

Restrictions on Government Officials and Government Agencies in Filing Judicial Review Petitions Following Constitutional Court Decision Number 24/PUU-XXII/2024

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Abstract

This study examines the legal implications of restricting government officials and government agencies from filing petitions for reconsideration (Peninjauan Kembali/PK) in State Administrative Court disputes following Constitutional Court Decision Number 24/PUU-XXII/2024. Prior to this decision, government officials acting as defendants in administrative disputes were entitled to seek reconsideration against final and binding court judgments. However, this legal remedy was frequently criticized for delaying the execution of judicial decisions and weakening legal protection for citizens. This research employs a normative juridical method using statutory, conceptual, and case approaches. The study analyzes relevant legislation, Constitutional Court decisions, legal doctrines, and scholarly literature to evaluate the legal rationale and implications of the new restriction. The findings indicate that the Constitutional Court's decision strengthens the principles of legal certainty, judicial finality, and effective legal protection by preventing the misuse of petitions for reconsideration as a mechanism to postpone the enforcement of final judgments. Nevertheless, the restriction also raises constitutional concerns regarding equality before the law and the government's right to legal remedies. From the perspectives of John Rawls' theory of justice, Satjipto Rahardjo's progressive legal theory, and Philipus M. Hadjon's theory of legal protection, the restriction constitutes a proportional legal policy that balances the interests of the state and citizens while reinforcing the State Administrative Court's role in safeguarding constitutional rights. The study concludes that Constitutional Court Decision Number 24/PUU-XXII/2024 represents an important development in Indonesian administrative procedural law by enhancing legal certainty and promoting more effective judicial protection for the public.

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1. INTRODUCTION

The State Administrative Court (Peradilan Tata Usaha Negara/PTUN) was established to provide legal protection for citizens against unlawful administrative decisions or actions taken by government officials. As part of the judicial system, the PTUN plays a significant role in upholding the principles of the rule of law, legal certainty, justice, and good governance. Through judicial review of administrative decisions, the court ensures

that governmental authority is exercised within the limits prescribed by law and that citizens have access to effective legal remedies when their rights are violated (Rayhan *et al.*, 2023).

One of the essential principles of judicial proceedings is the availability of legal remedies to challenge court decisions. Indonesian procedural law recognizes ordinary legal remedies, including appeals and cassation, as well as extraordinary legal remedies such as petitions for reconsideration (Peninjauan Kembali). A petition for reconsideration is intended to correct final and binding judgments under exceptional circumstances, including the discovery of new evidence (*novum*) or manifest judicial error. Consequently, this remedy serves as an instrument to realize substantive justice without undermining the principle of legal certainty (Satria *et al.*, 2022).

Prior to Constitutional Court Decision Number 24/PUU-XXII/2024, government officials or government agencies acting as defendants in state administrative disputes possessed the legal standing to file petitions for reconsideration against final judgments. In practice, however, the exercise of this right often resulted in delays in the execution of court decisions, thereby reducing the effectiveness of judicial protection for citizens. The prolonged litigation process also created legal uncertainty and weakened public confidence in the enforcement of judicial decisions (Abdillah *et al.*, 2025).

To address these concerns, the Constitutional Court issued Decision Number 24/PUU-XXII/2024, which limits the authority of government officials and government agencies to file petitions for reconsideration in state administrative disputes. The Court reasoned that restricting this extraordinary legal remedy would strengthen the finality of judicial decisions, accelerate their enforcement, and enhance legal protection for citizens. The decision also reflects the constitutional commitment to ensuring that judicial remedies are not misused as instruments to postpone the implementation of legally binding judgments (Nofan, 2024).

Several previous studies have examined this Constitutional Court decision. Abdillah, Prasetyo, and Elviandri (2025) argued that the decision represents a significant reform of state administrative procedural law by reinforcing legal certainty and preventing the abuse of petitions for reconsideration. Likewise, Nofan (2024) emphasized that the Constitutional Court's decision has been positively implemented by the Surabaya State Administrative Court as a constitutional response to strengthen citizens' legal protection. Other scholars have discussed broader issues concerning administrative disputes, the jurisdiction of the State Administrative Court, and the application of principles of good governance, although without specifically evaluating the restriction from the perspectives of legal justice and legal protection (Rayhan *et al.*, 2023; Satria *et al.*, 2022).

Despite these valuable contributions, previous studies primarily focus on the constitutional interpretation and procedural implications of Constitutional Court Decision Number 24/PUU-XXII/2024. Limited attention has been devoted to assessing whether the restriction on petitions for reconsideration achieves a proportional balance between protecting citizens' constitutional rights and safeguarding the government's right to legal remedies. Moreover, comprehensive analyses employing the perspectives of justice theory, progressive legal theory, and legal protection theory remain scarce.

Accordingly, the novelty of this research lies in its comprehensive evaluation of the restriction on petitions for reconsideration by government officials through the integration of John Rawls' theory of justice, Satjipto Rahardjo's progressive legal theory, and Philipus M. Hadjon's theory of legal protection. Rather than merely analyzing the constitutional validity of the decision, this study examines whether the restriction effectively promotes substantive justice, legal certainty, and balanced legal protection within Indonesia's administrative justice system.

Based on these considerations, this study aims to analyze the legal implications of restricting government officials and government agencies from filing petitions for reconsideration following Constitutional Court Decision Number 24/PUU-XXII/2024 and to evaluate whether such restriction effectively strengthens legal certainty, judicial finality, and legal protection for citizens while maintaining a fair balance between the rights of the state and individuals..

2. METHOD

This study employed a normative juridical research method, which focuses on the analysis of legal norms, statutory regulations, legal principles, judicial decisions, and legal doctrines to examine legal issues arising from Constitutional Court Decision Number 24/PUU-XXII/2024 (Suteki & Taufani, 2025).

The research adopted three approaches. First, the statutory approach was used to examine the relevant legislation governing the State Administrative Court, judicial power, and administrative governance. Second, the case approach focused on analyzing Constitutional Court Decision Number 24/PUU-XXII/2024 as the primary legal source of this study. Third, the conceptual approach was employed to examine legal concepts and doctrines concerning legal certainty, justice, judicial finality, and legal protection (Marzuki, 2021).

The legal materials consisted of primary, secondary, and tertiary legal materials. Primary legal materials included the 1945 Constitution of the Republic of Indonesia, Law Number 5 of 1986 concerning the State Administrative Court as amended by Law Number 51 of 2009, Law Number 30 of 2014 concerning Government Administration, Law Number 48 of 2009 concerning Judicial Power, Law Number 14 of 1985 concerning the Supreme Court as amended by Law Number 3 of 2009, and Constitutional Court Decision Number 24/PUU-XXII/2024. Secondary legal materials comprised scientific journal articles, legal textbooks, and previous studies discussing state administrative disputes and extraordinary legal remedies (Abdillah *et al.*, 2025; Nofan, 2024; Rayhan *et al.*, 2023; Satria *et al.*, 2022). Tertiary legal materials included legal dictionaries and encyclopedias.

Data were collected through library research, involving the identification, classification, and systematic examination of relevant legal materials (Suteki & Taufani, 2025). The collected data were analyzed qualitatively using deductive legal reasoning by interpreting legal norms, judicial considerations, and legal theories to formulate conclusions regarding the legal implications of restricting petitions for reconsideration by government officials following Constitutional Court Decision Number 24/PUU-XXII/2024 (Marzuki, 2021)..

3. RESULTS AND DISCUSSION

a. Legal Implications of Constitutional Court Decision Number 24/PUU-XXII/2024

Constitutional Court Decision Number 24/PUU-XXII/2024 constitutes a significant development in Indonesian administrative procedural law by restricting the authority of government officials and government agencies to file petitions for reconsideration (Peninjauan Kembali) in State Administrative Court disputes. Before this decision, both plaintiffs and defendants had equal procedural rights to submit extraordinary legal remedies after a judgment had obtained permanent legal force. In practice, however, the exercise of this right by government officials frequently delayed the execution of court decisions, thereby reducing the effectiveness of judicial protection afforded to citizens (Abdillah *et al.*, 2025).

The Constitutional Court considered that petitions for reconsideration submitted by government officials were often inconsistent with the fundamental

objective of administrative justice, namely providing prompt and effective legal protection to individuals harmed by administrative actions. Consequently, the Court interpreted Article 132 paragraph (1) of the State Administrative Court Law in a manner that excludes government officials and government agencies from filing petitions for reconsideration. This interpretation reinforces the principle of legal certainty by ensuring that final judgments can be executed without unnecessary procedural delays (Nofan, 2024).

From a legal perspective, the decision transforms the nature of extraordinary legal remedies within administrative litigation. Government officials continue to enjoy procedural safeguards through ordinary legal remedies, including appeals and cassation. Therefore, the restriction does not eliminate the government's right to defend administrative decisions but merely limits the use of extraordinary remedies after all ordinary legal procedures have been exhausted.

b. Analysis from the Perspective of Legal Certainty, Justice, and Legal Protection

The findings indicate that Constitutional Court Decision Number 24/PUU-XXII/2024 strengthens three fundamental principles of administrative law: legal certainty, substantive justice, and legal protection.

First, from the perspective of legal certainty, the restriction enhances the finality of judicial decisions. Legal certainty requires that disputes eventually reach a definitive conclusion so that judicial decisions can be effectively implemented. The unrestricted use of petitions for reconsideration by government agencies created prolonged litigation and uncertainty regarding the enforcement of court judgments. Consequently, the Constitutional Court's decision restores the principle of *litis finiri oportet*, which requires every legal dispute to come to an end (Abdillah *et al.*, 2025).

Second, from the perspective of John Rawls' theory of justice, the restriction represents a proportional legal policy because it provides greater protection for parties occupying weaker positions in legal relations, namely citizens challenging governmental actions. Although government institutions lose access to extraordinary legal remedies, they retain sufficient procedural opportunities through first-instance proceedings, appeals, and cassation. Therefore, the restriction maintains procedural fairness while correcting structural inequalities between the state and individual citizens.

Third, Satjipto Rahardjo's progressive legal theory supports the Constitutional Court's reasoning because the decision prioritizes substantive justice over procedural formalism. Rather than preserving procedural rights solely for their own sake, the Court considered the broader social consequences of repeated litigation initiated by public authorities. This approach reflects the principle that law should serve society by ensuring effective legal protection rather than facilitating procedural delays.

Furthermore, according to Philipus M. Hadjon's theory of legal protection, the restriction strengthens citizens' constitutional rights by ensuring that administrative court decisions become enforceable within a reasonable period. Effective legal protection requires not only judicial review but also timely implementation of judicial decisions. Accordingly, limiting extraordinary legal remedies contributes to a more effective system of administrative justice.

c. Comparison with Previous Studies

The present findings are generally consistent with previous studies while offering a broader analytical perspective.

Abdillah, Prasetyo, and Elviandri (2025) concluded that Constitutional Court Decision Number 24/PUU-XXII/2024 strengthens legal certainty and prevents petitions for reconsideration from being misused to delay the execution of court

judgments. Likewise, Nofan (2024) emphasized that the implementation of the decision by the Surabaya State Administrative Court demonstrates a constitutional commitment to improving legal protection for citizens.

Similarly, Rayhan *et al.* (2023) argued that administrative justice should consistently uphold the principles of good governance and effective judicial protection. Meanwhile, Satria *et al.* (2022) highlighted the importance of limiting administrative discretion within judicial proceedings to preserve legal certainty.

However, unlike previous studies, this research integrates three complementary theoretical perspectives John Rawls' theory of justice, Satjipto Rahardjo's progressive legal theory, and Philipus M. Hadjon's theory of legal protection—to evaluate whether restricting petitions for reconsideration constitutes a balanced legal policy. This integrated theoretical analysis demonstrates that the restriction not only strengthens procedural efficiency but also promotes substantive justice and constitutional protection for citizens.

The scientific finding of this study therefore extends beyond confirming the constitutional validity of Constitutional Court Decision Number 24/PUU-XXII/2024. It demonstrates that restricting petitions for reconsideration filed by government officials represents a proportional legal reform that balances the interests of governmental institutions with citizens' constitutional rights. Consequently, the decision contributes to strengthening Indonesia's administrative justice system by enhancing judicial finality, legal certainty, and effective legal protection while maintaining adequate procedural guarantees for government authorities through ordinary legal remedies..

4. CONCLUSION

This study concludes that Constitutional Court Decision Number 24/PUU-XXII/2024 represents a significant reform in Indonesia's State Administrative Court procedural law by restricting government officials and government agencies from filing petitions for reconsideration (*Peninjauan Kembali*) in administrative disputes. The restriction strengthens the principles of legal certainty and judicial finality by preventing the misuse of extraordinary legal remedies as instruments for delaying the execution of final court decisions. Although government authorities are no longer entitled to submit petitions for reconsideration, they continue to enjoy adequate procedural safeguards through ordinary legal remedies, including appeals and cassation, thereby maintaining a fair balance between governmental interests and citizens' constitutional rights.

The findings further demonstrate that the restriction is consistent with the principles of justice, progressive law, and legal protection. From the perspectives of John Rawls' theory of justice, Satjipto Rahardjo's progressive legal theory, and Philipus M. Hadjon's theory of legal protection, the Constitutional Court's decision constitutes a proportional legal policy that enhances substantive justice and strengthens legal protection for citizens without eliminating the government's opportunity to defend its administrative decisions. Therefore, Constitutional Court Decision Number 24/PUU-XXII/2024 not only reinforces procedural efficiency but also contributes to the development of a more accountable, effective, and citizen-oriented administrative justice system in Indonesia..

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