandated by the statute has never been issued, despite multiple amendments. Yet modern developments in administrative disputes indicate that several categories of disputes should reasonably be exempted from actor sequitur forum rei.

If, in the future, relative-competence rules are modified to allow territorial jurisdiction based on the plaintiff's domicile, the following categories could normatively qualify:

(1) civil-service disputes to be filed in the jurisdiction of the ASN's workplace;
(2) administrative disputes concerning environmental harm to third parties not directly addressed by the decision; and
(3) disputes against decisions of central government implemented through regional units located where the plaintiffs reside and suffer the consequences.

Ultimately, shifting patterns of administrative authority influence the public's right to judicially review decisions affecting them. The regulation of relative competence must ensure that access to justice remains protected. Procedural policy on relative competence should be applied flexibly in response to potential infringements of citizens' rights arising from government authority, thereby strengthening public legitimacy for government actions as expressions of the public interest.

D. Conclusion

This study demonstrates that the current regime of relative competence in Indonesian Administrative Court procedure centrally anchored in the actor sequitur forum rei principle no longer aligns with the contemporary landscape of administrative governance or with the constitutional imperative of ensuring meaningful access to justice. The expansion of administrative dispute objects under the Administrative Procedure Act (UUAP), coupled with the recentralization of authority through the Job Creation Law (UUCK), has significantly reshaped the relationship between government decision-making and affected communities. Administrative decisions are now increasingly issued by central authorities while generating environmental, social, economic, and employment impacts at the regional and local levels. In practice, this results in the relocation of judicial forums away from the locus of harm, disproportionately burdening citizens and public interest groups who lack the institutional capacity of state bodies.

The absence of implementing regulations under Article 54(4) of the Administrative Court Law has produced a continuing legal vacuum that prevents the operationalization of plaintiff-based relative competence for exceptional categories of disputes. Empirical court decisions, including cases involving abandoned land designation, marine spatial licensing, and civil-service sanctions, indicate that certain disputes should reasonably be adjudicated in the jurisdiction of the plaintiff's domicile rather than that of the defendant authority. Three categories are normatively justified for such exemption: (1) disputes concerning civil servants, which substantively mirror labor relations and should follow the workplace of the claimant; (2) environmental and public-interest disputes filed by third parties not directly addressed by the administrative decision but directly affected by its consequences; and (3) disputes concerning decisions of central agencies whose implementation units and resulting impacts are located in the plaintiff's region.

Ultimately, the legitimacy of administrative adjudication depends on its accessibility to those whose rights and interests are affected. Reforming relative competence toward a more flexible, plaintiff-oriented model in specific dispute categories is necessary to protect substantive justice, reduce procedural inequality between citizens and the state, and preserve public confidence in the Administrative Court as the primary forum for controlling governmental

power in a democratic Rechtsstaat. The recalibration of jurisdictional rules is therefore not merely a technical procedural adjustment but a constitutional mandate to ensure that the Administrative Court continues to function as an instrument of legal protection rather than a structural barrier to justice.

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