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Legal Consequences of State Administrative Decisions That Violate Good Governance: An Analysis of Islamic Law and Positive Law on the SDGs

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Abstract

Objective: This study examines the legal consequences of State Administrative Decisions that violate the General Principles of Good Governance (Asas-Asas Umum Pemerintahan yang Baik/AUPB) as regulated in Law Number 30 of 2014 on State Administration, analyzed through the perspectives of Islamic law, positive law, and the Sustainable Development Goals (SDGs). **Theoretical framework:** The theoretical framework is grounded in the rule of law and good governance theory, emphasizing legality, accountability, and justice in public administration. This framework is complemented by Islamic legal principles such as amanah (trust), ‘adl (justice), and responsibility of rulers, which reinforce ethical governance. From an SDGs perspective, the study aligns particularly with SDG 16, which promotes effective, accountable, and transparent institutions. **Literature review:** The literature review covers doctrines of administrative law, principles of good governance, Law Number 30 of 2014, and classical as well as contemporary Islamic legal thought concerning justice, leadership ethics, and accountability. **Methods:** This research employs a normative juridical method through library-based legal research. Data sources include primary legal materials such as statutes and state administrative decisions, secondary materials including scholarly books and journal articles, and tertiary materials such as legal dictionaries and encyclopedias. Qualitative legal analysis is used to interpret norms and evaluate their coherence. **Results:** The findings indicate that State Administrative Decisions involving dishonesty, abuse of authority, conflicts of interest, or regulatory violations constitute maladministration and weaken democratic governance. From an Islamic law perspective, such decisions violate core ethical principles, while from a positive law perspective, they trigger legal responsibility and administrative sanctions. **Implications:** The implications emphasize the urgency of strengthening AUPB enforcement, harmonizing Islamic legal values with democratic governance, and enhancing oversight mechanisms to prevent KKN practices. **Novelty:** The novelty of this study lies in its integrative analysis that bridges state administrative law, Islamic legal ethics, democratic theory, and SDGs-oriented governance.

Keywords: state administrative decisions, good governance, legal consequences, violating principles, sdgs.

INTRODUCTION

Good governance has become a fundamental principle in modern state administration, serving as the cornerstone for accountability, transparency, and legal certainty in public decision-making. State Administrative Decisions (Keputusan Tata Usaha Negara) play a decisive role in shaping citizens' rights, obligations, and access to public services. When such decisions violate the General Principles of Good Governance, they not only produce legal consequences but also erode public trust in state institutions. In this context, examining the legal implications of maladministrative decisions is essential for strengthening the rule of law and ensuring responsible governance [1].

In Indonesia, Law Number 30 of 2014 on State Administration explicitly mandates that all administrative actions must adhere to the principles of legality, proportionality, impartiality, and accountability. However, in practice, violations such as abuse of authority, conflicts of interest, dishonesty, and procedural irregularities remain prevalent. These violations often manifest in forms of maladministration that generate legal uncertainty and open opportunities for corruption, collusion, and nepotism. Without adequate legal scrutiny, such practices undermine democratic governance and weaken institutional integrity. From the perspective of Islamic law, governance is inseparable from moral responsibility. Principles such as amanah (trust), 'adl (justice), and accountability before both society and God establish ethical standards for rulers and public officials. When state administrative decisions deviate from these values, they constitute not only legal violations but also moral failures. Integrating Islamic legal ethics with positive law therefore provides a more comprehensive framework for assessing the legitimacy and consequences of administrative decisions [2].

This research is particularly significant in relation to the Sustainable Development Goals (SDGs), especially SDG 16, which emphasizes peace, justice, and strong institutions. Effective enforcement of good governance principles directly contributes to building transparent and accountable institutions, reducing corruption, and promoting inclusive decision-making. Furthermore, the harmonization of legal norms, ethical values, and democratic principles supports sustainable development by ensuring that public administration serves the common good. Therefore, this study addresses an important gap by analyzing the legal consequences of state administrative decisions that violate good governance through the combined lenses of Islamic law and positive law. By doing so, it offers a normative and ethical foundation for strengthening administrative justice, enhancing institutional accountability, and advancing SDGs-oriented governance in contemporary state administration [3].

Currently, there is a perception that decisions by state administrative officials are considered correct until validated by a court. This needs to be reviewed from a constitutional perspective. In a state governed by the rule of law, the validity of government decisions must be maintained from the outset, not only after a court ruling. Therefore, legal reform is needed so that state administrative decisions are not only subject to administrative procedures but also in accordance with constitutional principles, thereby preventing violations of rights and protecting power. Decisions by state administrative officials (TUN) are one form of implementation of state administrative authority that has a broad impact on society. In Indonesia's state administrative legal system, decisions by state administrative officials are considered valid and legally binding until an acquittal is reached by a court, for example, through a lawsuit in the State Administrative Court (PTUN). However, this concept has drawn criticism from a constitutional perspective because it is considered to potentially violate the principles of the rule of law stipulated in the 1945 Constitution [4].

The principle of legality in a state based on law, as stated in Article 1 paragraph (3) of the 1945 Constitution, emphasises that Indonesia is a state based on law. One of the basic principles of a state based on law is the principle of legality, which requires all government actions to comply with the law. This principle includes:

P-ISSN: 14110881 | E-ISSN: 25414534

1. Compliance with the Constitution: State administrative decisions must comply with higher legal regulations, including the 1945 Constitution.
2. Control of Power: The authority of officials must not be used arbitrarily or excessively.

When state administrative decisions are deemed correct until they are ratified by the government, a loophole arises for state authority. In some cases, decisions that contradict the Principles of Legal Certainty, Justice, law, or the Constitution remain valid and binding, even though they have the potential to harm society or violate human rights. State administrative law is closely related to the power and activities of the ruler, hence the birth of state administrative law. In other words, state administrative law, like state constitutional law, is closely related to the issue of power (administrative law deals with one aspect of the problem of power) [4].

State power, according to Fiqh *Siyasah*, consists of *al-sulthah al-tasyri'iyyah* (legislative), *al-sulthah al-tanfidziyyah* (executive), and *al-sulthah al-qadllaiyyah* (judicial). In the early history of the Islamic state, these three powers did not stand alone, but in modern times, each stands alone, but in division, not separation. The government (power) is led by what is called a king, president, or prime minister. The government in Fiqh *Siyasah* is known as *khalifah*, *malik* (king), sultan, and in modern times, in many Muslim countries whose head of state is called president [5].

The state, as *a politically organised society* A government body without state legal regulations will be paralysed, because this body does not have any authority, or its authority is not determined; a government body without state administrative law will be completely free, because this body can exercise its authority according to its own will. Before the 19th century, government administrative law was integrated with state constitutional law, and only in the 19th century did government administrative law stand alone as a separate legal discipline. Baron de Gerando was a French scientist who introduced administrative law as a legal science that grew directly based on the decisions of the state apparatus, based on daily state practices. In other words, the king's decision in resolving disputes between officials and the people is a rule of administrative law [6]. Initially, administrative law or state administrative law in the Netherlands was combined with state constitutional law called *staats en admnistratief* recht. In 1946, the University of Amsterdam separated the courses between state constitutional law and administrative law. In 1948, Leiden University followed the University of Amsterdam in separating the courses taught by Kranenburg. In the mid-20th century, administrative law developed due to the demands of the emergence of a modern legal state (welfare state) that prioritised the welfare of the people [7].

Administrative justice has an important role in ensuring that government authority is exercised legally, fairly, and accountably. One of the important foundations of the Indonesian administrative law system is the existence of the General Principles of Good Governance (AUPB). AUPB, which includes principles such as honesty, legal certainty, proportionality, and fair treatment, has now become more than just an ethical guideline. It has entered the normative realm and become a measure of legality in the making of State Administrative Decisions (KTUN) [8]. Over time, the development of administrative law demands that AUPB not only be recognised in theory, but also must be present and alive in judicial practice. The State Administrative Court (PTUN), as the vanguard in resolving administrative disputes, is required to make AUPB a concrete and measurable benchmark in each of its decisions. However, the reality on the ground does not fully reflect this.

Administrative law in the Netherlands is called administratief recht or bestuursrecht. This means administrative power/environment outside the legislative and judicial branches. In France, it is called droit administratif. In England, administrative law. In Germany, it is called Verwaltungrecht. In Indonesia, before the Second World War, at the Rechts Hogeschool in Jakarta, constitutional law and government administrative law were given in one course staats en Administratief Recht, by Logemann until 1941. In 1946 at the University of Indonesia constitutional law and government administrative law were given

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separately Constitutional law was given by Resink, administrative law by Prins3 Initially the use of terms for State Administrative Law was different, namely State Administrative Law, State Administrative Law, but in subsequent developments the term commonly used was State Administrative Law although it did not rule out the possibility of using other names [9]. The meeting thought that the term used should be "State Administrative Law", with the following notes and reasons. Note: The choice of the term "State Administrative Law" does not preclude the possibility for the relevant faculties to continue to use other terms, for example, Constitutional Law, State Administrative Law, as long as the minimum syllabus remains a shared responsibility. The reason for choosing the term State Administrative Law, according to the Meeting, is because the term State Administrative Law is a term that has a broad meaning, thus opening up possibilities for the development and progress of the Republic of Indonesia in the future. In the current situation of political turmoil and law enforcement, the struggle for "roles" between political interests and law enforcement interests is clearly visible, while these two factors are like two sides of a coin that clearly alternate and influence each other, even showing functional interdependence [10].

Determining which factors play a greater role depends heavily on the demands of the situation and the circumstances of the case, and it's difficult to make premature, sometimes even unexpected, assumptions. Beautiful and grandiose theories often fail in practice. There are times when political interests are more important and then put aside the idea of upholding the truth legally, that's where people then put aside the idea of upholding the truth legally, that's where people then say lightly, yes, that's politics", even though this assessment is not necessarily correct or not completely correct, if measured based on the paradigm that should underlie clear and proportional considerations and thinking. Therefore, if we are faced with a case, it is necessary to establish an agreement first, whether it will be studied and examined according to the main legal approach and perspective, or according to a political perspective, so that there is no debate, without the same self-interest. The General Principles of Good Governance have now been stipulated in Law Number 30 of 2014 concerning Government Administration (LN No. 292), as follows: Article 10 concerning AUPB includes the principles of: *a. Legal certainty; b. Benefit; c. Impartiality; d. Accuracy; e. Not abusing authority; f. Transparency; g. Public interest; and h. Good service*. Other general principles outside the AUPB, as referred to in paragraph 1, may be applied as long as they are used as the basis for the judge's assessment, as stated in a court decision that has permanent legal force [11].

The Dispute over Authority in Article 16 of Law Number 30 of 2014 concerning Government Administration is as follows:

1. Government Agencies and/or Officials prevent the occurrence of Authority Disputes in the use of Authority.
2. In the event of a Dispute of Authority within the government, the authority to resolve the Dispute of Authority lies with the superior of the Government Official in dispute through coordination to reach an agreement, unless otherwise stipulated in the provisions of statutory regulations.
3. If the resolution of the Authority Dispute, as referred to in paragraph 2, results in an agreement, then the agreement is binding on the disputing parties as long as it does not harm state finances, state assets, and/or the environment.
4. If the resolution of the Authority Dispute, as referred to in paragraph (2), does not result in an agreement, the resolution of the Authority Dispute within the government at the final level will be determined by the President.
5. Settlement of Disputes over Authority, as referred to in paragraph (2), involving State Institutions shall be resolved by the Constitutional Court.
6. If a dispute over authority results in losses to state finances, state assets, and/or the environment, the dispute shall be resolved in accordance with the provisions of statutory regulations [12].

P-ISSN: 14110881 I E-ISSN: 25414534

The Prohibition on Abuse of Authority in Article 17 of Law Number 30 of 2014 concerning Government Administration is as follows:

1. Government agencies and/or officials are prohibited from abusing their authority.
2. The prohibition on abuse of authority, as referred to in paragraph (1), includes:
    a) Prohibition of exceeding authority;
    b) Prohibition on mixing authorities; and/or
    c) Prohibition of acting arbitrarily.

In the provisions of several articles, government officials are categorised as exceeding their authority, namely:

1. Government agencies and/or officials are categorised as exceeding their authority as referred to in Article 17, paragraph 2, letter a if the decisions and/or actions taken: a. exceed the term of office or the time limit for the validity of the authority; b. exceed the territorial limits for the validity of the authority; and/or c. are contrary to the provisions of laws and regulations.
2. Government Agencies and/or Officials are categorised as having mixed their Authorities as referred to in Article 17, paragraph 2, letter b if the Decisions and/or Actions taken are: a. outside the scope or main point of the Authorities granted; and/or b. Contrary to the objectives of the Authorities granted.
3. Government Agencies and/or Officials are categorised as acting arbitrarily as referred to in Article 17, paragraph 2, letter c if the Decision and/or Action taken is not based on Authority and/or is contrary to a Court Decision that has permanent legal force. Law Number 30 of 2014 concerning Government Administration, article 16, states that administrative ethics is also called maladministration. Maladministration is a practice that deviates from administrative ethics or administrative practices that distance themselves from achieving administrative goals. Furthermore, maladministration or abuse of authority is often carried out by a civil servant in carrying out his duties as follows:
    a) Dishonesty. State officials always have the opportunity to engage in dishonest acts in carrying out their duties. For example, extortion, embezzlement, and so on.
    b) Unethical behaviour. There are often loopholes in regulations that allow officials lacking moral character to engage in misconduct, such as bribery and other acts.
    c) Conflicts of interest. Public officials are often faced with positions fraught with conflicts of interest. In such situations, the law sometimes fails to function as intended. For example, payments by contractors to government officials are made with the intention of influencing their decisions.
    d) Violating laws and regulations.
    e) Unfair treatment of subordinates. An employee is fired by his superior for reasons unrelated to his inefficient actions, or is fired without any explanation of the reason.
    f) Violation of procedures. Government-established procedures are sometimes not written into law, but they do have the force of law. Therefore, every institution must implement them consistently.
    g) Disrespecting the will of lawmakers. Regulations are created to protect the public interest. If a decision made by a government official disregards the public interest, it can be categorised as maladministration.

P-ISSN: 14110881 | E-ISSN: 25414534

h) Inefficiency or waste. Service inventory belongs to the state, which means it belongs to the wider community. Therefore, wasting funds, time, or organisational resources without a clear justification is unjustifiable.

i) Covering up wrongdoing. Public officials often refuse to provide honest information to legislative bodies. This uncooperative attitude usually arises because officials feel that any irregularities within their organisation are their own responsibility. Such actions violate ethical standards.

j) Failure to take initiative. Officials often fail to make positive decisions when exercising their legal authority. This is partly due to a fear of criticism. This reason should not be a barrier to becoming a good official [13].

LITERATURE REVIEW

Violative Decision Principles General Good Governance (SDGs)

Administrative decisions violating a country's principle of good governance can have significant legal consequences, both from the perspective of positive law and Islamic law [14]. This literature review aims to study consequence law from decision administrative violations and good management, and the implications for sustainable development (Sustainable Development Goals/SDGs).

Principles of good governance in government, such as the general interest, certainty law, as well as openness, in general become pillar main in operate ideal government. However, in practice form ideal government is not as easy as imagined. In active government, still often found various form deviations that occur in public and administrative processes. So, you can it is said that operate ideal government is not as easy as flipping palm hands, if only applying principles of good governance, without balancing with optimal [15].

Article 1, number 1 of the Law Number 25 of 2009 concerning Public *(Service Law Public)* explain that public service is an activity or a series of purposeful activities For do fulfillment need service for every inhabitant of the country on goods, services, and/or administrative services provided by the organiser of the service [16]. On service related public administration government, in practice often happens that detrimental deviation from public interest deviation This is known as maladministration. In general, maladministration is defined as actions that oppose law and ethics in the public service process. Existence of maladministration not only harm right inhabitant country to decent public, but Also weaken trust public to institutions of government.

Term Maladministration in Indonesia

In a public democratic country, maladministration show failure of the government in fulfil rights inhabitant country. This means that the government No capable give improvement and quality of public. Article 1, number 3 of the Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia *("Ombudsman Law")* explains that maladministration is behaviour or actions that oppose the law, which are not in accordance with the law or rules, such as abuse of authority, using power for a wrong purpose, or ignore obligation law in service public. Acts of maladministration committed by officials or organizer country can cause loss, goods in a way material, both material and non- material, for the public or an individual [17]. Organiser countries that can be associated with practice maladministration are not limited to officials, but also the public who implement functions in accordance with legislation. Subject maladministration also covers State - Owned Enterprises (BUMN), Regional - Owned Enterprises (BUMD), Public Companies Law State -Owned Enterprises (BHMN), up to party private or individuals who are given a mandate to organise public service, especially if part or all of the funding is

P-ISSN: 14110881 | E-ISSN: 25414534

sourced from the APBN and APBD. In other words, the scope of accountability is wide Because covers every entity that runs function service public on Name country.

Effort in Preventing Maladministration

To prevent and handle maladministration that occurred in the field of government, a country has formed an institution that have task and function do supervision to organization service public services in government institutions. This is called the Ombudsman. Ombudsman, as institutions that play a role supervise organization service organisations, have a direct with various problems in the implementation of services to the public. The function of the Ombudsman as an institution supervisor service to the public in the administration of government, is laid out in Article 6 of the Ombudsman Law [18]. More continues, Article 7 regulates the Ombudsman's duties to prevent and handle maladministration, namely, including:

1. accept Report on suspicion of maladministration in organization service;
2. Inspect the substance in the report.
3. follow up Reports covered in the room scope: Ombudsman's authority;
4. do investigation on initiative Alone to suspect maladministration in the public;
5. do coordination And Work The same with the institution country or institution government, as well as the institution community and individual;
6. build network work;
7. do effort to prevent maladministration in organization service organisation; and
8. do other tasks assigned by law.

The Concept of Good Governance and SDGs

1. Good Governance: Referring to principles like transparency, accountability, participation, and supremacy of law.
2. SDGs: The UN Agenda for Sustainable Development, which includes 17 goals, including the eradication of poverty, gender equality, and protection of the environment.
3. Perspective Law Positive
    a. Consequence Law: Administrative actions that violate good governance can be cancelled through the judicial review process.
    b. Principle Law: Principles of legality, principles of certainty law, and principle justice become a runway evaluation decision administrative.
    c. Example Case: Cancellation decision administrative by the Court of Great Because violate principles of law.
4. Perspective on Islamic Law
    a. Principle Sharia: Concept adlalah (justice), maslahah (benefit), and relevant shura (deliberation) with good governance.
    b. Draft Hisbah: Mechanism of supervision and accountability in Islamic government.
    c. Implications: Administrative decisions must be made in accordance with the principle of justice and the welfare of people.
5. Analysis Comparative
    a. Aspect Law, Positive and Islamic Law

P-ISSN: 14110881 | E-ISSN: 25414534

b. Foundation Constitution and regulations, Al-Quran, Hadith, principles of Sharia, Justice, based on principle of legality, based on maslahah, Accountability, Judicial review mechanism, Concept of hisbah and trustworthy.

6. Implications towards SDGs
   a. Good Governance: Support the achievement of SDGs through transparency and ongoing accountability.
   b. Justice and Equality: Principle of justice in Islamic law and positive support for SDG (Reduce Inequality).
   c. Sustainable Development: Decisions, good administration support management source Power natural sustainable.
7. Challenge And Opportunity
   a. Harmonisation: Integrating principle Islamic law and positive law in the context of the modern state.
   b. Implementation: Application of good governance in decision administrative For support the SDGs.

Administrative decision violating countries' order, good management, own consequence, significant law in perspective, law positive and Islam. Integration principle, justice, accountability, and welfare are important for the support of the achievement of SDGs [19].

METHODOLOGY

In this study, the author tries to examine several regulations and rules that govern the application of the general principles of good governance. This research uses normative legal research using secondary data, including primary, secondary, and tertiary legal materials. The data collection tool used is a document study, which is a tool for obtaining secondary data. Next, the author will analyse the existing data qualitatively, where the author will carry out research procedures to produce analytical descriptive data, namely what is stated as the research objectives in writing, verbally, and in accordance with reality [20]. The type of research used is normative legal research or doctrinal legal research. The research approach used is a statutory research approach (statute approach) and a conceptual approach. Normative legal research is research that discusses legal problems or issues based on principles, concepts, foundations, or legal theories related to existing legal issues, and then analysed using statutory regulations. The statutory approach and conceptual approach are used to find legal facts based on existing statutory regulations and concepts.

Table 1. Research Method Used in This Study

Aspect	Description
Type of Research	Normative legal research (doctrinal legal research)
Approach	Statutory approach (statute approach) and conceptual approach
Research Objective	To examine the regulations and rules that govern the application of the general principles of good governance
Rationale for Approach	The statutory and conceptual approaches were chosen because they allow legal problems to be analysed based on legislation and legal concepts, making it possible to find legal facts in accordance with existing principles and theories.
Key Figures Analysed	Legislators, policymakers, and legal scholars whose works or regulations are related to the principles of good governance
Main Data Sources	Primary legal materials (laws and regulations), secondary legal materials (books, journals, research reports), and tertiary legal materials (legal dictionaries, encyclopedias, supporting references).

P-ISSN: 14110881 | E-ISSN: 25414534

Method of Analysis	Qualitative analysis with analytical-descriptive method: identifying, categorising, and interpreting legal issues based on statutory regulations and legal concepts
Theoretical Framework	Principles of good governance within the framework of normative legal theory and statutory law
Focus of Analysis	The relationship between legal principles, statutory regulations, and the implementation of good governance in practice
Expected Outcome	The relationship between legal principles, statutory regulations, and the implementation of good governance in practice

RESULTS AND DISCUSSION

Decisions of State Administrative Officials that Have Legal Consequences

This research is expected to inspire academics, practitioners, legal observers, and students to conduct further research in the future. Some actions and decisions of State Administrative Officials deemed detrimental to individual or public interests and therefore requiring a submission to the State Administrative Court include [21]:

1. The object of the calculation is the Decree of the Head of the NTB Province BPN Regional Office Number: 35/SK-52.MP.02.03/III/2024 concerning the Cancellation of 6 (six) Certificates of Ownership in the name of R. Samisara which is Invalid because it was issued without going through legal procedures, without providing an opportunity for clarification to the Plaintiff, and is contrary to the general principles of good governance (AAUPB). This Decree is currently being tested at the Matara State Administrative Court, registered in case No. 31/G/2025/PTUN.MTR is still in process.
2. The object of the signing (Certificate of Ownership Rights Number: 719/Desa, Pemongkong, issued on July 30, 2001, with Measurement Letter Number: 352/Pemongkong/2001, dated April 26, 2001, with an area of 13,855 M2, calculated in the name of G. SUBUDHI.) was issued without a clear legal basis and foundation, was not procedural, started with the applicable provisions and violated the general principles of good governance (AAUPB), and has harmed the Plaintiff, then in accordance with the provisions of Article 53 paragraph (1) and paragraph (2) of Law Number: 9 of 2004 concerning Amendments to Law Number: 5 of 1986 concerning State Administrative Courts which reads "paragraph (2) the reasons that can be used in the lawsuit as referred to in paragraph (1) are a. The State Administrative Decision being contested is contrary to the applicable laws and regulations; B. The State Administrative Decision being contested is contrary to the General Principles of Good Governance. Therefore, based on these basic reasons, the Plaintiffs filed this lawsuit with the Mataram State Administrative Court to declare the object of the release legally flawed and null and void.

Based on the reasons above, it turns out that the judge stated that the Defendant or State Administrative Official had issued the secured object not in accordance with the process and procedures as regulated in Government Regulation Number 24 of 1997 concerning Land Protection, namely Article 1 number 1, 5 and 7 Jo. Article 24, paragraph (2), Jo. Article 25 paragraph (1), so that it is clear that the Defendant in issuing the judicial object has violated the principle of legal certainty, the principle of accuracy, the principle of impartiality and the principle of professionalism as regulated in the provisions of Article 10 paragraph (1) of Law Number 30 of 2014 concerning Government Administration Jo. Article 3 of Law Number 28 of 1999 concerning the Implementation of a Clean State Free from Corruption, Collusion and Nepotism. Therefore, it is very appropriate and legally justified if the object of the lawsuit is declared legally flawed and null and void, as stipulated in Decision Number: 26/G/2021/PTUN.MTR dated December 6, 2021 [22].

P-ISSN: 14110881 | E-ISSN: 25414534

The object of the dispute in Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning State Administrative Courts (hereinafter referred to as the State Administrative Court Law) in the form of a decision is regulated in Article 1, number 91, which can be described as follows [23]:

a. Written determination;
b. Issued by the State Administrative Agency or authorised official;
c. Contains TUN legal actions;
d. Based on applicable laws and regulations;
e. Concrete, individual, and final;
f. Causing legal consequences for a person or a civil legal entity.

Based on this article, important points can be underlined to assess the object of the dispute. *First*, in the form of a written decision, which is intended to facilitate the evidentiary aspect but is not limited to the formal form of a decision. In addition to the need for a written form, the "determination" clause indicates the existence of the contents of the legal relationship regulated in the relevant TUN decision, which can be in the form of: an obligation to do or not do or permit something, granting subsidies or assistance, granting permits, and granting status [24].

Second, issued by a state administrative body or official, to measure the state administrative body or official in terms of the implementation of functions at the time the state administrative action is carried out. In addition, it is not limited to official institutions within the government environment, but also includes institutions outside the executive and even the private sector. *Third*, state administrative legal actions are based on applicable laws and regulations; a legal action by a state administrative body or official is carried out based on the laws and regulations in force at the time the decision is issued. In addition, a state administrative legal action is a decision that creates, determines binding or abolishes existing TUN legal relations. The clause regarding legal actions of the State Administrative Court carried out based on laws and regulations is in accordance with one of the principles in the administration of government, namely the principle of legality (principle wetmategheid van bestuur) [25].

Fourth, it must be concrete, individual, and final, meaning that a decision must be tangible and can be determined. The meaning of individual can be interpreted as meaning that the decision is directed at the individual or civil legal entity concerned and is not directed at the general public. The final meaning is that it may not be continued with other decisions, and the legal consequences that arise and are intended by the issuance of the written decision must truly be definite legal consequences. *Fifth*, the legal consequences for individuals and civil legal entities, namely, causing changes to existing legal relationships. Then, the definition of this decision was secretly changed in Article 1, number 7 of the Law on State Administration to "Government Administration Decisions, also called State Administrative Decisions or State Administrative Decisions, hereinafter referred to as Decisions, are written provisions issued by Government Agencies and/or Officials in the administration of government" [26].

English: To avoid any conflict of norms between Article 1, number 9 of Law Number 51 of 2009 and the Law on State Administration, the two definitions of decisions are bridged through Article 87 of the Law on State Administration. Article 87 of the Law on State Administration contains the following provisions: *"With the enactment of this Law, State Administrative Decisions as referred to in Law Number 5 of 1986 concerning State Administrative Courts as amended by Law Number 9 of 2004 and Law Number 51 of 2009 must be interpreted as: a) written determinations that also contain concrete actions; b) Decisions of State Administrative Agencies and/or Officials at the executive, legislative, judicial, and other state administrator levels; c) based on provisions of laws and regulations and AUPB; d) final in the broad sense; e) Decisions that have the potential to give rise to legal consequences; and/or f) Decisions that apply to the Community."* The

provisions referred to in Article 87 of the Law on State Administration are as listed in the following table:

Table 2. Elements of State Administrative Law Decisions in relation to State Administrative Judicial Law

Article 1, number 9 Law Number 5 of 1986 concerning State Administrative Courts, as amended by Law Number 9 of 2004 and Law Number 51 of 2009	Article 87 Law Number 30 of 2014 concerning Government Administration
Written determination	Written determination, which also includes factual actions;
Issued by a state administrative body or official containing state administrative legal acts	Decisions of State Administrative Agencies and/or Officials in the executive, legislative, judicial and other state administrative environments;
Based on applicable laws and regulations,	Based on statutory provisions and AUPB;
Which one is final?	Final in a broader sense
Which gives rise to legal consequences for a person or civil legal entity.	Decisions that have the potential to give rise to legal consequences; and/or
Concrete, individual	Decisions that apply to Community Citizens.

Table 2. Based on this understanding, we can compare the elements of decisions that can be tried by the court between the provisions in the State Administrative Court Law and the State Administrative Law, as listed in the following table:

Table 3. Characteristics of State Administrative Decisions as Legal Products within Public Governance Framework

Element	TUN Products
Forming	Written decision
Authority	Issued by Government Agencies and/or Officials
Purpose of publication	Governance.
Characteristics	Individual Concrete Abstract Individual General-Concrete

Negative and Positive Fictitious Decisions in Improving the Quality of Public Services

1. Negative Fiction

Lawsuits in State Administrative Courts are known to have negative fictitious lawsuits filed by individuals or civil bodies in the event of an application submitted to a state administrative body or official. Although in developments with the enactment of Law Number 30 of 2014 concerning Government Administration, it has changed with the existence of positive fictitious decisions, although the transitional rules do not mention any changes related to negative fictitious to positive fictitious [27] . However, by using the legal principle, namely the principle of posterior derogate legi priori, the meaning is that a newer law defeats the older one. This principle applies to two regulations that regulate the same problem in the same hierarchy, so that the existence of positive fictitious lawsuits is no longer found except in casuistic cases during the transitional period of law.

Based on Law Number 5 of 1986 concerning State Administrative Courts, specifically Article 3, it states:

P-ISSN: 14110881 I E-ISSN: 25414534

(1) If a state administrative body or official does not issue a decision, even though it is their obligation to do so, then this is considered the same as a state administrative decision.

(2) If a state administrative body or official does not issue the requested decision, while the time period as determined in the statutory regulations in question has passed, then the state administrative body or official is deemed to have refused to issue the decision in question.

(3) If the relevant statutory regulations do not specify the time period as referred to in paragraph (2), then after a period of four months has passed since the application was received, the relevant state administrative body or official shall be deemed to have issued a decision of rejection [28].

Article 3 of Law No. 5 of 1986 is termed as negative fiction because it contains the context of "fiction" which shows that the State Administrative Decision being contested is actually intangible. It is only a silent attitude from a state administrative body or official, which is then considered to be the same as a real written State Administrative Decision. Meanwhile, the term "negative" indicates that the State Administrative Decision being contested is considered to contain a rejection of the application that has been submitted by a person or civil legal entity [29]. If the State Administrative body or official does not issue a decision (remains silent), while it is their obligation, then their silence is considered the same as a State Administrative Decision and can be contested.

2. Positive Fiction

Dispute resolution in the State Administrative Court, which is the opposite of a negative fictitious, is the Court's authority to examine and decide on the acceptance of an application to obtain a Decision and/or Action from a Government Agency or Official, which is usually termed a positive fictitious decision. This application is based on Article 53 of Law Number 30 of 2014 concerning Government Administration, which reads as follows [30]:

(1) The time limit for the obligation to determine and/or carry out Decisions and/or Actions in accordance with the provisions of statutory regulations.

(2) If the provisions of statutory regulations do not determine the time limit for the obligation as referred to in paragraph (1), then the Agency and/or Government Official is obliged to determine and/or carry out a Decision and/or Action within a maximum of 10 (ten) working days after the application is received in full by the Agency and/or Government Official.

(3) If within the time limit as referred to in paragraph (2), the Agency and/or Government Official does not determine and/or carry out a Decision and/or Action, then the application is deemed to have been legally granted.

(4) The applicant applies to the Court to obtain a decision to accept the application as referred to in paragraph (3).

(5) The court is obliged to decide on the application as referred to in paragraph (4) no later than 21 (twenty-one) working days from the date the application is submitted.

(6) Government Agencies and/or Officials are required to issue a Decision to implement the Court's decision as referred to in paragraph (5) no later than 5 (five) working days from the date the Court's decision is issued.

Based on the above regulations, the applicant is the party whose application is deemed to be legally granted due to the non-stipulation. Decisions and/or non-action by government agencies and/or officials, and therefore applies to the competent Court to obtain a decision on the acceptance of the application. It is called "fictitious" because it is an application submitted that is considered as if there is a decision, while it is called "positive" because the application submitted by the applicant has been accepted, and an application is submitted to the Court to obtain the decision on acceptance [31]. For the deadline for

P-ISSN: 14110881 | E-ISSN: 25414534

applying, it is stated that if after applying with complete requirements, with a maximum deadline of 10 (ten) days, the applicant does not receive an answer, whether the application is accepted or rejected, while this is the authority and obligation of the government agency and/or officials, then the silence is considered that the application is granted.

This decision has legal consequences and is the object of a dispute in the State Administrative Court

Many laws and regulations are blunt, ineffective in eradicating arbitrariness, unable to uphold justice, and unable to present themselves as guidelines to be followed in resolving cases that should be handled by the law. Many provisions of laws and regulations must be recognised as highly biased.

In the Circular Letter of the Supreme Court Number 4 of 2016 concerning the Implementation of the Formulation of the Results of the Agreement of the Plenary Meeting of the Supreme Court Chamber in 2016 as a Guideline for the Implementation of the Duties of the Supreme Court, it is stated that "final in the broad sense" is a State Administrative Decision that has given rise to legal consequences even though it still requires approval from a higher agency or other agency (for example: investment facility licensing by the Investment Coordinating Board (BKPM), Environmental Permit, and so on). So it can be understood that basically a KTUN is final and has legal consequences, which, in the broad sense, is the existence of approval from other agencies [32].

In addition, Article 54 of the State Administration Law regulates the nature of a decision, namely: (1) Decisions include decisions that are: a. constitutive; or b. declarative. (2) Decisions that are declarative in nature and are the responsibility of the Government Official who determines the constitutive Decision. Based on the explanatory provisions in Article 54, it is known that a decision can be categorized as: a) Constitutive decisions, namely decisions that stand alone or are determined independently by Government Officials; b) Constitutive decisions that are followed up with declarative decisions either horizontally or vertically by the official who determines the constitutive decision; c) Constitutive decisions that are not followed up with declarative decisions, for example, the Decision of the Ethics Committee that is not followed up; d) Declarative decisions without being preceded by constitutive decisions. For example, Birth Certificates according to the Population Administration Law [33].

In the case of a constitutive decision, responsibility for the emergence of a declarative decision can be accounted for, as its nature is merely "ratification." As stated in the explanation, a "declarative decision" is a decision ratified after going through a deliberation process at the level of the government official who made the constitutive decision. This ratification only confirms the decision already made by the government official who made the constitutive decision.

Administrative Efforts Against Decisions of State Administrative Officials

Since the enactment of Supreme Court Regulation Number 6 of 2018, concerning Guidelines for Settling State Administrative Disputes After Making Administrative Efforts, all cases to be submitted to the State Administrative Court must first go through administrative efforts.19 Cases that have the potential to give rise to legal consequences, according to the author, are also included. This administrative effort also needs to be carried out against officials who issue KTUNs that have the potential to give rise to legal consequences and the superiors of these officials, so that lawsuits that have potential reasons meet the requirements of Supreme Court Regulation Number 6 of 2018, concerning Guidelines for Settling State Administrative Disputes and Article 62 letter e, namely before the time. Decisions can be objected to within a maximum of 21 (twenty-one) working days from the announcement of the Decision by the Agency and/or Government Official [34].

P-ISSN: 14110881 | E-ISSN: 25414534

It can be concluded that the object of a lawsuit which has a clause which has the potential to give rise to legal consequences can be divided into 2 (two) testing schemes, namely:

1). Review of whether or not administrative efforts have been implemented based on Articles 75 to 78 of the State Administration Law and Supreme Court Regulation Number 6 of 2018 concerning Guidelines for the Settlement of State Administrative Disputes; and
2). Review of the disputed object with the following provisions: not definitive and potentially based on statutory regulations, binding on officials, becoming the basis for issuing a definitive KTUN, whether or not there is a legal relationship.

An objection is an administrative effort made by any person or legal entity, and the public who feels disadvantaged or dissatisfied with the decision of a State Administrative Official in the form of:

1. Object

Based on the Circular Letter of the Supreme Court (SEMA) of the Republic of Indonesia Number 2 of 1991 concerning Guidelines for the Implementation of Provisions in State Administrative Law, Article IV number 1 letter a states: "*The letter of objection (Bezwaarscriff Beroep) is submitted to the State Administrative Agency/Official who issued the original Decision (Determination/Beschikking)*." So, if a decision or action of a state administrative agency or official is detrimental to the legal subject, the first effort taken is an objection. The objection is submitted to the official or agency that issued the decision or action [35].

2. Interesting

What is an appeal? An appeal (*Beroep*) is a legal remedy addressed to the superior of an official or other agency of the State Administrative Agency/Official who issued the decision, which is authorised to re-examine the disputed State Administrative decision. In other words, an appeal is a legal remedy undertaken by an individual or civil legal entity if they are dissatisfied with an objectionable decision submitted to the superior of the official or agency that issued the decision or action [36].

Basic Regulations Governing Administrative Efforts

1). Objections in the AP Law

In accordance with the provisions of Article 76 of the AP Law, it states:

1. Government agencies and/or officials have the authority to resolve objections to decisions and/or actions that are determined and/or implemented, that are submitted by members of the public.
2. If a Community Member does not accept the resolution of the objection made by the Agency and/or Government Official as referred to in paragraph (1), the Community Member may submit an objection to the Official's Superior.
3. If the Community Member does not accept the resolution of the appeal by the Superior Officer, the Community Member may file a lawsuit with the Court.
4. Settlement of Administrative Efforts, as referred to in Article 75 paragraph (2), relates to the cancellation or annulment of a Decision with or without a claim for compensation and administrative claims [37].

In accordance with the provisions of Article 77 of the AP Law, it states:

1. Decisions may be objected to within a maximum period of 21 (twenty-one) working days from the announcement of the Decision by the Agency and/or Government Official.
2. Objections as referred to in paragraph (1) must be submitted in writing to the Agency and/or Government Official who issued the Decision.

P-ISSN: 14110881 | E-ISSN: 25414534

3. (2) If the objection referred to in paragraph (1) is received, the Agency and/or Government Official must issue a Decision in accordance with the objection request.
4. Government agencies and/or officials will resolve objections within a maximum of 10 (ten) working days.
5. If the Agency and/or Government Official does not resolve the objection within the time period as referred to in paragraph (4), the objection is deemed to have been granted.
6. Objections that are deemed to be granted will be followed up by issuing a Decision in accordance with the objection request by the Agency and/or Government Official.
7. Government agencies and/or officials are required to issue a decision on the application no later than 5 (five) working days after the end of the time limit as referred to in paragraph (4) [38].

2). Appeal under AP Law

In accordance with the provisions of Article 78 of the AP Law, it states:

1. The objection decision can be appealed within a maximum of 10 (ten) working days from the receipt of the objection decision.
2. The appeal application, as referred to in paragraph (1), is submitted in writing to the superior of the official who made the decision.
3. If the appeal request, as referred to in paragraph (1), is granted, the Agency and/or Government Official must issue a Decision in accordance with the appeal request.
4. Government agencies and/or officials will complete the appeal request within a maximum of 10 (ten) working days.
5. If the Agency and/or Government Official does not resolve the objection within the time period as referred to in paragraph (4), the objection is deemed to have been granted.
6. Government agencies and/or officials are required to issue a decision on the application no later than 5 (five) working days after the end of the time limit as referred to in paragraph (4) [39].

Enforcement of Administrative Law in Islamic Jurisprudence (State Administration According to Islam) and Positive Law

In Siyasah Fiqh (state administration according to Islam), the principles of good governance, apart from being obtained from the results of research, judges' decisions, and so on, can also be extracted from the main sources of Siyasah Fiqh, namely the Al-Qur'an and Hadith. As examples, we can mention, among others, the principle of trust, the principle of responsibility (al-mas-uliyyah), the principle of benefit (al-mashlahah), and the principle of supervision (al-muhasabah). Supervision (al-muhasabah) consists of transcendental supervision (al-muhasabah al-ilahiyah), personal supervision (al-muhasabah al-syakhsyiyyah), and supervision regulated in statutory regulations (al-musahabah al-qomariyah). The latter, in Indonesia, is known as embedded supervision, functional supervision, internal supervision and external supervision. Supervision is a crucial aspect in carrying out the duties, statements and behaviour of state officials and civil servants in complying with the law and carrying out their duties effectively. The primary legal instrument adopted by the government is government regulations, the validity of which is tested by statutory regulations and the general principles of good governance. Laws must be obeyed, implemented, maintained, and enforced. The application of law in life, in society, the nation, and the state is very important. Whether or not the objectives of the law are achieved depends on its implementation. Order and peace in society can only be effectively achieved if the law is implemented and enforced properly [40].

P-ISSN: 14110881 I E-ISSN: 25414534

The positive legal basis in Indonesia is juridical and philosophical, the judicial power as an independent institution and free from all forms of external interference, as desired in Article 24 of the 1945 Constitution, that judicial power is the power of an independent state to organize justice to uphold law and justice based on Pancasila and the 1945 Constitution, for the sake of the implementation of the rule of law of the Republic of Indonesia. Therefore, judges, as the core element in human resources who carry out judicial power in Indonesia, in carrying out the main tasks and functions of judicial power, are obliged to maintain judicial independence through the integrity of the freedom of judges in examining and deciding cases as regulated in Article 39 paragraph (4) of Law No. 48 of 2009. Pancasila and the 1945 Constitution are textually stated as the basic foundation of judicial power in law enforcement. The study of the freedom of judges as a material object must be viewed and interpreted from the perspective of the philosophy of Pancasila as the nation's outlook on life, and the 1945 Constitution as its constitutional legal basis. So, when linked to the perception of Indonesian judges in interpreting the freedom of judges when carrying out their main duties, which is said to be responsible freedom and in accordance with applicable laws and regulations, then the freedom of judges is freedom within the control of the corridors of Pancasila and the 1945 Constitution [41].

This situation raises concerns about the effectiveness of the judicial reforms being pursued. How can the judiciary be a tool for change if such a crucial instrument as the AUPB has not been fully understood as a legal standard for assessing state administrative actions? This imbalance indicates a gap between normative expectations and practical reality. Judicial reform is not simply about modernising institutions or strengthening the judicial information technology system. The legal substance and the way judges reason in their decisions are also important parts of the reform agenda. In this context, the meaning and application of the AUPB are at the heart of changing legal thinking within the PTUN environment. The implementation of the AUPB in the regions is often neglected, which results in the failure to achieve the principles of good and clean governance. The AUPB is studied as an administrative norm that is preventive against corruption and maladministration in the local environment. Aju Putrijanti explains that it is important for a judge to understand the AUPB philosophically and use it as an effort to strengthen oversight of government administrative actions and the importance of judges' legal logic in explicitly using the AUPB in every decision in order to provide a sense of justice for justice-seeking communities [42].

The General Principles of Good Governance (AUPB) have undergone significant conceptual development in the Indonesian legal system, from administrative ethical principles to binding legal norms. Initially, AUPB was part of unwritten administrative doctrine and practice, but was used as a moral guideline for state officials in exercising public authority. AUPB originates from the Dutch administrative law tradition with the term algemene beginselen van behoorlijk bestuur, which was then normatively adopted by the Indonesian legal system as the need for transparent and accountable governance increased. An important stage in the normativeization of AUPB occurred when several laws and regulations began to explicitly include AUPB as part of the positive legal framework. Law Number 28 of 1999 concerning Clean and Corruption-Free State Administrators is an important starting point that places AUPB in the context of supervision of state administrators [43]. However, the biggest breakthrough is seen in Law Number 30 of 2014 concerning State Administration (AP Law), which systematically codifies the principles of the AUPB into Article 10 and establishes it as the basis for the legality of every administrative action. This evolution shows a paradigm shift, where the AUPB is no longer only understood as a moral value or a legal complement, but has become a substantive instrument in assessing the validity of a State Administrative Decision (KTUN). The AP Law emphasises that state administrative actions that are inconsistent with the AUPB can be annulled or declared invalid. This means that the AUPB can now be used as a legal benchmark by PTUN judges in deciding administrative disputes, comparable to the norms of the law itself.

P-ISSN: 14110881 | E-ISSN: 25414534

CONCLUSION

State Administrative Decisions (Keputusan Tata Usaha Negara/KTUN) that have undergone State Administrative legal remedies may only be submitted to the State Administrative Court after such remedies are fully exhausted. This procedural requirement reinforces the principle of administrative accountability and legal certainty within public governance. Legal remedies must be directed not only at the official issuing the KTUN with potential legal consequences, but also at their superiors, ensuring compliance with Supreme Court Regulation Number 6 of 2018 on Guidelines for the Settlement of State Administrative Disputes, particularly Article 62 letter (e), which regulates procedural timeliness. Objections to a decision must be filed no later than twenty-one working days from the official announcement by the relevant Agency and/or Government Official. Based on the analysis, three main conclusions can be drawn. First, when the object of a lawsuit has the potential to cause legal consequences, it is essential to assess whether the decision is non-definitive yet potentially binding based on its underlying regulations, whether it binds officials, serves as the basis for issuing a definitive KTUN, and whether it establishes a legal relationship. This assessment is crucial to determine whether such administrative actions can legitimately be contested in the dismissal process. Second, at the dismissal stage, the Head of the State Administrative Court must carefully classify the object of the dispute through a two-step examination. This includes, first, reviewing the fulfillment of administrative legal remedies in accordance with Articles 75–78 of the State Administration Law and Supreme Court Regulation Number 6 of 2018; and second, conducting a substantive review of whether the object has potential legal consequences based on its regulatory basis, binding effect, and legal relations. Third, decisions that potentially give rise to legal consequences are constitutive in nature, as they are independently issued and may subsequently be followed by declarative decisions. Although Article 54 of the State Administration Law places primary responsibility for declarative decisions on the official issuing the constitutive decision, this does not absolve the official issuing the declarative decision from legal responsibility. From an SDGs perspective, these conclusions support SDG 16 (Peace, Justice, and Strong Institutions) by strengthening rule of law, ensuring procedural justice, and enhancing institutional accountability in state administration. Clear mechanisms for administrative remedies and judicial review contribute to transparent governance, prevent abuse of authority, and promote public trust in administrative institutions. In this way, state administrative law functions not only as a legal framework but also as a strategic instrument for achieving sustainable, just, and accountable governance.

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Author Contribution

All authors contributed equally to the main contributor to this paper, some are the chairman, member, financier, article translator, and final editor. All authors read and approved the final paper.

Conflicts of Interest

All authors declare no conflict of interest.

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