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LEGAL LIABILITY ON ADMINISTRATIVE TORT: ADMINISTRATIVE LAW PERSPECTIVE*

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Abstract

The development of judicial power brings some changes. One is the evolution of administrative law related to the object of administrative dispute, which embraces factual action. Thus, the administrative tort was also affected by this change. This writing aims to understand the government's liability on the administrative tort and the regulation of onrechtmatige overheidsdaad before and after the enactment of Law Number 30/2014 on government administration. The legal research method reveals that the government's liability on administrative tort is based on the origin of the authority (attribution, delegation, or mandate). Initially, the administrative tort done by the government was regulated by the article of 1365 Civil Law, but in 2014 it was also stipulated in the Government Administration Law. In addition, The Law of Government administration broadens the limitation of administrative decisions and makes the administrative court legally able to examine the administrative tort.

Kata Kunci: *Factual Action; Lialibilty; Onrechmatige Overheidsdaad.*

INTRODUCTION

Indonesia adheres to the concept of the rule of law that separates government power into three forms of power: executive, legislative, and judicial. The government can provide opportunities for state administration to carry out independent actions, both in the regulation and administration of state administration or *besturen* (Abrianto, Nugraha, and Grady 2020, 44–45). The power possessed by the government does not mean that the government can be arbitrary, but exercising its power must be subject to the law. Following the rule of law, which understands that state power in carrying out all government affairs must be limited and subject to the law, the separation of powers is one of the efforts in applying the concept of the state of law to provide restrictions on state power. The limitation of government power aims to create legal protection for the people (Abrianto, Nugraha, and Grady 2020, 44–45). In government affairs, the state administrative agency/official cannot be separated from making the State Administrative Decree (Keputusan Tata Usaha Negara/KTUN). Article 1 number 9 of Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning the State Administrative Court explains that administrative decree is a product of the state administrative agency/official in the form of written determinations which are also concrete, individual, and final, which cause legal consequences.

More and more government activities and increasing public awareness and knowledge allow for conflicts of interest between a person or civil law entity who feels aggrieved or dissatisfied with the existence of an administrative decree issued by the state administrative agency/agency. This conflict of interest

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gives rise to a state administrative dispute (Pandeiroot 2021, 15). Based on Article 1 number 10 of Law 51/2009 explains that a state administrative dispute is between a person/civil law entity and the state administrative agency/official over issuing an administrative decree. In this situation, the State Administrative Court is needed because the Administrative Court has a function in resolving state administrative disputes that arise. An administrative decree is considered detrimental to a person or legal entity. A lawsuit can be filed against the Administrative Court. Therefore, Administrative Court, as a form of development of judicial power in Indonesia, also controls government actions and becomes a means for the public to obtain justice for government actions (Ilham 2022, 4507). The existence of a state administrative dispute is not an obstacle to the implementation of government duties. Instead, it implements the principle of the rule of law that there is a guarantee of rights protection. In addition, it is also a means to test whether the administrative decree is under justice and legal principles. A lawsuit against unlawful acts by a state administrative agency/official (*Onrechmatige Overheidsdaad*) is a form of legal protection for the public for government actions.

The Indonesian government's power in the judiciary or judicial power, since the beginning of independence until now, has evolved. This development is shown by various changes in the laws regulating it and the development of increasingly complex judicial institutions. The enactment of the Law Number 30 of 2014 concerning Government Administration as a form of development of administrative law, its presence provides essential changes both in the material and formal legal context in the process of proceeding at the Administrative Court. One form of development of administrative law is the expansion of administrative decree efficiency, which has been expanded since the enactment of the Government Administration Law. Before the expansion of the definition of the administrative decree, Article 1 paragraph (9) of the Administrative Procedural Law was only in a narrow sense. Article 87, letter a of the Government Administration Law, expands the concept of factual actions into part of an administrative decree. Therefore, an administrative decree that is the object of the dispute is not only interpreted as an administrative decree that has caused real legal consequences. However, an administrative decree that could potentially cause legal consequences can be sued at the Administrative Court (M. A. Putra 2020, 2).

There are various interpretations of government administration and factual actions, through interpretation carried out historically (historical background to the establishment of the Government Administration Law), grammatical interpretation (sequence of words in Article 1 number 8 of the Government Administration Law), and systematic interpretation (reviewed through the relationship of Article 1 number 8 with Article 87 letter an of the Government Administration Law). It was found that the administrative action of the government in Article 1 point 8 of the Government Administration Law has the

same meaning as what is meant by factual action in Article 87 letter a of the Government Administration Law (Bimasakti 2022, 87). However, the idea used by Article 1 number 8 of the Government Administration Law to use the word "government administrative actions" can cause potential confusion with other concepts of government administration actions. Government administrative actions can be confused with legal actions in the realm of public law, for example, unwritten public legal actions in the form of silence and unwritten public legal actions in the form of oral decisions. Government administrative actions or factual (active) actions to carry out these actions will usually be preceded by an administrative decree, which aims to determine in advance the legal status/state of the subject or object that is the target of the factual action (Bimasakti 2022, 82–83).

On the other hand, administrative action is how the government performs its functions. It is possible to abuse the government's authority in its administrative functions. An act of government administration that violates authority is an act that violates the law. As the executor of administrative functions, it is questionable to what extent the government can be held accountable administratively for its unlawful actions. The term "the king can do no wrong" has undoubtedly been abandoned with the recognition of the principle of the rule of law (Jurubeba 2022). The lawsuit o*nrechtmatige overheidsdaad* can be used to prevent absolutism (Thahira 2020, 261) and hold accountable for governments' unlawful actions. In this case, the problem arises: How is the government responsible for these unlawful actions? In comparison, administrative offences with offences in a criminal context have been developed in Poland. Poland currently interprets serious offences as criminal offences while misdemeanours as administrative offences (Kulik and Błotnicki 2021, 457). In contrast to that research, this article will examine accountability for government actions in Indonesia and how the development of government unlawful action arrangements (o*nrechtmatige overheidsdaad)* was before and after the enactment of the Government Administration Law.

METHODS

This legal research uses a statutory approach. Legal research finds laws regulating community activities (Cohen and Olson 1992, 1). A statutory approach uses the legislative approach (Peter Mahmud Marzuki 2005, 137). The way this is done is to review various regulations related to the issue. The primary legal material used is legal provisions related to unlawful government acts (*onrechtmatige overheidsdaad*). Secondary law matters in the form of books, journals, and other literature that are appropriate to the issue (Marzuki 2022, 55–56).

RESULT AND DISCUSSION

A. Government Lialibility Regarding *Onrechtmatige Overheidsdaad*

The Netherlands and France have a dispute resolution system between communities and governments called the unity of jurisdiction (Netherlands) or dual-jurisdiction (France) model. Most countries with civil law traditions use the administrative dispute settlement system owned by the Netherlands and France as a

reference, one of which is Indonesia, as shown by the enactment of the Government Administration Law (Simanjuntak 2019, 171). The principle of *presumptio iustae causa* means that the administrative decree is always considered correct according to the law, so the administrative decree can be implemented first as long as the judge has not declared it an unlawful decision. This principle is contained in Article 67 paragraph (1) Administrative Procedural law, which interprets that administrative decree should be a manifestation of government actions and must always be considered correct according to the law. Thus, the lawsuit does not delay the implementation of the administrative decree as long as there has been no *inkracht* decision declaring the administrative decree void or invalid (Suriadinata 2018, 143).

The plaintiff is given an opportunity by law (Article 67 Administrative Procedural Law) to apply that the administrative decree being challenged for its implementation be postponed during the examination until the judge's decision. The judge can grant the request to postpone the implementation of the disputed administrative decree if the administrative decree continues to be implemented and will cause urgent circumstances that can harm the interests of the plaintiff. Requests for postponement of administrative decree implementation may also not be granted if administrative decree must be implemented because of public interest in the context of development. The judge only has the authority to postpone the implementation of the administrative decree if the plaintiff does not apply. The decision to postpone the implementation of the administrative decree has a massive influence on the government's duty to provide services to the community. Even the decision can potentially hamper development programs that have been planned or are running. If the development program is hampered, it will affect investment, the economy, and the community. Therefore, the decision to postpone the implementation of the administrative decree given by the judge must follow the provisions. That decision can be juridical control over the government. Thus, the purpose of postponing the implementation of an administrative decree for the benefit of the community is maintained (Suriadinata 2018, 145).

Government affairs must be conducted based on the law following the principle of legality in the rule of law. In addition, the government, through the state administrative agency/official in carrying out their duties, must also pay attention to their authority. Thus, it can minimize the occurrence of *onrechtmatige overheidsdaad,* which can harm the community and cause state administrative disputes.

Within the authority is contained the existence of rights and obligations. Right is the ability to control itself, while obligation means the power to administer the government (HR 2020, 100). The state administrative agency/official exercising authority there is accountable. Knowing how to obtain and implement this authority is necessary because each state administrative agency/official who exercises government authority is not directly legally responsible.

Government authority is obtained by the state administrative agency/official by attribution and delegation, and then the state administrative agency/official is legally responsible. However, suppose the government authority obtained by the state administrative agency/official in carrying out its duties through a mandate. In that case, the state administrative agency/official is not the responsible party but the mandate giver (Anggara 2018, 146). Article 1 number 22 of the Government Administration Law defines attribution as granting authority from the 1945 Constitution/Law to the state administrative agency/official. Furthermore, Article 1 number 23 also explains that delegation is the delegation of authority from a higher position body/official to a lower position body/official with a transfer of responsibility and responsibility. Based on Article 1 number 24, the mandate is the delegation of authority from higher to lower government bodies/officials, but the responsibility and responsibility remain with the mandate. In theory, the definition of mandate poses a problem because there is no delegation of authority to the mandate, so responsibility and responsibility always lie with the mandate giver. On the other hand, the article explicitly states, "delegation of authority....". The following table will be drawn regarding the different ways of obtaining authority (attribution, delegation and mandate):

Attribution	Delegation	Mandate
Authority comes from the mandate of the 1945 Constitution or explicitly written laws. So, this authority is new (*Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan*, n.d., Pasal 12 angka (1)), originally derived from the law. Not from the transfer of other bodies/officials.	Based on the attribution authority given by the delegate to the recipient of the delegation, the authority comes from the delegation of authority from other government bodies/organs/officials (Moh Gandara 2020, 94) .	There is no delegation of authority (Tutik 2012, 196). There is an assignment from the officials above him to subordinates. The recipient of the mandate acts on behalf of the mandate giver (F. M. K. Putra 2017, 14).
Attribution recipients can extend authority if they do not cross the line of authority (Moh Gandara 2020, 94).	It cannot expand authority (Moh Gandara 2020, 94). The authority received by delegates cannot be delegated again (unless stipulated in regulations).	There is no delegation of authority, no change of authority (HR 2020, 103).
The authority remains as long as there is no change in the regulation (Moh Gandara 2020, 94).	Authority can be revoked if it creates inefficiencies (*Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan*, n.d., Pasal 13 ayat (6)).	Authority may be withdrawn at any time and used by the mandate giver (Moh Gandara 2020, 94).
Responsibility and liability lie with the recipient of attribution (*Undang-*	The delegate is accountable to the delegator (Moh Gandara 2020, 94). The responsibility transfers to the	The liability remains with the mandate giver (*Undang-*

Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan, n.d., Pasal 12 ayat (2)).	recipient of the delegation (*Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan*, n.d., Pasal 13 ayat (7)) and is confirmed by government regulations, presidential decrees, and regional regulations.	*Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan*, n.d., Pasal 14 ayat (8)).

From the table above, it is clear that government actions can be held accountable if the authority obtained comes from attribution and delegation. However, unlike mandates, accountability remains with the mandate giver (Articles 12, 13, and 14 of the Government Administration Law). In attribution and delegation, there is a delegation of authority from the attribution/delegate to the attribution/delegate recipient. Furthermore, the responsibility also shifts from the attribution/delegate to the attribution/delegate. On the other hand, the mandate cannot be held accountable because there is no delegation of authority from the mandate giver to the recipient of the mandate.

On the other hand, the state administrative agency/official in carrying out their duties and functions cannot be separated from human nature, namely mistakes and mistakes. The way to determine the state administrative agency/official who can claim responsibility for losses arising from government administrative actions is through the judicial process. As the perpetrator of unlawful acts, the government must undoubtedly be responsible and compensate for the plaintiff's losses per the principle of "*schuldaansprakelijkheid"* (responsibility based on errors) (Ridwan 2022, 91). That responsibility includes administrative responsibility in state administrative law, which also has similarities with criminal responsibility, which aims to determine whether the perpetrator is guilty of committing a criminal act (Wahyuni, Irawan, and Rahmah 2021, 110). On administrative liability, the court needs to examine whether administrative action abuses authority.

Of course, the state administrative agency/official is prohibited from abusing authority. Abuse of authority following Articles 17 and 18 of the Government Administration Law can be categorized into three, namely: First, the state administrative agency/official exceeds its authority if a decision or action is made after the expiration of the term of office or the limit of the validity of authority; crossing the boundaries of the territory of authority; and not following the law. Second, the state administrative agency/official mix authority if a decision or action is carried out not following the area of authority granted; and contrary to the purpose of the authority granted. Third, the state administrative agency/official acts arbitrarily if a decision or action is not based on authority; and is inconsistent or contrary to the court's decision that is legally binding (*inkracht*). When the state administrative agency/official violates the provisions of Article 17, the state administrative agency/official has committed unlawful acts and can be sued in court.

B. *Onrechtmatige Overheidsdaad* Lawsuit Before and After the Enactment of Law No. 30 of 2014

Before the enactment of the Government Administration Law, factual acts were considered to have the same meaning as unlawful acts/tort (Perbuatan Melawan Hukum), so factual acts that violated the law were referred to as unlawful acts by the government (Asimah, Muttaqin, and Sugiharti 2020, 152). Tort by the ruler or *onrechtmatige overheidsdaad* is essentially an extension of the concept of tort (*onrechtmatige daad*), which is juridically normative and derived from Article 1365 of the Civil Code (Watung 2018, 48). After the enactment of Administrative Procedural Law, the regulation of *onrechtmatige overheidsdaad* remains in Article 1365 of the Civil Code because of the limited scope of the object administrative disputes regulated by the Administrative Procedural Law. If actions considered detrimental to the community are not explicitly regulated by sectoral legal regulations, Article 1365 of the civil code will still capture government actions that are detrimental to the community. Article 1365 of the civil code regulates the elements of unlawful acts, namely unlawful, error, loss, and a causal relationship exists between the act and the loss (Abrianto, Nugraha, and Grady 2020, 49). If we look closely, the definition of tort is not given in the article but only provides elements that must be present in an unlawful act. Empirically, the above elements must be met to hold the defendant's actions accountable, as seen in the court decision (Indonesia 2022b). However, not all court decisions provide legal considerations or do not allude to the above elements (Indonesia 2018).

Moreover, the unlawful act had developed, especially since 1919, when the Hoge Raad judgment was issued in the Lindanboem case against Cohen. So unlawful acts must also be interpreted as violating the subjective rights of others; violating legal obligations; violating the principle of propriety and decency, which until now has been used by judges as one of the considerations for giving a decision (Indonesia 2022a) (Indonesia 2019). The main question is, why was the district court then authorized to settle the case of *onrechtmatige overheidsdaad?* Philipus M Hadjon stated three reasons why the district court has the authority, namely 1) because it is based on Article 2 RO; 2) because there has been no administrative justice, and; 3) because it refers to jurisprudence (Hadjon 1987, 111).

The Law on the Judiciary (*Wet Op De Rechterlijke Organisatie/Wet RO*) of the Netherlands of 1827 provided for the organization of ordinary courts in the Netherlands consisting of 1) Kantongerecht; 2) Rechtbank; 3) hof and Hoge Raad (Hadjon 1987, 110). At that time, there were no administrative courts in the Netherlands. Therefore, Article II of the Transitional Rules of the 1945 Constitution is the basis for all existing regulations and bodies to remain in effect before a new one is formed. Furthermore, several decisions of the Jakarta District Court show the authority of the Distict Court to examine *onrechmatige overheidsdaad* cases. Regarding the existence of the administrative court, Indonesia only began to establish this court in 1991 (*Keputusan Presiden Nomor 52 Tahun 1990*, n.d.). For the

above reasons, it is unsurprising that disputes over unlawful actions are the competence of district courts. After the enactment of the Administrative Procedural Law, this dispute did not immediately become the authority of the Administrative Court because the Administrative Procedural Law defines state administrative dispute as a dispute arising from a concrete, individual, and final administrative decree (administrative meaning in narrow meaning)(Abrianto, Nugraha, and Grady 2020, 55). Thus, *onrechmatige overheidsdaad* lawsuit is filed in a district court, which must meet the elements of tort above, namely the existence of elements against the law, errors, losses, and a causal relationship between the actions committed and losses.

Onrechtmatige overheidsdaad lawsuits must go through a mediation process before being submitted to the general court. In civil procedural law, there is a *verstek* decision and an extraordinary legal remedy in *derden verzet*. The claim that can be requested is in the form of compensation in the form of equivalent or return to the original situation, actions to declare the act unlawful, prohibition of conduct, negating something that is unlawfully held, and notice of rectification of action. The execution or execution of the judgment depends on the goodwill of the government (Abrianto, Nugraha, and Grady 2020, 59).

After the enactment of the Law of Government Administrative, Article 87 expanded the concept of the administrative decree, which is not only interpreted as a written determination but also needs to be interpreted as a written determination, including factual actions. Currently, *onrechtmatige overheidsdaad* is becoming an absolute administrative court competence. There is no known mediation process in the procedural law of the Administrative Court because, after the enactment of Supreme Court Regulation No. 6 of 2018 concerning Guidelines for Settlement of Government Administration Disputes After Taking Administrative Efforts. However, there is an obligation to carry out administrative efforts in the form of objections and appeals. In procedural law, the *onrechtmatige overheidsdaad* lawsuit at the Administrative Court does not recognize the *derden verzet* decision. The claim that can be requested is in the form of asking the state administrative agency/official to take government actions, not to take government actions, government actions to stop, compensation, and rehabilitation.

In the case examination process, the judge must check whether the actions taken by the state administrative agency/official follow the authority, substance and procedure of Article 71 jo Article 17 Government Administrative Law as a basis for cancelling unlawful administrative actions. The execution of the decision is carried out by applying the chairman of the Administrative Court. The application contains: an order for the state administrative agency/official to implement the decision, submission of administrative sanctions, notification through print mass media in the region, the head of the Administrative Court submits a request to the president to order the state administrative agency/official to implement the decision, and criminal sanctions can apply to the state administrative agency/official

(defendants) based on Article 216 of the Criminal Code if they do not carry out the orders of officials (the chairman of the Administrative Court) (Abrianto, Nugraha, and Grady 2020, 57–59).

Based on the Government Administration Law, legal actions in civil law and unwritten public law cannot be the object of disputes that the Administrative Court can try. Except for fictitious decisions, as stipulated in Article 3 of the Administrative Procedural Law *Jo*. Articles 53 and 78 of the Government Administration Law. Therefore, based on the *restrechter* paradigm, civil judges in the general judicial environment are authorized to adjudicate legal actions in civil law and unwritten public law as stipulated in the Supreme Court Circular Letter (Surat Edaran Mahkamah Agung) No. 2 of 2019(Bimasakti 2022, 88).

Based on the explanation above, the passing of the Government Administration Law has the consequence of changing the competence of the court authorized to resolve cases of unlawful government actions, namely from the District Court (before the passing of the Government Administration Law) to the Administrative Court (after the passing of the Government Administration Law). Changes in competence also bring changes to the characteristics of the lawsuit, the examination process and the decision issued by the judge. In addition, the execution of decisions before enacting the Government Administration Law, which is only based on the Government's good faith, is very vulnerable to new problems. The presence of the Government Administration Law provides a solution to the problem, namely a forced effort to get the defendant to carry out the verdict. If the efforts determined by the state administrative agency/official still do not implement the decision, then the state administrative agency/official may be subject to criminal sanctions. Thus, implementing court decisions will be more effective than before enacting the Government Administrative law.

CONCLUSION

Based on the results of the discussion, the conclusions are:

1. Government accountability regarding *onrechtmatige overheidsdaad* is based on acquired authority. The state administrative agency/official can be held accountable if the authority obtained comes from attribution and delegation. However, different if the authority obtained comes from the mandate. Responsibility can be asked of the mandate as stated in Articles 12, 13, and 14 of the Government Administration Law.
2. Before the enactment of the Government Administration Law, the regulation regarding *onrechtmatige overheidsdaad* was based on Article 1365 of the Civil Code. After the enactment of the Government Administration Law, the regulation regarding *onrechtmatige overheidsdaad* shifted to the Government Administration Law has the consequence of changing the competence of the court authorized, namely District Court (before the enactment of the Government Administration Law) to Administrative Court (after the enactment of the Government Administration Law). Changes in competence bring changes

to the characteristics of the lawsuit, the examination process, the decision issued by the judge, and the execution of the judgment.

BIBLIOGRAPHY

Abrianto, Bagus Oktafian, Xavier Nugraha, and Nathanael Grady. 2020. "Perkembangan Gugatan Perbuatan Melanggar Hukum Oleh Pemerintah Pasca-Undang-Undang Nomor 30 Tahun 2014." *Negara Hukum* 11 (30): 43–62.

Anggara, Sahya. 2018. "Hukum Administrasi Negara." CV Pustaka Setia.

Asimah, Dewi, Zainal Muttaqin, and Dewi Kania Sugiharti. 2020. "Implementasi Perluasan Kompetensi Ptun Dalam Mengadili Tindakan Faktual (Onrechtmatige Overheidsdaad/Ood)." *Acta Diurnal* 4 (1): 152–70.

Bimasakti, Muhammad Adiguna. 2022. "Penjelasan Hukum (Restatement) Konsep Tindakan Administrasi Pemerintahan Menurut Undang-Undang No. 30 Tahun 2014 Tentang Administrasi Pemerintahan." *Jurnal Hukum Dan Peradilan* 11 (1): 64. https://doi.org/10.25216/jhp.11.1.2022.64-92.

Cohen, Morris L, and Kent C Olson. 1992. *Legal Research*. Fifth Edition. United States: West Publishing.

Hadjon, Philipus M. 1987. *Perlindungan Hukum Bagi Rakyat Di Indonesia: Sebuah Studi Tentang Prinsip-Prinsipnya, Penanganannya Oleh Pengadilan Dalam Lingkungan Peradilan Umum Dan Pembentukan Peradilan Administrasi Negara*. Bina Ilmu.

HR, Ridwan. 2020. *Hukum Administrasi Negara*. 16th ed. Jakarta: Rajawali Press.

Ilham, Ach Nadzirun. 2022. "Peran PTUN Sebagai Perlindungan Hukum Kepada Masyarakat Atas Tindakan Hukum Pemerintah Dalam Perspektif Negara Hukum." *Dinamika: Jurnal Ilmiah Ilmu Hukum* 28 (9): 4507–22.

Indonesia, MA. 2018. Putusan No 03/PDT.G/2018/PN Mjk.

———. 2019. Putusan No 22/Pdt.G/2019/PN Gsk.

———. 2022a. Putusan No 53/Pdt.G/2022/PN Sbg.

———. 2022b. Putusan Nomor 86/Pdt.G/2022/PN Unr.

Jurubeba, D.F.D.A. 2022. "'The King Can Do No Wrong': An Investigation into the True Meaning of the Maxim in the Evolution of Anglo-Saxon Law." *Revista General de Derecho Administrativo* 2022 (60).

Keputusan Presiden Nomor 52 Tahun 1990. n.d.

Kulik, Marek, and Maciej Błotnicki. 2021. "Petty Offences in Poland Between Criminal Law and Administrative Law." *Hrvatska i Komparativna Javna Uprava: Časopis Za Teoriju i Praksu Javne Uprave* 21 (3.): 457–88.

Marzuki, Peter Mahmud. 2022. *Penelitian Hukum*. 17th ed. Jakarta: Kencana.

Moh Gandara. 2020. "Kewenangan Atribusi,Delegasi Dan Mandat." *Khazanah Hukum* 2 (3): 92–99. https://doi.org/10.15575/kh.v2i3.

Pandeiroot, Eugenia Gloria Esther. 2021. "Upaya Administratif Dalam Penyelesaian Sengketa Tata Usaha

Negara Di Tinjau Dari Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan." *Lex Administratum* 9 (2).

Peter Mahmud Marzuki. 2005. *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group.

Putra, Fani Martiawan Kumara. 2017. "Tanggung Gugat Pejabat Tata Usaha Negara Dalam Bentuk Pembatalan Sertipikat Hak Atas Tanah." *Supremasi Hukum: Jurnal Penelitian Hukum* 26 (2): 1–31.

Putra, Muhammad Amin. 2020. "Keputusan Tata Usaha Negara Yang Berpotensi Sebagai Objek Engketa Di Pengadilan Tata Usaha Negara." *Jurnal Hukum Peratun* 3 (1).

Ridwan. 2022. "Pengujian Tindakan Faktual Dan Perbuatan Melanggar Hukum Oleh Pemerintah Dalam Sistem Peradilan Tata Usaha Negara." *Jurnal Magister Hukum Udayana* 11 (1): 89–108. https://doi.org/10.24843/JMHU.2022.v11.i01.p07.

Simanjuntak, Enrico. 2019. "Restatement on Judicial Jurisdiction in Administrative Tort." *Jurnal Hukum Peratun* 2 (2): 165–90. https://doi.org/10.25216/peratun.222019.165-190.

Suriadinata, Vincent. 2018. "Asas Presumptio Iustae Causa Dalam Ktun: Penundaan Pelaksnaan Ktun Oleh Hakim Peradilan Umum." *Refleksi Hukum: Jurnal Ilmu Hukum* 2 (2): 139–52.

Thahira, Atika. 2020. "Penegakan Hukum Administrasi Lingkungan Hidup Ditinjau Dari Konsep Negara Hukum." *JCH (Jurnal Cendekia Hukum)* 5 (2): 260. https://doi.org/10.33760/jch.v5i2.229.

Tutik, Titik Triwulan. 2012. "Pengantar Hukum Tata Usaha Negara." *Jakarta: Prestasi Pustaka Publisher*.

Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan. n.d.

Wahyuni, Fitri, Aris Irawan, and Siti Rahmah. 2021. "Criminal Liability for Performers of the Persecution of Religious Figures in Indonesia." *JCH (Jurnal Cendekia Hukum)* 7 (1): 107. https://doi.org/10.33760/jch.v7i1.358.

Watung, Maximus. 2018. "Onrechtmatige Overheidsdaad Dalam Praktek Peradilan Negara Hukum Indonesia (Studi Putusan Pengadilan Negeri Manado Nomor: 415/Pdt. G/2015/PN. Mnd Tanggal 19 Mei 2016)." *Lex Et Societatis* 6 (1).