Jurnal Dinamika Hukum

Vol. 22 Issue 1, January 2022
E-ISSN 2407-6562 P-ISSN 1410-0797
National Accredited Journal, Decree No. 21/E/KPT/2018
DOI: 10.20884/1.jdh.2022.22.1.3194

Dialectics of the Urgency of Reforming The Law of State Administrative Justice as a Synthesis

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Abstract
Dialectically, previously the handling and settlement of state administrative disputes used Law Number 5 of 1986 concerning the Administrative Court Law which was twice revised with Law Number 9 of 2004 and Law Number 51 of 2009 as the legal instrument of the procedure (thesis). However, currently, the procedural law used in resolving state administrative and government administrative disputes also uses the Supreme Court Regulation instrument. This is because the Administrative Court Law Law cannot accommodate the development of material administrative law requirements and administrative law enforcement provided by sectoral laws. Apart from that, in practice, there have been changes and shifts in most of the content of procedural law (material and formal) in the Administrative Court Law. This shift was influenced by the enactment of Law Number 30 of 2014 concerning Government Administration and sectoral laws which later became the basis for the formation of a Supreme Court Regulation. The two regulations later became guidelines for proceedings in the Administrative Court Law which had a paradoxical relationship. In one aspect, there is an interrelation between the law on Administrative Court Laws, the law on government administration, and the regulations of the Supreme Court, but in other aspects, it creates an antinomy of norms. Therefore, it is important in legal reform to encourage systematic thinking to synchronize and harmonize the material and formal content of the material and formal procedural laws that are unified as a synthesis.

Keywords: dialectics; harmonization of law; shifting; state administration judicial procedural law.

Abstrak
Secara dialektis, sebelumnya penanganan dan penyelesaian sengketa TUN menggunakan Undang-Undang Nomor 5 Tahun 1986 tentang Peradilan Tata Usaha Negara yang telah diubah dua kali dengan Undang-Undang Nomor 9 Tahun 2004 dan Undang-Undang Nomor 51 Tahun 2009 (UU Peratun) sebagai instrumen hukum acaranya (tesis). Namun saat ini hukum acara yang digunakan dalam menyelesaikan sengketa TUN/AP juga menggunakan instrumen Peraturan Mahkamah Agung. Hal tersebut dikarenakan UU Peratun tidak dapat mengakomodasi perkembangan kebutuhan hukum administrasi materiil dan penegakkan hukum administrasi yang diberikan oleh Undang-Undang Sektoral. Selain daripada itu, dalam praktik dan perkembangannya juga telah terjadi perubahan sebagian besar materi muatan hukum acara materiil dan hukum acara formil di Peradilan Tata Usaha Negara yang disebabkan oleh keberlakuan Undang-Undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan (UU AP) dan Undang-Undang Sektoral yang melahirkan Peraturan Mahkamah Agung (Perma) sebagai aturan pelaksanaannya (pedoman beracara di Peradilan Tata Usaha Negara) itu sendiri yang menimbulkan hubungan yang bersifat paradoksal, yaitu pada satu sisi terdapatnya hubungan yang saling terkait antara UU AP, UU Peratun dan Perma itu sendiri, akan tetapi disisi lainnya juga terdapat hubungan antinomi norma (anti tesis). Sehingga diperlukan adanya pemikiran sistematis untuk melakukan sinkonisasi dan harmonisasi materi muatan hukum acara materiil dan formil dalam upaya pembaruan hukum acara Peratun yang berkesatuan sebagai sebuah sintesa.

***Kata Kunci**: dialektika; harmonisasi hukum; pembaruan; hukum acara peradilan TUN.*

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Introduction

The State Administrative Court in Indonesia continues to develop as a result of material administrative law reforms, one of which is influenced by the issuance of several sectoral laws. The existence of sectoral (special) regulations provides additional authority to examine and decide disputes on state administration or government administration. However, there are obstacles because these sectoral regulations do not regulate and determine procedures or mechanisms for examination and settlement in court. Therefore, Law Number 5 of 1986 concerning the Administrative Court has been amended twice by Law Number 9 of 2004 and Law Number 51 of 2009 (hereinafter referred to as the Administrative Law). The basic argument for the revision of the regulation is the existence of legal dynamics and accommodating the issuance of various specific regulations.

Based on these conditions, the Supreme Court issued a Regulation of the Supreme Court of the Republic of Indonesia which aims a complement to the procedural law in court. Several regulations issued by the Supreme Court include Number 2 of 2011 concerning Procedures for Settlement of Public Information Disputes in Court; Number 2 of 2016 concerning Guidelines for Proceeding in Disputes on Determining Development Locations for Public Interest in the Administrative Court; Number 6 of 2018 concerning Guidelines for Settlement of Government Administration Disputes After Taking Administrative Efforts. The issuance of the Supreme Court Regulation is carried out to facilitate the proceedings in court and ensure effectiveness in law enforcement. In another context, with the enactment of Law Number 30 of 2014 concerning Government Administration, mutatis mutandis has legal implications for the Administrative Court in its material and formal procedural procedures.

The change in the paradigm of proceedings in the State Administrative Court for the first time resulted in the Plenary Meeting of the State Administrative Chamber as outlined in the Circular Letter of the Supreme Court Number 4 of 2016 concerning the Enforcement of the Formulation of the Results of the Plenary Meeting of the Supreme Court Chamber as a Guide for Judiciary. In particular, this circular letter covers the absolute competence (vertical and horizontal) of the State Administrative Court, aspects of the subject of the lawsuit/application, aspects of the object of the lawsuit/application, and aspects of evidence. *First*, several shifts in competence aspects include: (1) the authority to adjudicate cases in the form of lawsuits and applications; (2) authorized to adjudicate unlawful acts committed by government officials (onrechtmatige overheidsdaad); and (3) State administrative decisions that have been examined and decided through administrative appeals. *Second*, in the aspect of the lawsuit/application, it includes the addition of criteria that can be the subject of either the Plaintiff or the Petitioner, and the Defendant or the Respondent. *Third,* the aspect of the object of the lawsuit/application includes:

1. The object of the lawsuit includes:
   a. factual determination and/or action;
   b. issued by a government agency/official;
   c. issued based on statutory regulations and/or general principles of good governance;

d. are concrete-individual (such as building permits), abstract-individual (such as decisions on conditions for issuing permits), concrete-general (for example related to minimum wage decisions);
e. final decisions and/or actions that have resulted in legal consequences, although they still require approval from higher institutions or other agencies (among others regarding investment permits and environmental permits);
f. decisions that have the potential to cause legal consequences (such as the report on the results of the examination of the State Financial Supervisory Agency).

2. The object of the lawsuit is in the form of state administrative decisions and/or Fictitious Positive Actions;
3. The object of the lawsuit is the decision of the internal supervisory agency. Meanwhile, in the aspect of evidence, the regulation of the existence of the evidence in article 100 of the Law Number 5 of 1986 concerning the Administrative Court is added with electronic evidence as stated in law number 11 of 2008 concerning information and electronics.

The phenomenon of a shift in the procedural law system for state administrative justice is in line with Savigny's idea that law is not just an expression consisting of a set of rules/judicial precedents (Cotterrell 1984). This means that there is an atmosphere of dialogue between law and social reality. Likewise, Harold J. Berman said that changing the law means that the law is always developing. Legal changes have a unique logic, not only from old to new, but also reflecting patterns of change. This change resulted from the interpretation of previous regulations with the adaptation of current reality and future projections (Berman, 1983). Supreme Court Justice Abdul Manan thinks that objectively the existence of written law, especially in the form of legislation, has a limited reach. Written regulations have a "moment hospitalization" that lags social, cultural, economic, and defence and security realities, the implications of which are often out of date with contemporary realities (Manan 1995).

Likewise, the law on state administrative justice which is a written regulation has the same obstacles, lagging behind reality and legal reform. One of these indicators is reflected in the issuance of a Government Administration Law that is disharmony with the existing Administrative Court Law. The Government Administration Law is important to improve good governance because it contains general principles of good governance (algemene beginselen van behoorlijk bestuur) and is a source of law in state administrative courts (Effendi 2018). This contradiction and disharmony apply to the formal aspect *(ius constitutum)* with applicable law in society and judicial practice *(ius operatum)*. As a result, there is a paradoxical relationship between the government administration law and the state administrative justice law which causes the existence of an antinomy of norms. (Simanjuntak 2018).

The disharmony or contradiction in the content of norms between the Administrative Court Law and the Government Administration Law is at least reflected in several articles, for example:

1. the antinomy of norms in factual actions as objects of lawsuits/objects of applications to court (article 1 (9) Administrative Court Law with article 1 (7,8,9) and 89 the Government Administration Law) (Elpah 2017);
2. the normative antinomy regulates the subject of the lawsuit, in the Administrative Court law there are only plaintiffs and defendants, while in the administrative law there are petitioners and defendants (article 1 (11 and 12) Administrative Court Law with article 21 and 53 the Government Administration Law);
3. the antinomy of the norm relates to the dispute resolution forum after administrative efforts have been carried out (article 48 and 51 Administrative Court Law with article 1 (5) and 75-78 the Government Administration Law);
4. the antinomy of norms regarding the suspension system (schorsing) (article 67 Administrative Court Law with article 65 the Government Administration Law);
5. the antinomy of the norm relates to the calculation and use of time between calendar days and working days (article 55 Administrative Court Law with article 76 and 77 the Government Administration Law);
6. the antinomy of the norm, with regard to the procedure for carrying out the execution of a decision that has permanent legal force *(inkracht van gewisjde)* and its administrative sanctions against Government Officials (article 116 Administrative Court Law with article 80-84 the Government Administration Law).

In the norm of Article 24A paragraph (5) of the 1945 Constitution of the Republic of Indonesia, after the amendment, it is determined that the composition, position, membership and procedural law of the Supreme Court and the judicial bodies below it are regulated by law. Referring to this norm, the procedural law regulation of the Administrative Court should use the legal instrument (*bij de wet)* in casu the Administrative Court Law. However, in fact, the regulation of procedural law in the Administrative Court for its handling and settlement currently uses two sources of law, namely (a) the Law on the Administrative Court and (b) the Regulation of the Supreme Court. Specifically related to the Supreme Court Regulation, it is not actually a legal product, but a product that is qualified as a *regeling*.

Furthermore, even though the existence of the Supreme Court Regulation instrument is a response to the development and expectations of the community, existentially the regulation is a law that applies in judicial practice (ius operatum). This is like the adage cursus curiae est lex curiae which means that the practice of the court is the law of the court itself. Thus, it does not mean the existence of an instrument of the Supreme Court of the Republic of Indonesia as a legal product that is free from "constitutional stains" and has the potential to conflict with the Administrative Court Law itself.

The implications of the issuance of various sectoral (special) laws have an impact on the preparation of Supreme Court Regulations which in practice produce new judicial practice variants that are very different from the procedural law arrangements in the Administrative Court Law. Some of these reforms cover: (1) variants of the types of

procedural law, namely simple procedural law and special procedural law; (2) time variants, stages and levels of state administrative dispute resolution, namely 15 working days, 20 working days, 21 working days, 30 working days, and 60 working days; (3) variants regarding the stages and levels, namely (a) are one-stage and only in the Administrative Court ; (b) there are two stages with levels: 1). the Administrative Court and the Administrative High Court; 2) the high court of administration with the Supreme Court; and 3) Administrative Court directly to the Supreme Court.

In principle, conventionally or conservatively, the Administrative Court only recognizes three procedural law mechanisms in case/dispute examination, namely the quick procedure, simple mechanism, and the ordinary procedure. With the existence of various regulations that specifically regulate the authority of the Administrative Court, there is a shift in procedural laws from the three as described previously to four, namely special mechanisms. Likewise, mutatis mutandis with time limits and stages of examination and settlement of state administration/government administration disputes. The dialectic of shifting the procedural law system in the Administrative Court is also reflected in the electronic justice system, which shows the transition from conventional Administrative Court s to electronic courts (e-court). In other aspects, the procedural law of state administrative courts is no longer able to accommodate changes and developments (dynamics) in state administrative law and law enforcement. These various phenomena indicate a shift or a new paradigm of trial in the practice of proceedings in court, thus the existence of the variant of the new judicial practice makes the concept of interpolation. Simply, based on the Big Indonesian Dictionary (KBBI), interpolation means the transfer of thought patterns, views and others, or the insertion of words and sentences into the text. (Kemdikbud, 2020).

Based on the arguments that have been described in simple terms, the interpolation form of the procedural law system which is characterized by a conservative setting in the Administrative Court Law, has now shifted to a procedural law system characterized by a progressive system. The procedural law system has a conservative character, covering (a) the existence of a long level of case settlement, starting at the first instance, appeal, and cassation; (b) has many variations in its procedural law; (c) the grace period in the process of formal events is not set. Meanwhile, the procedural law system is progressive in character, and has breakthroughs in procedures, starting from the procedural law system, levels in case examination, to determining the right period.

The main propositions of the philosophical problems that underlie this research can be summarized in a dialectical proposition (thesis, antithesis, and synthesis). Previously dialectically, the handling and settlement of state administrative disputes used the Administrative Court Law as the legal instrument for the procedure (thesis), but currently, the procedural law used to resolve state administrative and government administrative disputes also use the Supreme Court Regulation instrument. Observing all regulations, both the Administrative Court Law, Government Administration Law, sectoral law and Supreme Court Regulations, have a paradoxical relationship. In one aspect, it reflects a

strong relationship between regulations and is reinforcing, but in another aspect it has an antinomy of norms (anti-thesis). Therefore, it is important to encourage critical and systematic thinking to synchronize and harmonize, covering the content of the material and formal procedural law. It is hoped that this program will create a unified state administrative judicial procedural reform as a synthesis. This paper intends to position and provide an alternative to the importance of synchronizing and harmonizing norms between the three regulations to serve as guidelines for judges and the public.

Research Problems

Based on the description of the background, the legal issues that are the subject of this paper include: (a) is there an antinomy of norms between the government administration law, the state administrative court law, and the supreme court regulation?, and (b) what is the concept of reforming the procedural law of a unified state administrative court as a synthesis?. Therefore, this paper will focus on three aspects of the discussion, namely (1) how the antinomies between norms in the state administrative justice law, state administration laws, and Supreme Court regulations; (2) how the concept of harmonization and legal reform in the state administrative justice system; and (3) the urgency of reforming the procedural law of state administrative courts to encourage the realization of accountability, certainty, and justice.

This paper has novelty and also complements several publications published by other authors. Terry Hutchinson stated that there are four criteria in determining whether writing (research) is original and has novelty in it, including (a) saying something nobody has said before; (b) carrying out empirical work that hasn't been made before; (c) making a synthesis that hasn't been made before and (d) using already known material but with a new interpretation.(Hutchinson, 2002). One indicator of novelty in this article is based on the fact that there are no papers that make a synthesis in the procedural law system of the Administrative Court. In addition, it is also different from previous publications and is complementary to the development of judicial reform. Several previous publications, including Tri Cahya Indra Permana in the Administrative Court Post-Law on Government Administration From an Access to Justice perspective, focused on discussing the opening of *"empty spaces"* in the Government Administration Law which has implications for opening access to justice for the public (Permana, 2015). Likewise, the publication of the Judge of the Administrative Court, Enrico Simanjuntak on the Restatement on Judicial Jurisdiction in Administrative Tort, discusses the legal reform of the administrative court based on the amendment to the Government Administration Law concerning changes in the jurisdiction of the judiciary in adjudicating acts against the law of the government in the case of *onrechtmatige overheidsdaad* as regulated in Article 1365 of the Civil Code (Simanjuntak, 2019).

Research Method

This research is a normative legal research with a conceptual approach by looking at various concepts regarding administrative justice; statutory approach; case approach; and a philosophical approach, especially to explain the dialectic between the use of various regulations in the handling and settlement of state administrative disputes from the philosophy of science side. To fulfill the objectives of this research, the data used are primary legal materials, secondary legal materials, and non-legal materials. The data obtained were then analyzed using qualitative analysis which resulted in descriptive-analytical data.

Discussion

Construction of antinomy norms in the content of the Administrative Court Law, Government Administration Law and the Indonesian Supreme Court Regulation.

Mahfud M.D stated that judicial power is the authority to hear and give decisions on cases based on law (Wijaya 2021). One of the legal instruments in the realm of judicial power is the State Administrative Court which has the authority to examine, hear and decide on state administrative disputes. The dispute arises in the field of state administration between a person or civil legal entity and a state administrative body or official. This dispute can occur in both national and regional governments as a result of the issuance of state administrative decisions (Riza 2019)

Philipus M. Hadjon (1994) clustered the characteristics of the procedural law of the Administrative Court, namely material procedural law and formal procedural law. Material procedural law includes (1) absolute and relative competence; (2) the right to sue; (3) the time limit to sue; (4) reason for suing; and (5) evidence. Meanwhile, the formal procedural law includes: (1) ordinary procedures; (2) fast procedures; and (3) shorter procedures. Therefore, changes in procedural practice in Administrative Courts also indicate a shift in the procedural law system (material and formal) which includes aspects of instruments and content. In the instrument aspect, it is influenced by the issuance of a Supreme Court Regulation as an implementing rule of sectoral laws that give authority to the Administrative Court to resolve special/sectoral state administrative disputes. While the material aspect of the content (formal procedural law and material procedural law) consists of aspects of competence (vertical and horizontal), the subject of the lawsuit, the object of the lawsuit, evidence, time limits and stages of resolving state administrative disputes/government administration, as well as shifting formal procedural law (simple and special procedures), and electronic-based lawsuits (Mahkamah Agung, 2016).

Dialectically, the issuance of the Law on Administrative Court with the Law on Government Administration and the Regulation of the Supreme Court has a norm interrelation. These various norms have led to a shift in the procedural law system (material and formal), although they have the same goal, namely procedural law for resolving disputes, especially special state administration and general government

administration. However, in other aspects, the various norms in the three regulations lead to an antinomical relationship.

In a conceptual approach, legal antinomy is a condition or condition that contradicts each other (a conflict between elements), but the existence of these norms cannot be separated because they are interdependent. In simple terms, antinomy is a conflict between two elements, but both need and complement each other. According to Fockema's statement, antinomy means two or more rules that contradict each other so that the settlement must be resolved through an interpretation mechanism. Thus the concept of antinomy is two different things but complement each other (Gandhi, 1995). Historically, the concept of antinomy was introduced by Immanuel Kant in his publication entitled Critique of Pure Reason which examines the fundamental dispute between the brain and nature. Kant states that the fundamental dispute between the two has a strong impact on the system of legal thinking methods to seek and find a balance between various things that are contradictory to one another, this contradictory diversity must be maintained. Starting from this understanding, the concept of "contradictory" appears on which the analytical process relies on the norms and values in a regulation (Kant, 2010). The concept of antinomy introduced by Kant continues to grow and positions law in an essential framework to provide answers and problems of what the real purpose of life is. Furthermore, Hegel complements the concept of dialectics which tries to answer these essential problems by using illustrations of cracks, fragmentation, contradictions and aporia. With ideals that can formulate an analytical idea that becomes a general conclusion.

Friedman defines antinomy in legal theory or the rule of law which is a contradiction as a result of the natural impact of the legal position that is between philosophical reasoning and the practical needs of interest politics. From a legal perspective, intellectual groups are formed based on the results of old-holistic philosophical reasoning and in other aspects, the values and ideals of justice are also constructed through transactional political mechanisms. Therefore, the law does not occur naturally but is the result of various processes of internalization, instructions, and negotiations with various interests between factions and actors in society (Mochtar, 2015).

Thus, the shift or renewal of the procedural law in the Administrative Court cannot be separated from the antinomy of norms. This norm antinomy occurs because of the nature of the legal position itself which is between philosophical reasoning and the practical needs of interest politics. The legal politics promoted by the Administrative Court Law, the Government Administration Law, the Sectoral Law (which gives the Administrative Court the authority to resolve specific/sectoral disputes), and the Supreme Court Regulations are not the same, due to the diversity of factors that influenced their formation. The construction of the antinomy of norms between the Administrative Law, the Government Administration Law and the Supreme Court Regulation is described in Table 1.

Table. 1. Norm antinomy construction

Substance	Administrative Court Law	the Government Administration Law	the Supreme Court Regulation	Norm antinomy
Definition of Decision	Article 1 Number 9 (Law No. 51/2009). A state administrative decision is a written stipulation issued by an agency or official based on the applicable law, which is concrete, individual, and final which has legal consequences for a person or civil legal entity.	Article 1 number 7: Government Administration Decree is a written decision issued by a government agency and/or official or administration Whereas in Article 87 : The definition of a state administrative decision must be interpreted as (a) a written decision which also includes factual actions; (b) Decisions of state administrative bodies and/or officials in the executive, legislative, judicial, and other state administrators; (c) based on statutory provisions and general principles of good governance; (d) the decision is final; (e) the decision has the potential to have legal consequences; and (f) decisions that apply to the community.	In the Supreme Court Regulation number 4 of 2015, 6 of 2018 and Perma 2 of 2019, it is the implementation of the government administration law	1. The elements of a state administrative decision are different from the elements of a government administrative decision. 2. there is an expansion of the scope of elements of state administrative decisions or government administrative decisions, as well as the Defendant as a government administration agency and/or official
Government Administration Action	Does not regulate government administrative actions	Article 1 number 8: Government administrative actions are actions of government officials or other state administrators to take and/or not to take concrete actions in the context of administering government.	Supreme Court Regulation No. 2 of 2019 is an implementing rule of the Government Administration Law	Expansion of the authority of the Administrative Court in the aspect of the object of the lawsuit.
Other Government Instruments	Does not regulate these conditions	Article 1 numbers 9,10,11,19,20,21 1. Discretion 2. Official assistance 3. Electronic decision 4. Permission 5. Concession 6. Dispensation	Regulate the evidence in the form of electronic evidence or electronic documents	There is an expansion of objects (government instruments) that can be sued in the Administrative Court .

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Substance	Administrative Court Law	the Government Administration Law	the Supreme Court Regulation	Norm antinomy
Administrative mechanism	Articles 48 and 51: - The objection is submitted to the official who issues the state administrative decision. - An appeal is submitted to the superior of the official who issued the state administrative decision (provided that the basic regulations for the issuance of the decision stipulate the existence of an administrative mechanism) And if all administrative mechanisms have been taken and then objections and appeals are filed, then the position of the state administrative high court changes to a first level court. The deadline for the completion of the administrative mechanism is regulated according to sectoral regulations.	Article 75-78 - Objections are limited to 21 working days from the announcement of the decision; - Appeals are limited to 10 working days after the decision on the objection is received (after administrative measures have been taken, only the Administrative Court has the authority, except for the basic regulations stipulating that the Administrative Court is authorized as a first-level court).	Supreme Court Regulation No. 6 of 2018, is an implementing rule of the government administration law. Regulates that the new Administrative Court has the authority to examine and adjudicate, after all administrative efforts have been taken (objection or appeal)	- There is a contradiction in the determination of the administrative mechanism deadlines (objections and appeals) in conflict with the provisions of Article 55 of the Law on the Administrative Court which stipulates 90 days from knowing and feeling the loss of the issuance of the decision. - On another aspect, the Circular Letter of the Supreme Court No. 5 of 2021 states that the limitation of administrative efforts in the Government Administration Law does not reduce the grace period for lawsuits.
Postponement	Article 67	Article 65	-	The antinomy of the norm relates to the schorsing (postponement) institution, the difference between the legal subject of the applicant and the executor of the suspension, the object of a decision on state administration or government ad-

Substance	Administrative Court Law	the Government Administration Law	the Supreme Court Regulation	Norm antinomy
				ministration or factual action, and the criteria (norm conditions/conditions) that can be postponed.
Use of days in examinations/ trials	Determined by calendar day	Determination by working days	Determination by working days	- The concept of using days (calendar/ work) is related to the right to appeal, cassation, review, and other correspondence administration. - This is very urgent regarding the rights and obligations in the court process.
Evidence	Article 100, Evidence: 1. Letters or writings; 2. Expert testimony; 3. Witness testimony 4. Recognition of the parties; 5. Judge's Knowledge	-	Adding one letter of evidence in the form of other evidence in the form of electronic information and electronic documents	There are additions and expansions of evidence as regulated in the Supreme Court Regulation and the Government Administration Law
Implementation of an inkracht enforceable decision	Article 116	Article 80, 81, 82, 83, and 84	-	Regarding the procedure for carrying out the execution of a legally binding decision *(inkracht van gewisjde)* and its administrative sanctions against Government Officials
Formal Procedural Law	Article 62 98, 99. Formal Procedure Law: 1. Simple mechanism 2. Quick Mechanism 3. Ordinary Mechanism	-	- Supreme Court Regulation No. 2 of 2011 introduced simple procedural law; - However, in other Supreme Court Regulations using special procedural law	The law on Administrative Court s is not able to accommodate the authority to settle disputes on special state administrations regulated in sectoral laws.

The Concept of Legal Renewal of the Administrative Court as a Synthesis

In his language perspective said dialectics and dialectically according to the Indonesian Language Dictionary (Kamus Besar Bahasa Indonesia/KBBI), are defined as first, things speak and reason with dialogue as a way to investigate a problem (Kemdikbud, 2020). Second, Hegel's teachings state that everything in the universe occurred from the results of two things and those who raised anything else. While dialectical is an art of thinking regularly logically and thoroughly that starts with a thesis, antithesis, and synthesis.

While the meaning of the word dialectic according to Black's Law Dictionary is:

1. A School of Logic That Teaches Critical Examination of the Truth of An Opinion, Especially by Discussion or Debate; The method was Applied by Ancient Philosophers, Such As Plato and Socrates, Primarily in the Context of Conversational Discussions Involving Questions and Answers, and Also By More Modern Philosophers, Such Immanuel Kant, Who Viewed It As A Theory of Fallacies, and g.w.f. Hegel, Who Applied The Term To His Philosophy Proceeding From thesis to antithesis to synthesis;
2. An Argument Made by Critically ExaminationLogical Consequences;
3. A logical debate;
4. A disputant; A debate"

According to Aiken dialectic is a history that is ongoing in the time which is a thesis movement to the antithesis and heading to the synthesis in which the movement of each step is a step towards a higher stage in self-development from the absolute. In the context of the development of dialectical ideas (logic), no proposition can be fully refuted. So that the true truth contained in the thesis and antithesis can still be stored in the synthesis in a more perfect form. The triadic dialectic motion groove itself will continue continuously without stopping that can be related to a spiral motion, not a straight-line movement. The dialectics of Hegel contained constructive and evolutionary characters whose ultimate goal is to improve completely. That is, existence can only be achieved with synthesis and interaction with other existence-existence (Suyahmo, 2017). The existence of the Philosophy of Dialectic Hegel departs from a method of methodical, systematic, rational, and radical who tries to find solutions to a problem faced by contradicting two contradictory or opposite problems which are then reconciled with the typical method of thesis (affirmation), antithesis (denial), and synthesis (contradiction unity) (Muslim, 2016).

The flow of thinking Dialectics Hegel includes: *first*, a process of thought on something that exists will lead to something opposite (contradiction) so that it will lead to a new synthesis (unity) thought. *Second*, the process of changes in thought and universe at a higher level of knowledge of truth and its existence will be achieved through contradiction with the opposite. *Third*, think through the process of change with its main 3 (three) elements: (1) the thought of existing (thesis); (2) opponents/opposite (antithesis); and (3) the third unity (synthesis) of this dialectic motion is known also with the term triadic dialectic

As previously delivered, that in the previous dialectical handling and resolution of the state administrative dispute used the Administrative Court Law Law as a legal instrument of the program (thesis), but at this time the event law was used to resolve the State Administration or Government Administration dispute also used the instrument of the Perma. In practice and its development, the change in most of the legal content material in the Administrative Court Law caused by the ability of the Government Administration Law and the Sectoral Law itself raises a paradoxical relationship, which is on the other side of the related relationship between the State Administration Law, the Administrative Court Law and the Perma itself, but on the other hand, there is also an antinomy of the norm (anti-thesis) relationship. So it is necessary to have a systematic thought to synchronize and harmonize the material for material and formal events to renew the Laws of the Administrative Court Law event united as a synthesis.

As stated by Ismail Saleh, to carry out (national) legal reform and development, there are at least 3 (three) dimensions that must receive attention (Manan, 2013), namely:

1. Maintenance dimension
   This dimension calls for the maintenance of the existing legal order, even though its existence is no longer under the development of the current situation. This dimension aims to prevent the emergence of a legal vacuum and is a logical consequence of the provisions of the transitional rules contained in the 1945 Constitution. The efforts of this "maintenance" dimension are oriented to the common good.
2. Renewal dimension
   This dimension is a dimension that is an effort to further enhance and enhance national development. This is nothing but related to the adoption of the policy that the development of national law in addition to the formation of new laws and regulations efforts will also be made to improve the existing laws and regulations so that they are by new needs in the relevant fields. So that to change a statutory regulation, it does not need to be dismantled as a whole, but only limited to the parts that are no longer suitable and/or by the needs of the current situation.
3. Dimensions of creation
   This dimension is also known as the creativity dimension. The rapid development in all fields of science and technology has a considerable impact on the life of the nation and state, especially in the economic field which gives birth to various new ideas, and new institutions that require new regulations as well. In this context, in the dimension of creation (creativity), a new set of regulations was created which previously did not exist, but the new set of regulations is needed and necessary for the welfare of the nation.

Starting from the three dimensions that form the basis of legal reform and legal development mentioned above, it can be understood that the legal conception as a means of community renewal has a role as a guide towards the formation of an aspired society, namely a just and prosperous society based on Pancasila and the Constitution 1945 (Supriyanto, 1989).

Pancasila and the 1945 constitution are hierarchically placed in the position of the highest legislation in Indonesia. Pancasila is the source of all sources of state law, so the principles of divinity, humanity, unity, democracy, and social justice must be reflected in all laws and regulations. Pancasila becomes legal values and legal concepts that form the basis for the formation of legal institutions and legal norms in the national legal system. Therefore, the regulations that are formed characterize the first, guaranteeing the creation of a democratic state for the lives of government officials and citizens. Second, towards and ensuring the development of the rule of law, such as respecting and protecting human rights, third, towards and ensuring the realization of social and welfare goals, and fourth, the Indonesian legal system must be structured in the context of diversity (Fadli 2021).

Thus, it can be said that legal reform with an approach to the reformulation of the procedural law of the Administrative Courts through the legislative process in the current situation is a necessity born of demands and developments of the times to overcome obstacles and obstacles in the process of administering justice to realize case administration services in more comprehensive courts, effective and efficient. This is in line with the synoptic policy which views the process of forming legislation as a well-managed and directed decision-making process, all of which aim to direct the development of society so that the state administration's judicial procedural law which is limping and/or can no longer accommodate the needs of judicial practice is a “sign” that there is a real demand for change and developments in the times that want reform of the administrative court procedure law in the future.

Therefore, the renewal of the procedural law of the administrative court as a response to the demands of change and development of the times is a necessity. So that it is necessary to update the content of the dimensional legal content of the state administrative judiciary, meaning that it pays attention to the dimensions of maintenance, the dimensions of renewal and the dimensions of creation (creativity) which have a role as a guide towards the formation of the society that is aspired to, namely a just and prosperous society based on Pancasila and the 1945 Constitution itself.

The vision of national law development is to uphold the rule of law supported by a solid national legal system that reflects truth and justice that gains strong legitimacy from the community. The purpose of legal development itself is to form a national legal system that reflects the ideals, soul, spirit and social values that live in Indonesia. Several efforts can be made to ensure the realization of the goal of legal development that mutatis mutandis supports the achievement of the vision of legal development itself, among others are (1) the renewal of laws and regulations; (2) empowerment of existing legal institutions/institutions; increasing the integrity and morale of law enforcement officers and other legal apparatus; (4) accompanied by an increase inadequate legal facilities and infrastructure (BPHN, 2020)

Among several long-term development directions in the relevant legal field used by the author as the basis for constructing the harmonization step of the Administrative

Court Law, State Administration Law, and Perma as an effort to reform the procedural law of Administrative Court s, namely (1) the development of legal materials must be able to guarantee the creation of legal certainty, law and order, and the protection of human rights with the core of justice and truth, capable of developing national discipline, obedience to and respect for the law, and capable of supporting the growth of creativity and community participation in national development; (2) the development of legal materials must be carried out with due observance of the orderly laws and regulations, both vertically and horizontally and obeying universal legal principles, and referring to Pancasila and the 1945 Constitution.

Harmonization of the Administrative Court Law, Government Administration Law and the Republic of Indonesia's Supreme Court Law in the Context of Renewing the Administrative Court Procedural Law

In the Indonesian Dictionary (KBBI) the word harmonization means harmonization: an effort to find harmony; the word harmony means the expression of feelings, actions, ideas, and interests; harmony; harmony. Meanwhile, according to Black's Law Dictionary is defined by the word "harmony" which means "agreement or accord; conformity (the decision is Jones si in harmony with earlier Supreme Court precedent)". In 'The Contemporary English-Indonesian Dictionary' the word "harmony" means harmonious, harmonious; and 'harmonies' means harmony, conformity; 'harmonized" means to harmonize, to harmonize. Meanwhile, Hornby in the "Oxford Advanced Learner's Dictionary gives the meaning of "harmonized" as "to make systems or rules similar in different countries or organizations. The term harmony comes from the Greek word "Harmonia" which means harmoniously bound and appropriate (Goesniadhie, 2006).

Kusnu gives an understanding of harmony from several perspectives. That is first, etymologically the word harmonization comes from the basic word harmony which refers to a process that begins with an effort to achieve or achieve a system of harmony. The term harmony also means harmony, compatibility, harmony and pleasant balance. In a psychological sense, harmony means a balance and suitability of the natural aspects of feelings, thoughts and actions of individuals, to minimize the occurrence of excessive tension (Goesniadhie, 2006).

L.M Gandhi in a scientific oration entitled Harmonization of Law Towards Responsive Law in his professorial inauguration speech explained that harmonization in law includes adjustments to laws and regulations, government decisions, judges' decisions, the legal system, and legal principles to increase legal unity, legal certainty, justice and comparability, usefulness and clarity of law, without obscuring and compromising legal pluralism. Meanwhile, Kusnu defines the harmonization of the law itself as an effort or process that wants to overcome the boundaries of differences, contradictory matters and irregularities in the law. Efforts to realize the creation of

harmony, compatibility, and the balance between legal norms in-laws and regulations as a system within a unified framework of the national legal system (Gandhi, 1995).

Conceptually, legal reform activities are known to have 3 (three) dimensions, one of which is the reform dimension. The dimension of legal reform itself is an effort to improve and perfect national development. This is nothing but related to the adoption of the policy that the development of national law in addition to the formation of new laws and regulations, efforts will also be made to improve the existing laws and regulations so that they are under new needs in the relevant fields. Therefore to change a statutory regulation, it does not need to be dismantled as a whole, but only limited to parts that are no longer suitable and/or under the needs of the current situation.

Starting from the concept of the dimension of legal reform, the author is of the view that the construction of harmonization of the Administrative Court Law, State Administration Law and Perma as a means of reforming the Administrative Procedural Law by harmonizing, harmonizing some (parts) of the material content of norms between the Administrative Court Law, the State Administration Law and Perma which conflict with each other, parts that are no longer suitable with the needs of the current situation to create harmony, conformity, compatibility, a balance between the norms contained in the Administrative Court Law. The State Administration Law and Perma as systems within a unified framework of the national legal system to create a just and prosperous society based on Pancasila and the 1945 Constitution.

Therefore, broadly speaking, the main material needed for harmonization and adjustment in the context of reforming the Administrative Procedural Law which at least includes the first, internalization of the principles of the formation of good laws and regulations. Second, the Internalization of General Legal Principles and Relevant Special Legal Principles, namely the principle of procedural unity. Third, updating the content of Law Number 5 of 1986 concerning Administrative Court as amended twice by Law Number 9 of 2004 and Law Number 51 of 2009 limited to the parts that are no longer suitable and/or according to the needs of the current situation.

Conclusion

From the discussion above it can be concluded that: *first*, that the issuance of laws on state administrative courts, laws on state administration and regulations of the Supreme Court which as a whole become sources of formal and material law in state administrative courts, are complementary in nature, but in fact there are antinomies in the various norms of the three regulations which create a paradoxical relationship and make it difficult to practice in court; *second*, the issuance of a supreme court regulation that regulates state administrative justice is: (a) a response to the absence of law; (b) the need for practice in trials that are not clearly regulated in the state administrative court law or government administration law, and (c) follow-up on the issuance of various sectoral and special regulations governing the authority of the state administrative court; *third*, there is a trend of legal policy factors which include policies on the direction of

national legal development, legislative policies with a tendency for state administrative dispute resolution models with progressive systems that lead to the importance of reforming the state administrative judicial law.

Based on this conclusion, the author suggests synchronization and harmonization between the Administrative Law, the Government Administration Law, and the Supreme Court Regulation within the framework of the reform of the state administrative justice law. Several aspects that are important to change are, *first*, the implementation and internalization of the principles of the formation of legislation as regulated in Law Number 12 of 2011 concerning the formation of laws and regulations. *Second*, internalization of the principle of unity of procedure which is the guideline in the state administrative court. *Third,* revision of the substance in Law Number 5 of 1986 concerning State Administrative Courts (has been amended twice by Law Number 9 of 2004 and Law Number 51 of 2009), in particular (a) norms that are no longer appropriate with legal developments, (b) adjustment to new norms in various sectoral and special regulations, (c) adapting to the needs of current conditions and future projections. This is part of the development of a unified state administrative justice system for the realization of justice, legal certainty and benefits for justice seekers.

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