

# The Effectiveness of Administrative Efforts in Reducing State Administration Disputes



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## ABSTRACT

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Regulating administrative efforts as the mandatory procedure is expected to be able to filter and reduce the number of disputes that must be tried by the State Administrative Court. However, the position of administrative efforts is only interpreted as a formality. This study aims to analyze the position of administrative efforts in the settlement of state administration disputes and to find out how effective the administrative efforts in reducing the number of state administration disputes in the State Administrative Courts in East Java. The results indicated that administrative efforts were the embodiment of the state law of Pancasila, but the effectiveness of administrative efforts in East Java was still very low or ineffective in reducing the number of state administrative disputes in the State Administrative Court.



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## 1. Introduction

Legal protection is a form of state obligation to the human rights of its citizens.<sup>1</sup> Through legal protection, the State has fulfilled its obligation to protect and safeguard every right of its citizens who are victims of justice. This form of state legal protection against its citizens can be preventive and restorative legal

<sup>1</sup>Sholahuddin Al-Fatih, Fachry Ahsany, and Ahmad Faiz Alamsyah, 'Legal Protection of Labor Rights During the Coronavirus Disease 2019 (Covid-19) Pandemic', *Jurnal Pembaharuan Hukum*, 7.2 (2020), 100–115 <https://doi.org/10.26532/jph.v7i2.10975>

protection.<sup>2</sup> The protection of refresive law is demonstrated by the state by the provided of the judiciary as an institution that serves to uphold law and justice for the people who find justice. Judicial institutions that exercise judicial power to uphold law and justice are run by a Supreme Court and the Supreme Constitutional Court.<sup>3</sup>

State administrative justice is a judicial institution that is in the environment of the Supreme Court. State administrative court is a judicial institution that has the authority to adjudicate State Administrative Disputes. State Governance Dispute is a dispute that arises in the field of State Administration between a person or civil law entity with a State Administrative Entity or Official, both at the center and in the region, as a result of the issuance of a State Administrative Decision, including staffing disputes based on applicable laws and regulations. From the understanding, the elements of state governance disputes are,<sup>4</sup> disputes that occur between state administrative entities/officials with people or entities of civil law, and the dispute arises because of the determination or issuance of state governance decisions by state administrative bodies/officials including staffing disputes.<sup>5</sup>

Thus, the State Administrative Decree (hereinafter stated as KTUN) is the basis for the birth of a dispute over State Governance. KTUN is the main cause of the birth of state administrative disputes, without KTUN then there is no administrative dispute. This is known as causality, where KTUN is the cause, while the dispute is the result. For this reason, KTUN is referred to as the object of disputed State Administration (*objectum litis*).<sup>6</sup>

However, any decision of State governance cannot be directly submitted to the State administrative court of either the State Administrative Court (hereinafter stated as PTUN) or the High Court of State Administration (hereinafter stated as PT TUN). People seeking justice can and/or be required to take administrative efforts first. According to Soemaryono, administrative efforts are a complete assessment of a state administrative decision in terms of legality (*rechtmatigheid*)

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<sup>2</sup>Bambang Suharnoko Sjahrir, Krisztina Kis-Katos, and Günther G. Schulze, 'Administrative Overspending in Indonesian Districts: The Role of Local Politics', *World Development*, 59.01 (2014), 166–83 <https://doi.org/10.1016/j.worlddev.2014.01.008>

<sup>3</sup>Vesa Koskimaa, Lauri Rapeli, and Juha Hiedanpää, 'Governing through Strategies: How Does Finland Sustain a Future-Oriented Environmental Policy for the Long Term?', *Futures*, 125.November 2020 (2021), 1–12 <https://doi.org/10.1016/j.futures.2020.102667>

<sup>4</sup>I Pramana and others, 'Kompetensi Absolut Peradilan Tata Usaha Negara Terkait Titik Singgung Antara Peradilan Tata Usaha Negara Dan Peradilan Umum Dalam Sengketa Pertanahan', *Jurnal Analogi Hukum*, 2.1 (2020) <https://doi.org/10.22225/2.1.1604.27-31>

<sup>5</sup>Kasper Dirckinck-Holmfeld, 'The Options of Local Authorities for Addressing Climate Change and Energy Efficiency through Environmental Regulation of Companies', *Journal of Cleaner Production*, 98 (2015), 175–84 <https://doi.org/10.1016/j.jclepro.2014.12.067>

<sup>6</sup>Michael Berlemann and Robin Christmann, 'Disposition Time and the Utilization of Prior Judicial Decisions: Evidence from a Civil Law Country', *International Review of Law and Economics*, 62 (2020), 105887 <https://doi.org/10.1016/j.irle.2020.105887>

and opurtunitas (*doelmatigheid*). While based on *the ius contituentum*, administrative efforts are interpreted as procedures specified in a law to resolve a Dispute in State Governance carried out in the government itself (not by a free judicial body).<sup>7</sup>

Hari Sugiharto and Bagus Oktafian Abrianto stated the reasons for the use of administrative efforts in the resolution of state administrative disputes as follows, first, there is the concept of separation of state power from Montesquieu, which is divided into 3 (three) elements of power, namely executive power, judicial power and legislative power.<sup>8</sup> The separation aims to guarantee the freedom of society and prevent the arbitrary actions of the ruler and prevent the concentration of state power. Where each power cannot interfere with each other, so in this case the power of the government should not be interfered with judicial power because the government knows best about the question of government. Therefore, in the resolution of state administrative disputes must first be resolved by the government itself through the means of administrative efforts.<sup>9</sup>

Second, in principle the government's task is to organize public service (*public service*) instead of serving a lawsuit, so that if in resolving a dispute of state governance it cannot be resolved by the government, then settlement through the judiciary is the last resort (*ultimum remidium*); Third, in the settlement by the judiciary only tests from the legal aspect only (*rechtmatigheid*), while the government in resolving disputes of state governance in addition to testing from legal aspects (*rechtmatigheid*) but also includes aspects of efficiency and effectiveness (*doelmatigheid*).<sup>10</sup>

Administrative efforts become an obligation for the people who find justice before submitting a dispute of state governance to the state administrative court. That is, the state administrative court cannot adjudicate state administrative disputes before first going through the administrative process. The obligation to deal with administrative efforts is regulated in The Supreme Court Regulation (Perma) No. 6 of 2018 as amended by Perma No. 2 of 2019 on Guidelines for

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<sup>7</sup>Milou Derks and Henny Romijn, 'Sustainable Performance Challenges of Rural Microgrids: Analysis of Incentives and Policy Framework in Indonesia', *Energy for Sustainable Development*, 53 (2019), 57–70 <https://doi.org/10.1016/j.esd.2019.08.003>

<sup>8</sup>Septiawan Santana Kurnia and others, 'The Characteristics of Investigative News Organizations in Indonesia between 2010-2012', *Heliyon*, 7.2 (2021), e06276 <https://doi.org/10.1016/j.heliyon.2021.e06276>

<sup>9</sup>Samuel O Okafor, 'Urban Settlement and Behavioural Exchange towards Environmental Policy among Urban Settlers in Southeast Nigeria : Implications for Environmental Policy Administration and Sustainability', *PUBLIC POLICY AND ADMINISTRATION*, 21.1 (2022), 55–81 <https://doi.org/http://dx.doi.org/10.5755/j01.ppaa.21.1.29139>

<sup>10</sup>Hari Sugiharto and Bagus Oktafian Abrianto, 'Upaya Administratif Sebagai Perlindungan Hukum Bagi Rakyat Dalam Sengketa Tata Usaha Negara', *Arena Hukum*, 11.1 (2018), 24–47 <https://doi.org/10.21776/ub.arenahukum.2018.01001.2>

Dispute Resolution of Government Actions and Authority to Prosecute Unlawful Acts by Bodies and/or Government Officials (*onrechmatige Overheidsdaad*).<sup>11</sup>

But in its practice, administrative efforts only become a procedural process or only used as a mere "formality" especially in East Java Province. This is certainly a problem to reduce the number of state administrative disputes through administrative efforts.<sup>12</sup> Therefore, it should be questioned about the position of administrative efforts in the resolution of State Administrative Disputes and how is the effect of administrative efforts in reducing the number of state administrative disputes in the East Java Administrative Court? These two legal issues are then examined in depth through juridical-empirical research. That is, studies that view the law as reality, encompass social reality, cultural reality, etc. In other words, this study examines law in action, the world of empirical studies is a *watershed* (what is the reality). This study examined directly into the field to see the reality directly about the effectiveness of administrative efforts in reducing the number of state administrative disputes in Jawa Timur. The approach used is a sociological juridical approach, which is an approach carried out by reviewing and analyzing the applicable legal rules about administrative efforts with the reality in the state administrative court (PTUN and PT TUN) of East Java.

## 2. Results and Discussion

### 2.1 Position of Administrative Efforts in The Resolution of State Administrative Disputes

In the perspective of administrative law theory, dispute resolution of state governance can be done through (1) administrative efforts, (2) administrative justice. In line with this, F.H Van Der Burg stated that the resolution of state administrative disputes can be achieved through two possibilities; First, through the state administrative court / administrative court (*administratief rechtspraak*) and second, through administrative appeal (*administratief beroep*). Both types of dispute resolution.<sup>13</sup>

Firstly, settlement through administrative efforts. Dispute resolution through administrative efforts is the resolution of state administrative disputes by internal governments themselves, not by judicial institutions. With this character, the settlement in this way is known as settlement through *quasi administrative rechtspraak* (pseudo administrative justice). So called, because administrative

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<sup>11</sup>Jonathan Jacob and Paul Latupeirissa, 'Antecedents of Public 's Trust Level Regarding Covid-19 Vaccination: As Reflections of Good Governance in Indonesia', *PUBLIC POLICY AND ADMINISTRATION*, 21.1 (2022), 82–93 <https://doi.org/http://dx.doi.org/10.5755/j01.ppa.21.1.29630>

<sup>12</sup>Rita Toleikienė, Vita Juknevičienė, And Irma Rybnikova, 'Elektroninis Vadovavimas Darbuotojams Vietos Savivaldoje: K Oncepcinė Analizė Ir Literatūros Apžvalga', *PUBLIC POLICY AND ADMINISTRATION*, 21.1 (2022), 111–28. [https://doi.org/10.1016/S1870-0578\(16\)30001-4](https://doi.org/10.1016/S1870-0578(16)30001-4)

<sup>13</sup>Ana Elena F Ierro, 'A Comparative-Empirical Analysis Of Administrative Courts In Mexico', *Mexican Law Review*, VII.2 (2015), 3–35 [https://doi.org/10.1016/S1870-0578\(16\)30001-4](https://doi.org/10.1016/S1870-0578(16)30001-4)

efforts function the same as the judiciary in resolving state administrative disputes but do not have event law like judicial bodies.<sup>14</sup>

There are 2 (two) types of dispute resolution through administrative efforts, namely through objections (*bezwaar*) and administrative appeals (*administratieve beroep*). Usually, objections are raised to the official who took the action or who issued the decision, while the administrative appeal is filed with the supervisor of the official concerned. However, such procedures do not apply absolutely, because the arrangement of administrative efforts is specified in sectoral law, so that one another differs. Suppose the settlement of disputes in the state administrative affairs of regional head elections (Pilkada) through administrative efforts stipulated in Law No. 10 of 2016 has a different procedure with the resolution of staffing disputes in Law No. 5 of 2014.<sup>15</sup>

Secondly, settlement through administrative judicial bodies. The resolution of state administrative disputes through administrative justice is a dispute resolution procedure carried out by an independent judicial body with a predetermined event law. According to Article 47 of Law No. 5 of 1986, the State Administrative Court is given absolute competence to resolve state administrative disputes.<sup>16</sup> Usually, the settlement of administrative disputes through judicial bodies starts from the process of filing a lawsuit by the plaintiff to the competent court, so this process is a *contentiosa* process where the people as plaintiffs and state administrative entities/officials as defendants. The end of dispute resolution through administrative justice is the determination of court decisions whose contents are an assessment of the validity of the actions of government agencies/officials. If the action/decision is declared contrary to the laws and general principles of good governance, the court annuls the government's decision/action and imposes certain obligations such as revoking or issuing decisions to government bodies/officials.<sup>17</sup>

From the description above, the position of administrative efforts in state governance disputes is as follows, as one of the models/ways of resolving state governance disputes in addition to the model/way of resolving state

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<sup>14</sup>Paola Bertoli, Adriana G. Garcia, and Nuno Garoupa, 'Testing an Application of the Political Insurance Model: The Case of the Mexican State-Level Administrative Courts', *Journal of Economic Behavior and Organization*, 195 (2022), 272–87 <https://doi.org/10.1016/j.jebo.2022.01.021>

<sup>15</sup>Soehartono and others, 'The Establishing Paradigm of Dominus Litis Principle in Indonesian Administrative Justice', *Sriwijaya Law Review*, 5.1 (2021), 42–55 <https://doi.org/10.28946/slrev.Vol5.Iss1.603.pp42-55>

<sup>16</sup>Herman Herman and Hendry Julian Noor, 'Doktrin Tindakan Hukum Administrasi Negara Membuat Keputusan (Beschikking)', *Jurnal Komunikasi Hukum (JKH)*, 3.1 (2017), 82 <https://doi.org/10.23887/jkh.v3i1.9240>

<sup>17</sup>Maftuh Effendi, 'Peradilan Tata Usaha Negara Indonesia Suatu Pemikiran Ke Arah Perluasan Kompetensi Pasca Amandemen Kedua Undang-Undang Peradilan Tata Usaha Negara', *Jurnal Hukum Dan Peradilan*, 3.1 (2018), 25 <https://doi.org/10.25216/jhp.3.1.2014.25-36>

administrative disputes by the administrative judiciary.<sup>18</sup> In other words, administrative efforts are a means of legal protection for citizens (individuals/civil legal entities) who are affected by the State Administrative Decree (*beschikking*) which harms it through the State Administrative Agency/Official in the government itself before being submitted to the judicial body, administrative efforts are the resolution of disputes carried out by internal governments and administrative efforts can be objections and/or administrative appeals, both ways are used in accordance with the provisions of the laws and regulations governing them.<sup>19</sup>

The position of administrative efforts in Indonesia has been shared as part of the positive law. Various regulations regarding administrative efforts in Indonesia are from Law No. 5 of 1986 to Supreme Court Regulation No. 2 of 2019 on Guidelines for Dispute Resolution of Governmental Actions and Authority to Prosecute Unlawful Acts by Bodies and /or Government Officials (*Onrechtmatige Overheidsdaad*).<sup>20</sup> The position of Administrative Efforts becomes very important because the administrative efforts in the process of resolving State Administrative Disputes show several things, first, as the embodiment of the Pancasila law.<sup>21</sup>

In accordance with Article 1 paragraph (3) of the 1945 NRI Constitution, Indonesia is a state of law. The state of law is the state of Pancasila law. Philipus M. Hadjon stated that one of the characteristics of Pancasila law is the principle of dispute resolution by deliberation and the judiciary is the last resort. With this principle, the resolution of state governance disputes must first be done through consensus deliberation through administrative efforts. One of the advantages of resolving state governance disputes through administrative efforts is that there is no *contentiosa* so that there are no plaintiffs or defendants, therefore the parties are not faced with a win or lose verdict, but the best decision-making based on deliberation. If all administrative efforts have been taken, PTUN is the last resort to resolve disputes between the government and the people.<sup>22</sup>

Second, as a means of legal protection for the people. One element of administrative law is the existence of legal protection for the people. Therefore, the main principle in administrative law is the principle of legality (*rechtmatige van het bestuur*) which requires the government to act in accordance with the law (sufficient authority, according to procedure, and meet the substance of authority).

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<sup>18</sup>Ahmad Sururi and Ida Widianingsih, 'Housing Policy for Low-Income Communities in Indonesia and Its Reforms: An Overview', *Public Administration and Policy*, 21.1 (2022), 158–74 <https://doi.org/http://dx.doi.org/10.5755/j01.ppa.21.1.30151> Abstract.

<sup>19</sup> Pramana and others.

<sup>20</sup>Noor Issa Alhendi, 'Stopping Implementation of Administrative Decisions in Saudi Regulation', *Heliyon*, 7.7 (2021), e07638 <https://doi.org/10.1016/j.heliyon.2021.e07638>

<sup>21</sup>Tania Sourdin, Bin Li, and Donna Marie McNamara, 'Court Innovations and Access to Justice in Times of Crisis', *Health Policy and Technology*, 9.4 (2020), 447–53 <https://doi.org/10.1016/j.hlpt.2020.08.020>

<sup>22</sup>Paweł Marcin Nowotko, 'AI in Judicial Application of Law and the Right to a Court', *Procedia Computer Science*, 192 (2021), 2220–28 <https://doi.org/10.1016/j.procs.2021.08.235>

If the government acts in accordance with the law, then the people are given the right to apply for testing for government actions that harm it. This right by Philipus M. Hadjon is referred to as the protection of repressive law, namely legal protection in dispute resolution. Administrative efforts in the form of objections and administrative appeals are one of the models of dispute resolution of state governance, so that one form or manifestation of legal protection for the people.<sup>23</sup>

In fact, administrative efforts are a way to make it easier for people to obtain legal protection, because administrative efforts have simpler, cheaper and faster procedures, compared to the model of dispute resolution through administrative justice. The main principle of dispute resolution of state governance is the court as the last effort (*ultimum remedium*), so there must be a dispute resolution model that can filter cases into court.<sup>24</sup> One way is through the model of administrative efforts, where state governance disputes are resolved alone by the official who issued the decision or superior/agency given the authority for it. Administrative efforts such as *preliminary disputes* so that not all state administrative disputes are resolved by the courts. Dispute resolution by PTUN has many obstacles or obstacles, especially related to a very limited number of courts, limited human resources, and other issues. Suppose PTUN Surabaya has absolute competence for 38 regencies/cities in East Java. If all is resolved by PTUN Surabaya it will cause high costs considering the extent of East Java Province. Therefore, administrative efforts are very appropriate to filter state administrative disputes so that not all are registered with PTUN.<sup>25</sup>

## 2.2 Effectiveness of Administrative Efforts in Reducing the Number of State Governance Disputes in East Java Province

Etymologically, the word effectiveness is an absorption of *effectiveness* which means "the ability to be successful and produce the intended results". The great dictionary Indonesian, the word 'effective' means there is an effect (its effect, its effect), potent or efficacious, can bring results, come into force (about laws, regulations).<sup>26</sup> Barda Nawawi Arief states "Effectiveness means effectiveness of the effect of success or efficacy". While according to Achmad Ali, the effectiveness of a law can be seen from the extent to which a rule of law is obeyed or not obeyed. A rule of law is obeyed if for fear of sanctions then the obedience or

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<sup>23</sup>Susan H. Weaver and others, 'Administrative Supervisor and Nursing Unit-Based Manager Collaboration', *Nurse Leader*, 19.5 (2021), 493–98 <https://doi.org/10.1016/j.mnl.2020.07.012>

<sup>24</sup>Kuo Fen Huang and others, 'Tax Agent Ad Litem's Impact on Estate and Gift Tax Cases of Administrative Litigation', *Asia Pacific Management Review*, 23.2 (2018), 86–94 <https://doi.org/10.1016/j.apmrv.2017.09.001>

<sup>25</sup>Allyson L. Dir and others, 'Patterns of Drug Screen Results and Court-Ordered Substance Use Treatment Referrals and Completion among Justice-Involved Youth', *Journal of Substance Abuse Treatment*, 118. April (2020), 108095 <https://doi.org/10.1016/j.jsat.2020.108095>

<sup>26</sup>Adriana A. Dragone Silveira, 'The Role Played by Courts in Promoting Equal Educational Opportunity Reforms: New York and São Paulo Cases', *International Journal of Educational Development*, 87. September (2021), 102495 <https://doi.org/10.1016/j.ijedudev.2021.102495>

effectiveness of the law is low, while if the rule of law is adhered to because of the intrinsic value of the rule then the degree of obedience occupies the highest degree. For Achmad Ali, obedience to a law is not only to certain laws but to common and special laws.<sup>27</sup>

Thus, when it is associated with the law, the effectiveness of the law relates to the extent to which the objectives of the law are achieved. If what is intended by the law is largely achieved or realized, then the law can be said to be effective, but if the opposite then the law is not effective. To measure the ability of the purpose of the law, it must be seen in the practice of society (*das sein*).<sup>28</sup>

Regarding the effectiveness of the law, Salim HS stated "when talking about the extent of the effectiveness of the law then we must first be able to measure the extent to which the rule of law is obeyed or not adhered to. If a rule of law is adhered to by most targets who are subjected to its obedience, it will be said that the rule of law in question is effective." In line with this, Ahmad Ali stated that "in order to know the effectiveness of the law then we must first be able to measure the extent to which the law is adhered to by most of the targets subjected to its observance, we would say that the rule of law in question is effective. However, even if it is said that the rules adhered to are effective, but we can still question further the degree of effectiveness because a person obeys or does not a rule of law depend on his interests."<sup>29</sup>

The effectiveness of a law is due to various factors. Related to this Ahmad Ali stated that the factors that affect the effectiveness of the law are as follows, knowledge of the substance (content) of legislation, ways to gain that knowledge, institutions related to the scope of legislation in their society and how the process of the birth of a law, which should not be born in haste for instant interests (momentary), termed by Gunnar Myrdall as *sweep legislation* (broom law), which has poor quality and is not in accordance with the needs of the community. Soerjono Soekanto further stated that the five factors above are interrelated, because they are the main thing in law enforcement, as well as a benchmark of the effectiveness of law enforcement. Of the five law enforcement factors, the law enforcement factor itself is the central point.<sup>30</sup>

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<sup>27</sup>A. Mageau and others, 'Choc Septique Au Cours Du Lupus Érythémateux Systémique : Pronostic à Court et à Long Terme. Résultats de l'analyse d'une Base Médico-Administrative Nationale', *La Revue de Médecine Interne*, 39 (2018), A58-59 <https://doi.org/10.1016/j.revmed.2018.10.311>

<sup>28</sup>Michal Polák and Tomáš Plachý, 'Determination of Forces in Roof Cables at Administrative Center Amazon Court', *Procedia Engineering*, 48 (2012), 578-82 <https://doi.org/10.1016/j.proeng.2012.09.556>

<sup>29</sup>Maansi Gupta and Nomes B. Bolia, 'Efficiency Measurement of Indian High Courts Using DEA: A Policy Perspective', *Journal of Policy Modeling*, 42.6 (2020), 1372-93 <https://doi.org/10.1016/j.jpmod.2020.06.002>

<sup>30</sup>Ya-Feng Zhang, Li-Ming Li, and Ke Xu, 'Do Specialized Intellectual Property Courts Show a Pro-Patent Propensity? Evidence from China', *International Review of Law and Economics*, 70 (2022), 106065 <https://doi.org/10.1016/j.irl.2022.106065>

Based on the theory of legal effectiveness above, the parameters used to measure the effectiveness of administrative efforts are whether the purpose of mandatory administrative efforts in the laws and regulations has been achieved or not.<sup>31</sup> The objectives can be elaborated into 2 (two) main objectives, namely (1) providing legal protection for the people seeking justice to obtain a quick and cheap resolution of state administrative disputes, and (2) as a filter or filter for submission of state administrative dispute cases to the State administrative court (PTUN), therefore must first be resolved by the government agency itself and if the applicant does not receive then the PTUN is the *ultimum remedium*.<sup>32</sup> With this goal, the target of the mandatory administrative efforts is the increasing number of state administrative disputes that are successfully resolved through administrative efforts, so that it will have implications for the decreasing state governance disputes filed to PTUN.<sup>33</sup>

Thus, the effectiveness of administrative efforts can be measured using 2 (two) models, comparing the total number of state administrative disputes in government agencies that must be resolved by administrative efforts (as a target/*das sollen*) with the number of state administrative disputes that can be resolved through administrative-applicant efforts to accept decisions in administrative efforts (as a reality/*das sein*).<sup>34</sup> Then the result of the comparison is multiplied by 100%. If the total number of disputes or targets/*das sollen* is called X, the number of disputes completed through administrative efforts or reality/*das sein* is called Y, and effectiveness is called E, then the following formula is obtained and calculating all cases of state administrative disputes in government agencies that have taken administrative efforts. Once calculated, a reduction is made with the number of administrative disputes filed with the lawsuit to PTUN because the applicant does not receive.<sup>35</sup>

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<sup>31</sup>Xiaoge Dong and Stefan Voigt, 'Courts as Monitoring Agents: The Case of China', *International Review of Law and Economics*, 69 (2022) <https://doi.org/10.1016/j.irle.2022.106046>

<sup>32</sup>Sergio Muro and Alejandro Chehtman, 'Law or Strategic Calculus? Abstention in the Argentine Supreme Court', *International Review of Law and Economics*, 62 (2020), 105889 <https://doi.org/10.1016/j.irle.2020.105889>

<sup>33</sup>Lucia Dalla Pellegrina, Nuno Garoupa, and Fernando Gómez-Pomar, 'Estimating Judicial Ideal Points in the Spanish Supreme Court: The Case of Administrative Review', *International Review of Law and Economics*, 52 (2017), 16–28 <https://doi.org/10.1016/j.irle.2017.07.003>

<sup>34</sup>Qi Zhang, Zhi Yu, and Dongmin Kong, 'The Real Effect of Legal Institutions: Environmental Courts and Firm Environmental Protection Expenditure', *Journal of Environmental Economics and Management*, 98 (2019), 102254 <https://doi.org/10.1016/j.jeem.2019.102254>

<sup>35</sup>Mian M. Ajmal, Mehmood Khan, and Muhammad Kashif Shad, 'The Global Economic Cost of Coronavirus Pandemic: Current and Future Implications', *Public Administration and Policy*, 24.3 (2021), 290–305 <https://doi.org/10.1108/pap-10-2021-0054>

Table 1  
Standard Reference to Measure Effectiveness Attempt Administrative

Effectiveness Ratio (%)	Reach Rate
Under 40	Very Ineffective
40-59,9	Ineffective
60-79,9	Effective enough
Above 80	Very Effective

Source: Research and Development and Education and Training of the Supreme Court, 2021.

The effectiveness of administrative efforts in state administrative disputes, this study was conducted by looking at the number of cases conducted by the State Administrative Court (PTUN) Surabaya and the High Court of State Administration (PT TUN) of East Java.<sup>36</sup> The number of cases in the two courts can be used as a measure of looking at the effectiveness of the administration effort because by knowing the number of cases in both courts can be known the number of state administrative disputes that are completed at the level of administrative efforts or not proceeded to the State Administrative Court and the High Court of State Administration.<sup>37</sup> If administrative efforts made cannot reduce the number of cases submitted to the Court, it can be stated that the administrative efforts that are expected to reduce the number of cases that must be tried are not effective. Based on the results of research in PTUN Surabaya the number of cases from 2017 to 2019 is 149 cases. As for the mandatory administrative efforts after the enactment of Perma No. 6 of 2018 until October as many as 22 cases.

The effectiveness of administrative efforts against state administrative disputes in East Java Province from 149 state administrative disputes, in this study used 5 (five) regencies / cities as research samples (*purposive sampling*), namely Sidoarjo Regency, Lumajang Regency, Madiun Regency, Madiun City, and Gresik Regency. Data on the resolution of state administrative disputes in 5 (five) regencies/cities can be seen in the table below:

<sup>36</sup>Siu-kai Lau, 'The National Security Law: Political and Social Effects on the Governance of the Hong Kong Special Administrative Region', *Public Administration and Policy*, 24.3 (2021), 234-40 <https://doi.org/10.1108/pap-08-2021-0050>

<sup>37</sup>Ali Roziqin, Syasya Y.F. Mas'udi, and Iradhad T. Sihidi, 'An Analysis of Indonesian Government Policies against COVID-19', *Public Administration and Policy*, 24.1 (2021), 92-107 <https://doi.org/10.1108/pap-08-2020-0039>

**Table 2**  
**The Effectiveness of Administrative Efforts against State Administrative Disputes**

No.	Kab/City	2017			2018			2019		
		2017	2018	2019	2017	2018	2019	2017	2018	2019
1	Kab. Sidoarjo	0	0	1	0	0	0	0	0	1
2	Kab. Lumajang	2	4	2	0	1	1	2	3	1
3	Kab. Madiun	0	0	1	0	0	0	0	0	1
4	City of Madiun	1	0	0	0	0	0	1	0	0
5	Kab. Gresik	1	2	2	0	0	0	1	2	2
<b>Sum</b>		4	6	6	0	1	1	4	5	5

Source: State Administrative Court Surabaya, 2021.

From the data, the use of administrative efforts in 5 (five) regencies / cities has not been effective as a form of dispute resolution of state governance. For example, for Sidoarjo Regency in 2019 has the number of state administrative disputes as many as 1 case and has been made administrative efforts but failed so that a lawsuit was filed to PTUN.<sup>38</sup> This indicates that administrative efforts have not been a filter for resolving state governance disputes. Likewise, in Gresik Regency in 2019 there were 2 number of state administrative disputes faced, and administrative efforts were made but failed, so a lawsuit was filed with PTUN. It also indicates that administrative efforts in Gresik Regency have not been effective.

**Table 3**  
**The Effectiveness Level of Administrative Efforts in State Administrative Disputes**

No		Effectiveness of UA			Conclusion
		2017	2018	2019	
1	East Java Province	0/4 x 100%	1/6 x 100%	1/6 x 100%	Not yet effective
Result		0%	16.67%	16.67%	

Source: State Administrative Court Surabaya, 2021.

Thus, it can be concluded that the effectiveness of administrative efforts in East Java in 2017 was 0%, in 2018 it was 16.67%, and in 2019 it was 16.67%. Thus, it can be said that administrative efforts have not been effective as a model in reducing the number of state administrative disputes that must be tried by the state administrative court.<sup>39</sup> As explained above, that the urgency and nature of administrative efforts is as an embodiment of the Pancasila law state, as a means

<sup>38</sup>Sivakumar Velayutham and Rashedul Hasan, 'Sovereign Wealth Funds and Corporate Social Responsibility: A Comparison of Norway's Government Pension Fund Global and Abu Dhabi Fund for Development', *Public Administration and Policy*, 24.2 (2021), 139–51 <https://doi.org/10.1108/pap-08-2020-0037>

<sup>39</sup>Muhammad Akbar Hairi, 'Governance and Administrative Process of the Light Rail Train Project in Palembang, Indonesia', *Public Administration and Policy*, 23.3 (2020), 299–313 <https://doi.org/10.1108/pap-06-2020-0031>

of legal protection for the people, and as a means of filter things that enter in PTUN. With this urgency and nature, administrative efforts actually have a very important position in the process of resolving state administrative disputes that occur between the government and people.<sup>40</sup>

However, as explained above that based on empirical research conducted in East Java Province by making 5 (five) Regencies/Cities as Data samples show that administrative efforts have not been effective to serve as instruments for dispute resolution of state governance.<sup>41</sup> Of course, the effectiveness of administrative efforts is not caused by normative factors *an sich* but also caused by various empirical factors such as the level of knowledge and understanding of structure (government) in using administrative efforts. By using the theory of Lawrence Friedman's legal system, the ineffectiveness of administrative efforts is more due to the substance of the law that is still not legally determined. and and the legal structure is inadequate and does not yet understand the administrative efforts.<sup>42</sup>

In terms of legal substance, the factors that affect the effectiveness of administrative efforts are as follows: (1) arrangements regarding administrative efforts that are still spread in various laws and regulations. , both in material administrative law and in administrative law formil, so that one another conflicts (inconsistencies), (2) arrangements regarding the position and nature of efforts Administrative varying between one law and another, some state the choice but there are also those who declare mandatory, (3) the law of the event regarding Administrative efforts in the laws and regulations are also unclear, incomplete and tend to be inconsistencies. In terms of legal structure, factors that affect the effectiveness of administrative efforts are as follows: (1) knowledge of state administrative bodies/officials regarding resolution of state administrative disputes through administrative efforts has not been adequate or even lacking; (2) the dignity of an adequate legal structure to support the running of administrative efforts; and (3) there is no guarantee of the obedience of state administrative bodies/officials to implement administrative decision.<sup>43</sup>

Based on the description above, it is to ensure the effectiveness of administrative efforts as an instrument of dispute resolution of state governance to reduce the number of disputes that must be tried by the judiciary. State administration is then necessary as follows, arrangements regarding administrative efforts that are legal and consistent in one law so as not to spread in

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<sup>40</sup>Sana Rauf, 'Effects of Red Tape in Public Sector Organizations: A Study of Government Departments in Pakistan', *Public Administration and Policy*, 23.3 (2020), 327–38 <https://doi.org/10.1108/pap-06-2019-0013>

<sup>41</sup>Jon S.T. Quah, 'Breaking the Cycle of Failure in Combating Corruption in Asian Countries', *Public Administration and Policy*, 24.2 (2021), 125–38 <https://doi.org/10.1108/pap-05-2021-0034>

<sup>42</sup>Franky K.H. Choi, 'How to Select Good Leaders in Asian Countries: The Case of China and Singapore', *Public Administration and Policy*, 24.3 (2021), 264–74 <https://doi.org/10.1108/pap-04-2021-0028>

<sup>43</sup>Jacob and Latupeirissa.

accordance with the laws and regulations;<sup>44</sup> arrangements regarding the position and nature of administrative efforts should be regulated whether they are mandatory or optional to make it easier for the people of the court to apply; it is necessary to regulate the event law of administrative efforts in the laws and regulations clearly, completely and consistently. Suppose the form of application, to whom the submission of objections, administrative appeals, procedures of trial, decisions, even to the implementation of a decision of blessing or administrative appeal; the need for training and socialization for state administrative bodies/officials to increase the knowledge of state administrative bodies/officials in the resolution of state governance disputes through efforts administrative; and the need for an adequate legal structure to support the running of administrative efforts in each state administrative body/official.

### 3. Conclusion

Administrative efforts are one way to resolve state governance disputes that occur between the government and the people seeking justice. Philosophically, the urgency and nature of administrative efforts is as the embodiment of the pancasila law state, as a means of legal protection for the people, and as a filter of the cases entered in the PTUN. On that basis, the administrative effort is a *preliminary dispute* before being submitted to the State administrative court. The effectiveness of administrative efforts in East Java is still very low or ineffective in reducing the number of state administrative disputes in administrative courts. country. This was seen after research on five regencies/cities in East Java as a sample of research. Namely, in Sidoarjo, Lumajang, Madiun and Gresik regencies where the results were obtained that in 2017 it was 0%, in 2018 it was 16.67%, and in 2019 it was 16.67%. Thus, consistency is needed regarding the arrangement of administarsi efforts, especially about the position of whether the choice or obligation.

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<sup>44</sup>Kurnia and others.

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