

The Limits of the Administrative Court's Absolute Jurisdiction Over Election Disputes and Factual Actions Following the enactment of the Government Administration Act

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Abstract: This article examines the absolute jurisdiction of the Administrative Court (PTUN) in adjudicating administrative disputes, focusing on two main dimensions: jurisdiction over Administrative Decisions (KTUN) and jurisdiction over factual acts of government agencies and/or officials (PMH/TF). The study is based on Law No. 5 of 1986 as amended by Law No. 51 of 2009 on Administrative Courts, and is further elaborated through an analysis of two specific cases from 2024: the Jakarta Administrative Court's dismissal of the PDI Perjuangan's lawsuit regarding the appointment of Gibran Rakabuming Raka as Vice President, and the PMH case No. 11/G/TF/2024/PTUN.JKT. These two cases provide concrete examples of how the Administrative Court defines and applies the boundaries of its absolute jurisdiction amid the complexity of contemporary public law disputes. This article also analyzes the legal implications of the expansion of the scope of disputes before the Administrative Court following the enactment of Law No. 30 of 2014 on Government Administration.

Keywords: PTUN; absolute jurisdiction; KTUN; factual acts; administrative PMH; election disputes; Gibran; PTUN Law.

I. Introduction

Administrative justice is one of the fundamental pillars of a modern rule-of-law state. In the staatslehere developed by Rudolf von Jhering, the rule of law implies that the government is not only subject to the regulations it creates but must also be subject to legal action before an independent court if its actions violate the rights of citizens. This concept forms the foundation for the existence of the State Administrative Court (PTUN) within the Indonesian judicial system.

Indonesia established the PTUN through Law No. 5 of 1986 on Administrative Courts, which was subsequently amended by Law No. 9 of 2004 and Law No. 51 of 2009. The PTUN is empowered to adjudicate disputes arising from Administrative Decisions (KTUN) issued by administrative bodies or officials that harm the interests of individuals or private legal entities. This authority was subsequently expanded by Law No. 30 of 2014 on Government Administration, which added the factual actions of government officials as subjects of disputes before the PTUN.

The year 2024 proved to be a jurisprudentially significant year for the PTUN. Two prominent cases captured the attention of the public and the academic community. First, the Jakarta Administrative Court (PTUN Jakarta) dismissed a lawsuit filed by the Indonesian Democratic Party of Struggle (PDI-P) regarding the appointment of Gibran Rakabuming Raka as Vice President, on the grounds that the subject matter of the dispute fell outside the PTUN's exclusive jurisdiction and fell within the realm of electoral disputes, which have their own separate resolution mechanisms. Second, the Jakarta Administrative Court heard Case No. 11/G/TF/2024/PTUN.JKT, which involved a lawsuit alleging unlawful acts (PMH) by a government agency and/or official—a concrete manifestation of the expansion of the Administrative Court's jurisdiction following the enactment of the Government Administration Law.

This article aims to: first, analyze the constitutional and normative framework of the Administrative Court's absolute jurisdiction; second, examine administrative acts (KTUN) as a classic subject of administrative disputes along with their requirements; third, to analyze the expansion of the PTUN's jurisdiction into the realm of factual acts and unlawful acts; fourth, to conduct an in-depth examination of

the two landmark 2024 cases; and fifth, to evaluate the legal implications of these two rulings for the development of Indonesian administrative law.

II. The Constitutional and Normative Framework of the PTUN

A. Legal Basis for the Establishment and Jurisdiction of the PTUN

The existence of the PTUN within Indonesia's constitutional system can be traced to Article 24, paragraph (2) of the 1945 Constitution, which states that judicial power is exercised by a Supreme Court and judicial bodies under its authority within the general court system, the religious court system, the military court system, and the administrative court system. The PTUN is a manifestation of the administrative court system.

1945 Constitution, Article 24, paragraph (2)	Lays the constitutional foundation for the existence of the administrative judiciary as part of the Indonesian judicial branch.
Law No. 5 of 1986	The Basic Law on Administrative Courts; regulates the establishment, structure, jurisdiction, and procedural law of the Administrative Court (PTUN). Effective as of January 14, 1991.
Law No. 9 of 2004	First amendment to Law No. 5 of 1986; aligns various provisions with post-reform constitutional developments.
Law No. 51 of 2009	Second amendment to Law No. 5 of 1986; further regulates the jurisdiction and procedural mechanisms of the State Administrative Court (PTUN).
Law No. 30 of 2014	Government Administration Law; expands the scope of administrative disputes by including factual actions by government agencies or officials (Article 87).
Supreme Court Regulation No. 2 of 2019	Guidelines for the Resolution of Disputes Regarding Government Actions and the Jurisdiction to Adjudicate Administrative Misconduct by Government Agencies and/or Officials.

B. Hierarchy of the Administrative Court System

The Administrative Court System in Indonesia is structured in a three-tier system that reflects the principle of tiered oversight of judicial decisions:

Level	Function	Description	Jurisdiction
Supreme Court	Appeals & Review (PK)	Judex juris reviews the application of the law; does not examine the facts	All of Indonesia
High Administrative Court (PTTUN)	Appeals	Second-instance fact-finding court re-examines the facts and the law	By PTTUN jurisdiction
Administrative Court	First-instance fact-finding court	Hears administrative disputes, including exceptions based on absolute lack of jurisdiction	By PTUN jurisdiction

In this three-tier system, the PTUN serves as the first-instance fact-finder, examining the facts and applying the law to administrative disputes brought before it. An exception of absolute lack of jurisdiction—that is, an objection raised by the defendant that the PTUN lacks the authority to hear a case—must be ruled on by the PTUN at the initial stage of proceedings, before the merits of the case are addressed.

C. The Concept of Absolute Jurisdiction in Administrative Court Procedural Law

Absolute jurisdiction (absolute competence) refers to a court's authority based on the type and nature of the case, not on its geographic location. Unlike relative jurisdiction, which determines which court has geographic authority, absolute jurisdiction determines whether a specific type of case falls within the jurisdiction of a judicial body at all.

In Administrative Court procedural law, absolute jurisdiction is determined by two main factors: (i) whether the subject matter of the lawsuit is an administrative act (KTUN) or a factual act by a government agency or official that falls within the scope of the Administrative Court Law and the Government Administration Law; and (ii) whether the case is not included among the exceptions explicitly provided for by law.

If the Administrative Court (PTUN) determines that a case falls outside its absolute jurisdiction, it will issue a ruling declaring the lawsuit inadmissible (*niet ontvankelijk verklaard*). In such circumstances, the plaintiff must seek the appropriate forum for resolution based on the nature of the dispute at hand.

III. Administrative Decisions (KTUN) as the Subject of Disputes

A. Definition and Elements of KTUN

KTUN is defined in Article 1, point 9 of Law No. 51 of 2009 as a written decision issued by a state administrative body or official that contains a state administrative legal action based on applicable laws and regulations, which is concrete, individual, and final, and which gives rise to legal consequences for a natural person or a civil law legal entity.

This definition contains seven cumulative elements—all of which must be met for a decision to be categorized as an Administrative Decision and become the subject of a dispute in the Administrative Court:

Elements of an Administrative Decision	Definition	Dimension
Written	The decision must be set forth in writing; an oral decision cannot be the subject of a case before the Administrative Court	Formal
Issued by a TUN body or official	The issuer is a body or official that performs governmental functions	Subjective
Contains administrative legal actions	Based on applicable laws and regulations	Substantive
Concrete in nature	The subject of the decision is clear and tangible; not abstract or hypothetical	Substantive
Individual in nature	Addressed to a specific person or legal entity, not the general public	Substantive
Final in nature	Already definitive; does not require approval from a superior or other agency	Substantive
Has legal consequences	The decision creates rights, obligations, or changes a person's legal status	Substantive

The Administrative Court judge examines these seven elements during the preliminary review (dismissal process) to determine whether a decision warrants further proceedings. If any one of these elements is not met, the lawsuit may be dismissed at the preliminary stage without examining the merits of the case.

B. Expansion of the Concept of KTUN: Positive Fictitious KTUN and Negative Fictitious KTUN

Developments in administrative law have led to an expansion of the concept of KTUN beyond the textual definition in the Administrative Court Law. Two particularly important concepts are:

1. Negative Fictitious KTUN

A negative fictitious KTUN is a decision deemed to exist (even though it has not been formally issued) because the authorized official failed to respond to a petition within the specified time period. Under Law No. 5 of 1986, an official's silence for 90 days regarding a petition is considered a rejection (a negative decision), which can be challenged in the Administrative Court (PTUN).

2. Positive Deemed Administrative Decision

Law No. 30 of 2014 on Government Administration introduced a new, more progressive concept: a positive deemed administrative decision. Article 53 of the Government Administration Law states that if a government official fails to issue and/or implement a decision and/or take action within the timeframe specified by law, the request is deemed to have been granted by law. This concept aims to prevent the abuse of authority by officials through deliberate inaction (administrative silence) to thwart the applicant's rights.

C. Exceptions to the Absolute Jurisdiction of the Administrative Court

Not all decisions made by government officials or agencies can be the subject of a dispute in the Administrative Court. The Administrative Court Law explicitly stipulates several categories of exceptions that constitute hard limits on the Administrative Court's absolute jurisdiction:

Types of Exceptions	Description	Legal Basis
Administrative Court Decisions in the Field of Private Law	Decisions issued in the context of ordinary civil relationships; not of a public nature	Article 2(a) of the Administrative Court Law
Decisions of the MPR, DPR, and DPRD	Decisions of legislative bodies in the exercise of their constitutional duties	Article 2(b) of the Administrative Court Law
Decisions of Administrative Court Judges	Decisions made by judges in the course of case proceedings	Article 2(c) of the Administrative Court Law
Decisions in the specific realm of HAN (Elections)	Decisions related to disputes over the election process are resolved through special channels (Bawaslu, the Constitutional Court, the High Court)	Article 2(g) of the Election Law
Decisions that still require approval	Decisions that are not yet final because they still require approval from a higher authority or another agency	Article 2(e) of the Administrative Court Law
Internal procedural decisions	Decisions within the internal government sphere that do not directly affect the rights of external parties	Article 2(f) of the Administrative Court Law

The exception regarding decisions in the electoral sphere (fourth row in the table) is directly relevant to the PDI Perjuangan lawsuit to be discussed in the next section. Disputes regarding the electoral process—including those related to the designation of candidate pairs or the results of verification—are resolved through special mechanisms governed by the Election Law and administered by the Election Supervisory Agency (Bawaslu), the Constitutional Court, or the High Court, not by the Administrative Court (PTUN).

IV. Expansion of the Administrative Court's Jurisdiction: Factual Acts and Administrative Malfeasance

A. Factual Acts as a New Subject of PTUN Disputes

One of the most significant changes in Indonesian administrative law after 2014 was the expansion of the subject matter of PTUN disputes from solely formal legal decisions (KTUN) to also include factual actions by government agencies and/or officials. This expansion was introduced by Article 87 of Law No. 30 of 2014 on Government Administration and reinforced by Supreme Court Regulation No. 2 of 2019.

A factual act (*feitelijk handeling*) is a tangible/physical action taken by a government agency or official in the performance of their duties, as distinct from a legal act (*rechtshandeling*), which involves the issuance of a formal decision. A factual act does not produce legal consequences through a decision as an instrument, but through the physical action itself.

B. Unlawful Acts (PMH) by Government Officials

The concept of an unlawful act in administrative law (*onrechtmatige overheidsdaad*) differs from that in civil law (*onrechtmatige daad*). An administrative unlawful act refers to an act or omission by a government agency or official that is contrary to:

- Applicable laws and regulations;
- The general principles of good governance (AUPB);
- The legal obligations of officials regarding the performance of their official duties.

Prior to the enactment of Law No. 30 of 2014, tort claims against government officials were generally filed in District Courts (within the general court system) pursuant to Article 1365 of the Civil Code. Supreme Court Regulation No. 2 of 2019 subsequently transferred jurisdiction over civil liability claims arising from acts committed by government agencies or officials in the performance of their governmental functions to the Administrative Court (PTUN). This shift in jurisdiction reflects the rationale that acts performed in an official capacity should be adjudicated by a court versed in administrative law, rather than by a general civil court.

C. Comparison: KTUN Lawsuits vs. Lawsuits for Actual Acts/PMH

Distinguishing Features	Administrative Court Lawsuit (G)	Factual Action Lawsuit (TF/PMH)
Legal Basis	Article 53 of the Administrative Court Law	Article 1, Point 10 of Law No. 30 of 2014 in conjunction with Article 87 of Law No. 30 of 2014
Subject of the lawsuit	KTUN (written decision)	Actual actions of a government agency or official
Nature of the action	Legal: gives rise to legal consequences through a decision	Physical/factual: concrete actions that cause harm
Case examples	Revocation of a business license; dismissal of a civil servant; refusal of registration	Forced eviction; failure to issue required documents; omission resulting in harm
Case code	G (ordinary lawsuit)	TF (factual action)
Ruling	Annuls or declares the KTUN invalid	Orders a specific action or payment of damages
Case Example 2024	Various KTUN lawsuits in which absolute jurisdiction is being tested	Case No. 11/G/TF/2024/PTUN.JKT PMH by a government agency

The comparison table above shows that although both fall within the scope of the Administrative Court's absolute jurisdiction, KTUN lawsuits and lawsuits regarding factual acts/PMH have fundamentally different subjects, nature, and consequences of the ruling. A proper understanding of these differences is crucial for parties seeking to challenge government actions before the Administrative Court; an error in identifying the type of lawsuit may result in the lawsuit being procedurally dismissed.

V. Case Study I: PDI Perjuangan's Lawsuit Regarding Gibran's Appointment

A. Background and Main Points of the Lawsuit

One of the cases that attracted the most public attention at the Jakarta Administrative Court in 2024 was the lawsuit filed by the PDI-P regarding the designation of Gibran Rakabuming Raka as a vice presidential candidate, who was subsequently declared the elected Vice President to serve alongside Prabowo Subianto. This lawsuit was filed with the Jakarta Administrative Court to determine whether the designation constituted an administrative act (KTUN) that could be the subject of a dispute in the Administrative Court.

Case Profile: PDI Perjuangan's Lawsuit at the Jakarta Administrative Court	
Plaintiff	PDI Perjuangan (Indonesian Democratic Party of Struggle)
Defendant	KPU RI (General Election Commission of the Republic of Indonesia)
Subject of the Lawsuit	The KPU's decision regarding the designation of Gibran Rakabuming Raka as a vice presidential candidate / elected vice president
Court	Jakarta Administrative Court
Ruling	The lawsuit was declared inadmissible (niet ontvankelijk verklaard)
Grounds for Dismissal	The subject matter of the dispute falls outside the jurisdiction of the Jakarta Administrative Court; it is a dispute regarding the electoral process that falls outside the court's exclusive jurisdiction
Proper Forum	Mechanisms for resolving electoral process disputes (Bawaslu / High Court / Constitutional Court, depending on the type)

B. Analysis of the Administrative Court's Legal Rationale

1. The Issue of Absolute Jurisdiction: Why Does It Fall Outside the PTUN's Jurisdiction?

The Jakarta Administrative Court's dismissal of the PDI Perjuangan's lawsuit was based on an analysis of absolute jurisdiction, which demonstrates that the General Election Commission's (KPU) designation of presidential and vice-presidential candidates is an integral part of the general election process, not a routine administrative decision that can be classified as an administrative dispute (KTUN) under the Administrative Court Law.

The KPU's designation of presidential and vice-presidential candidates constitutes a stage in the election administration process specifically regulated under Law No. 7 of 2017 on General Elections. Disputes related to election stages—including the verification of candidate eligibility, the designation of candidates, and the election results—are subject to dispute resolution mechanisms governed by *lex specialis*: the General Election Supervisory Agency (Bawaslu) for procedural disputes, the Constitutional Court (MK) for disputes over election results, and the High Court for certain administrative disputes.

The principle of *lex specialis derogat legi generali* (special law supersedes general law) requires that disputes related to the conduct of elections be resolved through special election mechanisms, not through the general mechanisms of the Administrative Court (PTUN). This is a deliberate design choice by the legislature to ensure that election disputes are resolved promptly by institutions with specialized expertise in the field of elections.

2. Implications for the Doctrine of the PTUN's Absolute Jurisdiction

The Jakarta Administrative Court's ruling in this case makes an important contribution to the development of the doctrine of the Administrative Court's absolute jurisdiction. Several points can be drawn from this ruling:

- Not all KPU decisions constitute administrative acts (KTUN) within the meaning of the Administrative Court Law. The KPU acts in two distinct capacities: as a regular government agency (in which case its decisions may constitute administrative acts) and as an election

organizer (in which case its decisions are subject to special election dispute resolution mechanisms).

- The existence of special dispute resolution mechanisms (*lex specialis*) in certain fields is a determining factor in defining the limits of the Administrative Court's absolute jurisdiction. Fields that have their own dispute resolution forums are excluded from the Administrative Court's jurisdiction.
- This ruling underscores the fundamental distinction between the KTUN as an instrument of general public administration and decisions regarding the conduct of elections as instruments governed by a special legal regime.

3. Relevance to the Principles of Democracy and Legal Certainty

From a broader perspective, this ruling by the Jakarta Administrative Court reflects an important systemic consideration: general administrative courts should not serve as an alternative forum or even a substitute mechanism for parties who have failed to utilize—or have not obtained the desired results from—the available election dispute resolution mechanisms.

Key Ratio Decidendi: The designation of candidate pairs and elected candidates in the context of general elections is part of the electoral process, which has its own dispute resolution mechanisms based on the *lex specialis* principle. Decisions by the General Elections Commission (KPU), in its capacity as the election organizer, cannot be classified as administrative acts (KTUN) within the meaning of the Administrative Court Law (UU PTUN); therefore, disputes arising from such decisions fall outside the absolute jurisdiction of the Administrative Court (PTUN).

VI. Case Study II: Case No. 11/G/TF/2024/PTUN.JKT

A. Case Profile and Significance

Case No. 11/G/TF/2024/PTUN.JKT	
Case Number	11/G/TF/2024/PTUN.JKT
Type of Lawsuit	Lawsuit for Actual Acts (TF) / Malfeasance by Government Agencies and/or Officials
Court	Jakarta Administrative Court (PTUN)
Case Code	G/TF indicates a lawsuit regarding factual acts, not a standard KTUN lawsuit
Legal Basis	Article 87 of Law No. 30 of 2014 on Government Administration; Supreme Court Regulation No. 2 of 2019
Significance	One of the administrative tort cases at the Jakarta Administrative Court that tests the limits of TF jurisdiction following the expansion of the scope of administrative disputes

B. Legal Construction of TF/PMH Lawsuits at the Administrative Court

The use of the "G/TF" code in case number 11/G/TF/2024/PTUN.JKT has significant procedural implications. The "TF" (Factual Action) code distinguishes this case from ordinary KTUN lawsuits, which use only the "G" code. This difference in codes reflects differences in:

1. Subject matter of the lawsuit: Not a written decision (KTUN), but rather a concrete action or act carried out by a government agency or official in the performance of their duties.
2. Structure of the complaint: The plaintiff must prove that the action taken by the defendant constitutes an administrative violation (PMH) that contravenes laws and regulations or the Code of Administrative Procedure (AUPB) and has caused actual harm.

3. Different statements of fact and relief sought: Unlike KTUN lawsuits, which seek the annulment of a decision, TF lawsuits generally request that the Administrative Court (PTUN) order the defendant to perform or cease certain actions, and/or pay damages.

C. Expansion of the PTUN's Jurisdiction: Analysis of Article 87 of the AP Law

Article 87 of Law No. 30 of 2014 on Government Administration expands the definition of KTUN for the purposes of the PTUN's jurisdiction. This provision includes factual acts within the scope of cases that may be adjudicated by the PTUN, provided that such acts are performed by agencies or officials exercising governmental functions.

Perma No. 2 of 2019 subsequently provides more detailed technical guidelines regarding the procedures for litigating PMH/TF cases in the Administrative Court. Some key points of this regulation include:

1. Statute of limitations: PMH/TF lawsuits must be filed within 90 days from the date the factual act being challenged was first known or should have been known to the plaintiff.
2. Standard of proof: The plaintiff must prove that the defendant's action meets the elements of administrative PMH: it is contrary to regulations, contrary to the AUPB, and causes harm.
3. Scope of damages: The Administrative Court may order the defendant to pay material damages for the factual act found to constitute administrative misconduct.

D. Implications of Case No. 11/G/TF/2024 for the Development of Administrative Law

Case No. 11/G/TF/2024/PTUN.JKT makes a significant contribution to the development of the Administrative Court's jurisprudence in several respects:

1. Affirmation of the Administrative Court's jurisdiction over administrative misconduct by government officials: This case affirms that the Administrative Court has the authority to adjudicate administrative misconduct committed by government officials in the performance of their duties, regardless of whether such misconduct takes the form of a formal decision or a factual act.
2. Strengthening citizens' access to administrative justice: The expansion of the Administrative Court's jurisdiction to cover administrative misconduct opens a new legal avenue for citizens who have suffered harm as a result of actual actions by government officials that are not embodied in formal administrative decisions.
3. Development of AUPB standards in TUN rulings: Every administrative misconduct case filed with the PTUN provides an opportunity for TUN judges to develop and concretize the standards of the General Principles of Good Governance (AUPB) in various administrative contexts.

VII. Evaluation of the Development of the PTUN's Absolute Jurisdiction

A. Current Map of the Administrative Court's Absolute Jurisdiction

Based on an analysis of the normative framework and the two case studies above, the following is a comprehensive overview of the Administrative Court's (PTUN) current absolute jurisdiction:

Type of Dispute	Status of PTUN Jurisdiction	Notes
Administrative Court (KTUN) that meets all elements of Article 1, point 9	Has Jurisdiction	Core jurisdiction of the Administrative Court since 1986
Negative Fictitious PTUN (official inaction for ≥90 days)	Authorized	Regulated by the Administrative Court Law; deemed a rejection

Deemed Granted (official's silence = granted)	Authorized	Regulated by the 2014 Administrative Procedure Act; for the adjudication of petitions
Actual Acts / Malfeasance by Government Officials	Authorized	Expansion following the 2014 AP Law & Perma 2/2019
Disputes regarding the election process (election stages)	NOT Authorized	Lex specialis: Election Law; Bawaslu/PT/MK
Decisions of legislative bodies (MPR/DPR/DPRD)	NO Jurisdiction	Article 2(b) of the Administrative Court Law
Decisions in the field of private law	NO Jurisdiction	Article 2(a) of the Administrative Court Law; within the jurisdiction of the District Court
Disputes over election results	NO Jurisdiction	Exclusive jurisdiction of the Constitutional Court; Article 24C of the 1945 Constitution
Disputes over regional election results	NO Jurisdiction	Exclusive Jurisdiction of the Supreme Court / Constitutional Court in accordance with the law

B. Contemporary Challenges and Issues

Although the absolute jurisdiction of the Administrative Court (PTUN) has expanded significantly, there are several contemporary issues that still require further legal clarification:

1. The distinction between election-related and non-election-related administrative decisions by the General Election Commission (KPU): As a government agency, the KPU also issues various decisions not directly related to the election process (e.g., personnel decisions, procurement of goods and services). In this regard, KPU decisions have the potential to constitute KTUN that can be challenged before the PTUN. The issue is where to draw the line between KPU decisions that constitute "electoral administration decisions" and those that constitute "ordinary KTUN."
2. Alignment with the digital transformation of government: An increasing number of decisions and actions by government officials are now made and implemented digitally. Can digital decisions that are not issued in the form of traditional written documents still be classified as KTUN? The Administrative Court Law (UU PTUN) has not yet explicitly addressed this matter.
3. Compensation in administrative liability cases: Standards for calculating and paying compensation in administrative liability cases before the Administrative Court remain inconsistent. Standardization is needed through Supreme Court jurisprudence or revisions to existing regulations.
4. Coordination between the Administrative Court and other courts: In complex cases, the same government action can give rise to disputes in multiple forums simultaneously (Administrative Court, District Court, Supreme Court, Constitutional Court). Better coordination mechanisms are needed to prevent conflicting rulings.

C. Recommendations for Improvement

To strengthen Indonesia's administrative justice system, this article recommends the following improvements:

1. A comprehensive revision of the Administrative Court Law (UU PTUN): The Administrative Court Law was last amended in 2009 and requires a thorough revision to incorporate developments in the 2014 Government Administration Law, Supreme Court Regulation (Perma) No. 2 of 2019, and the challenges of government digitalization.
2. Codification of PTUN case law: The Supreme Court needs to publish a systematic compendium of PTUN case law, particularly regarding the limits of absolute jurisdiction, to provide legal certainty for those seeking justice and legal practitioners.

3. Strengthening the capacity of Administrative Court judges in modern administrative law: Administrative Court judges need to receive ongoing education and training that keeps pace with global developments in administrative law, including in new fields such as digital administration and regulatory disputes.
4. Cross-court coordination mechanisms: Formal mechanisms need to be developed for coordination between the Administrative Courts (PTUN), general courts, the Election Supervisory Agency (Bawaslu), and the Constitutional Court (MK) in handling cases where there is a potential overlap of jurisdiction.

VIII. Conclusion

Based on the analysis conducted, this article draws the following conclusions:

1. The PTUN's absolute jurisdiction is built upon two pillars: jurisdiction over KTUN as defined in Article 1(9) of Law No. 51 of 2009 in conjunction with Law No. 5 of 1986, and jurisdiction over factual acts/abuses of power by government officials, which was introduced by Law No. 30 of 2014 and reinforced by Supreme Court Regulation No. 2 of 2019. This expansion represents a significant step forward in strengthening Indonesia's administrative judiciary.
2. The Jakarta Administrative Court's dismissal of the PDI-P's lawsuit regarding the designation of Gibran Rakabuming Raka constitutes a proper application of the principle of the Administrative Court's absolute jurisdictional limits. The designation of candidate pairs in the electoral process falls under the *lex specialis* of the Election Law, which has its own dispute resolution mechanism, and thus lies outside the jurisdiction of the Administrative Court. This ruling strengthens legal certainty and prevents the use of the Administrative Court as an alternative forum to challenge decisions that should be resolved through electoral mechanisms.
3. Case No. 11/G/TF/2024/PTUN.JKT is a concrete example of the Administrative Court's application of its new jurisdiction over factual acts or administrative misconduct by government officials. The "G/TF" code in the case number reflects an important procedural development and indicates that the Administrative Court has operationalized the expansion of jurisdiction mandated by the Government Administration Law.
4. A comparison of these two cases clearly illustrates the dynamics in defining the Administrative Court's absolute jurisdiction: on the one hand, the Administrative Court consistently maintains the boundaries of its jurisdiction so as not to exceed the authority granted by law; on the other hand, the Administrative Court actively expands its jurisdiction in addressing government actions that cause harm to citizens.
5. Comprehensive regulatory improvements are needed—particularly through a revision of the Administrative Court Law and the codification of case law—to provide greater legal certainty regarding the boundaries of the Administrative Court's absolute jurisdiction amid the ever-evolving dynamics of administrative law.

Ultimately, the Administrative Court's accuracy in defining and applying the boundaries of its absolute jurisdiction reflects the quality of Indonesia's rule of law. An Administrative Court with clear jurisdiction, staffed by competent judges, and whose decisions can be effectively enforced is one that truly functions as a protector of citizens' rights against the abuse of administrative power.

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Bibliography

- Hadjon, Philipus M., et al. (2011). *Pengantar Hukum Administrasi Indonesia*. Yogyakarta: Gadjah Mada University Press.
- HR, Ridwan. (2011). *Hukum Administrasi Negara (Edisi Revisi)*. Jakarta: RajaGrafindo Persada.
- Indroharto. (1993). *Usaha Memahami Undang-Undang tentang PTUN (Buku II)*. Jakarta: Pustaka Sinar Harapan.

- Lotulung, Paulus Effendi. (2013). Hukum Tata Usaha Negara dan Kekuasaan. Jakarta: Salemba Humanika.
- Marbun, SF. (2003). Peradilan Administrasi Negara dan Upaya Administratif di Indonesia. Yogyakarta: FH UII Press.
- Peraturan Mahkamah Agung Nomor 2 Tahun 2019 tentang Pedoman Penyelesaian Sengketa Tindakan Pemerintahan dan Kewenangan Mengadili Perbuatan Melanggar Hukum oleh Badan dan/atau Pejabat Pemerintahan.
- Putusan PTUN Jakarta Nomor 11/G/TF/2024/PTUN.JKT, perihal Gugatan PMH oleh Badan/Pejabat Pemerintahan.
- Putusan PTUN Jakarta, perihal Gugatan PDI Perjuangan terkait Penetapan Gibran Rakabuming Raka sebagai Wakil Presiden (2024).
- Sirajuddin, et al. (2016). Hukum Administrasi Pemerintahan Daerah. Malang: Setara Press.
- Tjandra, W. Riawan. (2009). Hukum Keuangan Negara. Jakarta: Grasindo.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Undang-Undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan.
- Undang-Undang Nomor 5 Tahun 1986 tentang Peradilan Tata Usaha Negara.
- Undang-Undang Nomor 51 Tahun 2009 tentang Perubahan Kedua atas UU No. 5 Tahun 1986 tentang PTUN.
- Undang-Undang Nomor 7 Tahun 2017 tentang Pemilihan Umum.
- Undang-Undang Nomor 9 Tahun 2004 tentang Perubahan atas UU No. 5 Tahun 1986 tentang PTUN.
- Wiyono, R. (2010). Hukum Acara Peradilan Tata Usaha Negara. Jakarta: Sinar Grafika.