

Reconstructing Administrative Remedies from the Perspective of Administrative Justice Principles and Legal Certainty

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Abstract. *This study examines the legal uncertainty arising from the disharmony between Law No. 5 of 1986 on Administrative Courts, Law No. 30 of 2014 on Government Administration, and PERMA No. 6 of 2018 on Guidelines for the Settlement of Government Administrative Disputes. The overlapping norms in these three regulations have caused confusion regarding the mandatory nature of administrative efforts, the finality of decisions, and the procedural consequences for citizens' rights to sue. This study uses a normative legal method with a legislative, conceptual, and comparative approach. The analysis was conducted qualitatively using a legal hermeneutic model to find the compatibility between norms and government practices. The results show that the administrative appeal system in Indonesia does not yet guarantee procedural certainty and substantive justice because it lacks uniform national standards regarding objection mechanisms, deadlines, and the independence of reviewing officials. The system is reconstructed by combining the theories of Administrative Justice and the Legal Certainty Framework, which emphasize the principles of norm clarity, proportionality, and procedural accountability. The proposed design includes a digital one-stop portal, written justification requirements, independent oversight, and the establishment of nationwide implementing regulations. The results of this study provide a conceptual contribution to the reform of Indonesian administrative law while strengthening the rule of law through fair, efficient, and transparent administrative efforts.*

Keywords: *Administrative Efforts; Legal Certainty; Administrative Justice; Legal Reconstruction; Good Governance*

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INTRODUCTION

In the practice of administrative law in Indonesia, the issue of legal certainty in the implementation of administrative remedies remains a persistent source of confusion, both for the public and for government officials themselves (Siddiq & Salam, 2025; Fenwick, 2008; Usada & Saputra, 2025). Administrative remedies, which can be broadly understood as internal mechanisms for resolving administrative disputes prior to judicial review, are intended to serve as an essential instrument for balancing the protection of citizens' rights with bureaucratic efficiency (Putri et al., 2024; Kurniawan et al., 2024; Syaroni & Widyaningrum, 2024; Safiuddin et al., 2024).

In reality, however, the regulatory framework governing administrative remedies is fragmented and overlapping. This framework consists of Law No. 5 of 1986 on Administrative Courts, Law No. 30 of 2014 on Government Administration, and Supreme Court Regulation (PERMA) No. 6 of 2018 concerning Guidelines for the Settlement of Government Administrative

Disputes (Yassine et al., 2024). These regulations are frequently interpreted inconsistently by both state authorities and the public, resulting not in legal certainty, but rather in ambiguity and procedural confusion.

Law No. 5 of 1986 initially opened access for individuals to challenge state administrative decisions deemed detrimental to their rights (Natsir & SH, 2025). Nevertheless, the law did not provide a detailed explanation regarding the stages or forms of administrative remedies that must be pursued prior to judicial proceedings. It was only with the enactment of Law No. 30 of 2014 that a more explicit regulation of mandatory administrative remedies emerged, particularly in the form of objections and administrative appeals. In practice, however, the application of these mechanisms remains inconsistent due to the absence of uniform procedural guidelines across administrative bodies.

PERMA No. 6 of 2018 was subsequently introduced to clarify the relationship between administrative remedies and judicial proceedings (Iza et al., 2024). Despite this effort, significant interpretative discrepancies persist between executive institutions and the judiciary, particularly regarding when administrative remedies are deemed “exhausted” and when a claimant is entitled to bring a case before the Administrative Court. Such uncertainty directly undermines the principle of legal certainty, which constitutes a fundamental pillar of the rule of law.

At the same time, the evolution of modern governance demands a legal system that is more transparent, participatory, and accountable (Jreisat, 2004; Voermans et al., 2015; Harefa, 2025; Bingham, 2010; Haque, 2000). Contemporary society no longer expects government decisions to be merely lawful in a formal sense, but also substantively fair and procedurally justifiable. In this context, Jerry L. Mashaw’s theory of Administrative Justice provides an important analytical framework. Mashaw conceptualizes administrative justice as the process through which the state balances bureaucratic efficiency with the protection of individual rights through fair procedures and due process.

Accordingly, every governmental action must be subject to scrutiny, both substantively and procedurally (Parrillo, 2017). When individuals perceive that their rights have been adversely affected, they must have access to clear and effective remedial mechanisms without being compelled to resort immediately to judicial litigation. This underscores the critical importance of robust and transparent administrative remedies. Similarly, the Legal Certainty Framework developed by Paul Craig in the context of European Union law emphasizes that legal certainty extends beyond the mere existence of written rules. It also encompasses consistency in application and procedural clarity.

Within the European legal system, administrative decisions are required to be accompanied by rational justifications, communicated transparently, and subject to internal review mechanisms prior to judicial escalation (Postema, 2019; Nason, 2017). These principles reinforce citizens’ rights to be informed, to understand administrative decisions, and to challenge governmental actions in a fair manner. When compared with the Indonesian context, this model offers a valuable reference point for reforming an administrative system that remains largely opaque and bureaucratic.

From the perspective of Global Administrative Law, as articulated by Kingsbury and Stewart, modern governance structures must be grounded in three core principles: transparency, participation, and public accountability (Cassese, 2016). These principles align closely with the objectives of bureaucratic reform in Indonesia; however, their implementation has often been hindered by the lack of regulatory harmonization. For instance, in several ministries, administrative objection mechanisms are still treated as mere formalities, requiring citizens to submit written complaints without any clear information regarding outcomes or procedural timelines (West, 2004; Brook et al., 2023).

Such practices are fundamentally inconsistent with procedural justice, which demands fixed deadlines, standardized procedures, and open access to information. Another critical issue

arises from the absence of independent oversight mechanisms in the administration of administrative remedies. Many decisions on objections or administrative appeals are rendered by officials at the same hierarchical level, or even by direct superiors of those who issued the original decision. This institutional arrangement creates inherent conflicts of interest and significantly erodes public trust in the objectivity of administrative review outcomes (Paramitha et al., 2023).

In European legal systems, similar concerns are addressed through independent oversight bodies or ombudsman institutions vested with the authority to objectively reassess administrative actions. Such checks and balances mechanisms represent an important model that could be adapted to strengthen accountability and fairness within Indonesia's administrative law framework.

Normatively, the legal basis for administrative remedies in Indonesia does exist, yet it remains partial and poorly integrated. Articles 75 to 78 of Law No. 30 of 2014 stipulate that individuals who suffer harm as a result of governmental decisions are entitled to submit objections or administrative appeals. However, the law does not provide detailed procedural guidance regarding the form of such objections, the competent authority, or the timeframe for their resolution. As a consequence, interpretations vary significantly in practice.

Some administrative bodies treat administrative remedies as mandatory, while others regard them as optional. This lack of harmonization reinforces the perception that Indonesian administrative law has not yet fully realized the principle of legal certainty envisioned by the rule of law. Accordingly, a reconstruction of the administrative remedies system in Indonesia is imperative (Sugianto & Tokuyama, 2025; Kim, 2023; Zaid et al., 2025). Reform efforts should be directed toward establishing mechanisms that are clearer, more uniform, and responsive to social change. Principles such as fairness, proportionality, and procedural clarity, as applied within European legal systems, may serve as valuable benchmarks.

For example, the government could implement an integrated digital complaint system that allows citizens to transparently monitor the progress of their objections. Furthermore, the establishment of independent supervisory bodies or review commissions could ensure that administrative processes are conducted objectively and in accordance with legal standards (Purnama & Manitra, 2023). In this way, administrative remedies would function not merely as formal requirements, but as effective instruments for upholding justice and reinforcing public trust in government.

Ultimately, fair and legally certain administrative remedies concern more than technical legal procedures; they are fundamentally about trust between the state and its citizens. Without procedural clarity and certainty, administrative law risks losing its essential function as a safeguard for citizens' rights. By drawing on European legal theories and practices particularly those related to Administrative Justice and Legal Certainty Indonesia can develop a system of administrative governance that is more responsive, equitable, and transparent. Such reform should aim not only to strengthen bureaucratic structures, but also to restore public confidence that the law genuinely serves the interests of the people.

Beyond normative and institutional challenges, the issue of administrative remedies in Indonesia is also deeply intertwined with legal culture, encompassing both government officials and the public (Malik et al., 2024; Pramono et al., 2024; Hasan, 2025; Rahayu et al., 2025). In many instances, administrative remedies are perceived as procedural obstacles to judicial access rather than as effective instruments of legal protection. This perception stems from empirical experiences in which administrative objection processes are complex, opaque, and ultimately inconclusive. Consequently, public confidence in internal administrative dispute resolution mechanisms remains low, prompting a preference for litigation even where administrative remedies are normatively required.

From the perspective of government officials, administrative remedies are often treated as formal obligations aimed at statutory compliance rather than as opportunities for reflection and correction of administrative actions. This situation is exacerbated by the absence of standardized procedures and clear performance indicators in handling objections and appeals. Many officials continue to view citizen objections as challenges to authority rather than as expressions of constitutionally protected rights. Such attitudes are fundamentally incompatible with the principles of good governance, which prioritize public participation and accountability.

Within the framework of Administrative Justice theory, these conditions reveal a significant gap between normative ideals and empirical realities. Mashaw emphasizes that administrative justice should be assessed not solely by outcomes, but also by the quality of decision-making processes. Fair, transparent, and comprehensible procedures are essential to ensuring that citizens feel treated with dignity and equality before the law. When administrative objection procedures lack genuine participatory opportunities, clear reasoning, and independent review mechanisms, the pursuit of administrative justice becomes severely constrained.

Furthermore, uncertainty surrounding administrative remedies has direct implications for the effectiveness of administrative courts. Albertsworth (1921) said that, Courts are frequently confronted with cases that are substantively underdeveloped due to inadequate prior administrative review. Judges must assess whether administrative remedies have been lawfully and exhaustively pursued, despite the absence of uniform standards for determining exhaustion. In practice, this situation results in divergent judicial decisions in comparable cases, reinforcing perceptions of inconsistency in administrative law enforcement.

From the standpoint of legal certainty, such conditions are deeply problematic. As Paul Craig asserts, a sound legal system must be predictable, stable, and consistently applied. Legal certainty not only protects citizens from arbitrary state action but also provides clear guidance for administrative officials. When administrative remedy regulations are ambiguous and poorly coordinated, officials face heightened risks of procedural error, while citizens remain uncertain about their rights and obligations.

Experiences from jurisdictions with well-established administrative law traditions demonstrate that regulatory harmonization and institutional oversight are crucial to the success of administrative remedy systems. In countries such as Germany and the Netherlands, administrative objection mechanisms are designed as deliberative forums that facilitate dialogue between citizens and public authorities. These processes not only resolve disputes but also enhance policy quality and public service delivery.

Decisions must be supported by clear legal and factual reasoning and issued within strict time limits, illustrating how administrative remedies can serve as effective filters prior to judicial review. Indonesia possesses significant potential to adopt such practices through contextual adaptation. Ongoing bureaucratic reform and public service digitalization offer strategic opportunities to strengthen administrative remedies (Pathony et al., 2025; Busch et al., 2018). Electronic systems for submitting and processing objections, for instance, may enhance transparency, efficiency, and accountability. However, digitalization without normative and institutional reconstruction merely transfers longstanding problems into new formats.

Therefore, the reconstruction of administrative remedies must be pursued comprehensively, addressing regulatory, institutional, and cultural dimensions. Regulatory harmonization among the Administrative Court Law, the Government Administration Law, and their implementing regulations is essential to eliminate normative contradictions. Clear determinations regarding the mandatory or optional nature of administrative remedies, procedural deadlines, and legal consequences of administrative inaction must be explicitly articulated to eliminate the ambiguity that has long undermined legal certainty.

Institutionally, consideration should be given to establishing independent units or bodies responsible for administrative review, separate from the bureaucratic structures that issued the

original decisions. Semi-judicial models such as administrative review boards or the strengthening of the Indonesian Ombudsman's role may offer viable alternatives for ensuring objectivity and impartiality. The existence of such bodies would reinforce checks and balances while enhancing public confidence in administrative dispute resolution outcomes.

Culturally, paradigm shifts among both officials and citizens are critical to the success of reconstruction efforts (Kim, 2017; Viejo-Rose, 2016). Officials must recognize administrative remedies as instruments of legal protection and governance improvement rather than threats to authority. Concurrently, citizens must be educated about their administrative rights and procedures to facilitate meaningful and constructive participation. Legal education oriented toward citizens' rights is therefore of central relevance.

In conclusion, reconstructing administrative remedies from the perspective of Administrative Justice and legal certainty is not merely a technical exercise in procedural reform, but an integral component of democratic rule-of-law development. Administrative remedies that are fair, transparent, and predictable will strengthen the legitimacy of governmental action while safeguarding citizens' rights (Androniceanu, 2021; Meijer et al., 2018). Within this framework, administrative law ceases to function as an instrument of power and instead becomes a mechanism of equitable public service.

Against this background, the present study seeks to critically examine how administrative remedies should be reconstructed to align with the principles of administrative justice and legal certainty. Through a normative and comparative approach, this research aims to contribute both theoretically and practically to the development of Indonesian administrative law, particularly in building dispute resolution mechanisms that are effective, fair, and oriented toward the protection of citizens' rights.

METHODS

This study employs a normative legal research method, which emphasizes the analysis of written legal norms, legal doctrines, and general principles of law relevant to the research problem. More specifically, this research is designed as analytical–normative and reconstructive–normative legal research, as it not only examines existing legal norms but also evaluates their coherence and formulates normative reconstruction based on identified deficiencies. This approach is selected because the focus of the study lies in reconstructing the concepts and legal norms governing administrative remedies within Indonesian administrative law. In this context, law is not examined as an empirical phenomenon, but rather as a normative system whose internal coherence and consistency must be assessed in relation to other legal rules as well as to overarching legal principles. The analytical–normative dimension enables the systematic identification of regulatory inconsistencies and conceptual gaps, while the reconstructive–normative dimension supports the formulation of prescriptive recommendations aimed at improving the administrative remedy framework.

The statute approach is applied to examine the synchronization and normative disharmony among Law No. 5 of 1986 on Administrative Courts, Law No. 30 of 2014 on Government Administration, and Supreme Court Regulation (PERMA) No. 6 of 2018. These instruments are selected as primary reference points because they constitute the hierarchical and functional core of administrative dispute resolution in Indonesia, governing judicial review, internal administrative control, and procedural guidance for judges. Meanwhile, the conceptual approach is employed to analyze the principles of Administrative Justice and the Legal Certainty Framework as the theoretical foundations for constructing legal arguments and normative reconstruction. Within this research design, these concepts function as evaluative criteria and analytical lenses for assessing whether existing norms meet minimum standards of procedural fairness, clarity, consistency, and predictability.

In addition, this research adopts a comparative approach by examining the administrative law systems of the European Union. The comparative approach is used selectively and

functionally, focusing on jurisdictions that have developed mature administrative review mechanisms and standardized procedural safeguards. This approach is essential for identifying points of relevance between the concepts of administrative justice and legal certainty as developed in European legal traditions and the Indonesian administrative law system, which continues to experience regulatory overlap and normative fragmentation. Through this comparison, the study seeks to identify an ideal model of administrative dispute resolution that ensures a balance between bureaucratic efficiency and the protection of citizens' rights. Comparative materials are treated as normative reference models rather than binding sources, serving to enrich doctrinal interpretation and support reconstructive arguments.

The primary legal materials used in this study consist of national legislation, judicial decisions, and implementing regulations related to administrative remedies. Judicial decisions are analyzed as authoritative interpretative practices that reflect how administrative remedy norms are applied and contested in practice, particularly as indicators of normative inconsistency and interpretative divergence. Meanwhile, the secondary legal materials include academic literature, international journal articles, and previous studies addressing the concepts of Administrative Justice, Legal Certainty, and Global Administrative Law. These secondary materials function to develop doctrinal understanding, strengthen conceptual analysis, and support comparative insights rather than to provide empirical validation. Legal materials are systematically identified through structured legal searches of statutory databases, official court publications, and reputable academic journal repositories. Selection is guided by relevance to administrative remedies, hierarchical authority, and temporal applicability to the post-enactment period of Law No. 30 of 2014. This process ensures transparency and methodological consistency in the identification and use of legal sources.

Data analysis is conducted qualitatively using a contemporary legal hermeneutic approach, which emphasizes interpretative methods aimed at uncovering the substantive meaning of legal norms in light of their social context and legislative objectives. The analytical process follows sequential steps, including norm identification, systematic comparison across regulatory instruments, mapping of normative conflicts, and evaluation against theoretical benchmarks derived from Administrative Justice and Legal Certainty. Through this approach, legal provisions are interpreted not only grammatically, but also systematically and teleologically, in order to assess the alignment between existing norms and the ideal practice of administrative governance. Where interpretative methods produce conflicting conclusions, priority is given to systematic and teleological interpretation to preserve coherence and legislative purpose. Accordingly, this method enables the researcher to identify the roots of normative disharmony, evaluate their compatibility with the principles of procedural justice and legal certainty, and formulate applicable recommendations for the reform of administrative law in Indonesia. The transition from problem identification to normative reconstruction is therefore methodologically traceable, grounded in doctrinal analysis, and guided by explicit theoretical criteria.

RESULTS AND DISCUSSION

The Urgency of Administrative Remedies in State Administrative Law

Based on a normative analysis of statutory regulations and administrative practices, this subsection first presents the legal findings (results) concerning the strategic yet problematic position of administrative remedies within the Indonesian administrative law system. Administrative remedies fundamentally serve as the first institutional bridge between citizens and the state when dissatisfaction arises from governmental decisions or actions. They function as internal corrective mechanisms that allow objections or administrative appeals to be resolved within the public administration before the parties proceed to administrative courts. At this juncture, their urgency is not merely technical such as reducing case backlogs and litigation costs but also normative, as they operate as instruments for rights protection and as an initial test of administrative compliance with the general principles of good governance (Safitri & Sa'adah, 2021).

Within the Indonesian administrative law framework, administrative remedies are formally recognized and positioned through a layered dispute resolution ecosystem: administrative court legislation that governs judicial litigation, government administration law that regulates authority and decision-making processes, and judicial guidelines intended to harmonize the relationship between the two. Through this design, the state effectively promotes bureaucratic self-correction by providing administrators with the opportunity to reassess the legality and propriety of their own actions, while still maintaining judicial control as a final safeguard (Untoro, 2018). The findings indicate that this normative recognition has not been accompanied by a consistent and integrated procedural design, resulting in administrative remedies whose urgency is often declaratory rather than operational.

From a good governance perspective, administrative remedies constitute the most logical forum for ensuring that governmental decisions meet procedural propriety standards before being reviewed by judges. Principles such as legality, accountability, proportionality, legal certainty, transparency, and impartiality do not automatically attach to every administrative decision; rather, they must be operationalized through procedures that allow citizens to be heard (the right to be heard), to receive reasons for decisions (the duty to give reasons), and to seek corrections without unnecessary obstacles. Administrative remedies provide the institutional space to realize these principles (Anisah & Hadi, 2023).

By embedding a relatively quick and low-cost review stage, administrative remedies compel public organizations to internalize the General Principles of Good Governance (AUPB) in their daily practices. When objection or appeal procedures are conducted within clearly defined time limits, reviewed by functionally independent officials, and accompanied by written reasoning, two objectives are achieved simultaneously: bureaucratic efficiency is preserved without sacrificing citizens' procedural rights, and the quality of decision-making improves as institutions learn from corrective feedback. However, the analysis demonstrates that these ideal conditions are not uniformly realized across government institutions, thereby revealing a gap between normative expectations and administrative practice.

The urgency of administrative remedies becomes even more apparent when considering the typical character of administrative disputes. Many cases arise not from pure substantive legal disagreements, but from procedural irregularities, unclear notification processes, vague benchmarks, or minimal reasoning in administrative decisions. Such disputes can often be resolved through clarification, data reassessment, or simple factual corrections—measures far more appropriately addressed at the institutional level than in courtrooms. Even in complex cases, such as those involving administrative sanctions, internal review processes allow for flexible separation of factual and legal issues, additional evidentiary submissions, correction of flawed reasoning, or reassessment of sanction proportionality. In this sense, administrative remedies operate as a substantive filter, reserving judicial review for disputes that genuinely require adjudication, while reducing the social costs of unnecessary litigation.

Beyond dispute resolution, administrative remedies also perform an educational and preventive function within public administration. Each well-founded objection signals institutional shortcomings whether gaps in standard operating procedures, normative ambiguities, or ineffective communication patterns (Handoko & Farida, 2021). When objection procedures are supported by proper documentation and institutional feedback mechanisms, organizations can establish learning loops to improve guidelines, standardize decision formats, refine administrative forms, and enhance frontline officer training. Over time, dispute volumes decline not because procedural barriers restrict citizens, but because decision quality improves and becomes more predictable. At this point, the urgency of administrative remedies aligns directly with the rule of law agenda: law functions not only as a dispute-settlement tool, but also as a mechanism for preventing disputes through reliable governance. This finding confirms that the urgency of administrative remedies is empirical-normative in nature, as it directly reflects identifiable procedural weaknesses within administrative practice.

However, this urgency can only be realized if administrative remedy mechanisms are clearly designed, accessible, and trustworthy. Accessibility is critical: citizens must know where to submit objections, what requirements apply, which formats are used, and when decisions will be issued. Clarity of scope is equally important identifying which decisions are subject to objection, which issues may be reviewed (facts, law, or both), and whether filing an objection suspends the implementation of the contested decision. Above all, functional independence of the reviewing authority determines legitimacy. If objections are examined by the same unit or officials closely linked to the original decision-makers, public trust is difficult to achieve. These three elements accessibility, scope clarity, and independence constitute the minimum prerequisites for preventing administrative remedies from becoming mere formalities. Within the national legal framework, administrative remedies enjoy relatively strong normative recognition. Administrative court law provides judicial review as a last resort when internal remedies prove inadequate or ineffective.

Government administration law emphasizes both ethical and legal obligations for officials to adhere to AUPB and to provide access to corrective mechanisms for harmful decisions. Judicial guidelines position administrative remedies within a functional relationship to judicial review, enabling judges to assess whether genuine self-correction efforts have been undertaken. Ideally, this tripartite relationship administration, judicial guidelines, and courts forms an integrated dispute resolution governance chain, beginning with swift internal correction and culminating in judicial scrutiny only when necessary. Comparative insights from the European Union further illuminate this urgency. In many European administrative regimes, internal review or administrative appeal mechanisms are not mere accessories but functional obligations designed to test compliance with law and procedural fairness. These systems typically feature consistent procedural patterns, mandatory reason-giving, fixed deadlines, rights to access case files, and administratively separate appeal bodies.

Many jurisdictions reinforce these designs through ombudsman institutions or external oversight bodies tasked with identifying maladministration and transforming systemic complaints into policy improvements (KimDaein, 2018). These comparative findings reinforce the study's results, indicating that the core issue in Indonesia lies not in the absence of regulation, but in the lack of cross-sector minimum procedural standardization. The result is greater predictability: citizens understand procedural pathways, administrations know how to conduct reviews, and courts can identify when judicial intervention is truly warranted. Legal certainty through clarity of norms, procedural consistency, and rights to fair process is operationalized via institutional design that balances efficiency with procedural rights. For Indonesia, the key lesson is not simply to mandate exhaustion of administrative remedies or accelerate timelines, but to ensure three core elements: first, procedural roadmap certainty from registration and examination to evidentiary review and written reasoning; second, quality guarantees in review processes, including reviewer competence, information access, and explicit legal reasoning standards; and third, institutional feedback loops whereby objection decisions inform SOP revisions and capacity building.

With these elements, administrative remedies function not as compulsory gateways but as genuine forums of justice. When citizens encounter logical written reasons, fact-based findings, and institutional willingness to correct errors, trust in public administration can grow even without judicial intervention. The urgency of administrative remedies is also closely tied to state risk and resource management. Prolonged litigation consumes officials' time, increases procedural costs, and delays public policy implementation. Effective internal correction mechanisms enable rapid resolution and reduce deadweight losses associated with uncertainty. In regulatory sectors such as licensing, dispute-related delays multiply economic costs for businesses while undermining public service reputations. Conversely, swift and credible administrative objections restore business certainty, promote voluntary compliance, and facilitate relationship recovery between regulators and regulated entities (Hemel, 2023).

Accordingly, the urgency of administrative remedies constitutes a central finding of this study, reflecting a structural and systemic issue rather than a purely normative argument. Administrative remedies are not intended to replace judicial review of ultimate legality, particularly in cases involving constitutional issues or broad policy impacts. Nor should they operate as filters that obstruct court access through excessive formalities or disproportionate deadlines. Properly designed remedies facilitate access while ensuring process integrity. Functional independence though situated within the same administrative structure must be safeguarded through role separation, ethical codes, and accountability mechanisms. Without such safeguards, administrative remedies risk being perceived as self-assessment without critical distance. A final dimension of urgency lies in digitalization and transparency. Administrative disputes revolve around information flows forms, evidence, correspondence, and reasoning records.

When objection procedures are centralized in traceable digital platforms, citizens gain timeline certainty, administrations acquire performance analytics, and courts if eventually involved receive well-documented process records. Visibility of case status, reviewing officials, and decision deadlines enhances procedural accountability without imposing undue burdens (Kusumaningsih, 2025). Collectively, these considerations establish the conceptual and practical foundation for subsequent analysis of normative disharmony and the need for reconstruction grounded in Administrative Justice and Legal Certainty theories. Administrative remedies matter not because of tradition or obligation, but because they operate closest to the point of decision-making where errors can be corrected swiftly, rights restored at low cost, and trust cultivated through clear reasoning. Understanding this urgency is therefore indispensable to addressing the study's core research questions: how normative disharmony generates legal uncertainty, and how administrative justice and legal certainty frameworks can guide the design of a fairer, more predictable, and more accountable system.

Normative Disharmony and Legal Uncertainty

This subsection presents the principal findings (results) concerning forms of normative disharmony that directly generate legal uncertainty in the administration of administrative remedies. This discussion highlights the tension arising from divergent regulatory orientations between Law Number 5 of 1986 on the State Administrative Court, Law Number 30 of 2014 on Government Administration, and Supreme Court Regulation (PERMA) Number 6 of 2018 concerning Guidelines for the Settlement of Government Administrative Disputes. Although all three instruments acknowledge the role of administrative remedies, they articulate their position, requirements, and legal consequences with differing emphases. The analysis demonstrates that this disharmony may be categorized into four core themes: the finality of administrative decisions, the obligation to exhaust administrative remedies, procedural deadlines, and institutional independence.

Law No. 5/1986 was designed to ensure judicial oversight of final and individual administrative decisions, placing its primary focus on *ex post* judicial control. In contrast, Law No. 30/2014 emphasizes bureaucratic self-correction through objections and administrative appeals as the initial channel for dispute resolution. PERMA No. 6/2018 seeks to reconcile these two approaches within judicial practice. It is precisely at this intersection that friction frequently arises, particularly regarding when administrative remedies constitute a mandatory requirement (*exhaustion of administrative remedies*), when they remain optional, and when courts must regard a lawsuit as "premature" due to the absence or incompleteness of internal remedies. The roots of this disharmony can be traced to the lack of uniformity in defining "administrative decisions" and their "finality" across the three legal regimes. Within the framework of Law No. 5/1986, the object of dispute is understood as a written decision that is concrete, individual, and final meaning that it concludes the internal review process and directly produces legal consequences for the affected party.

Conversely, Law No. 30/2014 introduces a broader spectrum by recognizing not only decisions but also governmental actions and stages of internal correction (objections and administrative appeals) that may functionally modify or reaffirm the initial decision (Allagan & Simbolon, 2024). This divergence marks the starting point of legal uncertainty. If a decision remains open to internal correction, can it already be considered “final” and thus subject to judicial review before the State Administrative Court? Or does finality only arise after the objection or administrative appeal has been resolved? In practice, answers to these questions vary across institutions and judicial panels, placing citizens in an unpredictable position: waiting too long risks missing procedural deadlines, while filing a claim too early risks dismissal for prematurity.

A second dimension of disharmony concerns whether administrative remedies are generally mandatory or only compulsory when expressly regulated by sectoral legislation. Law No. 30/2014 strongly promotes mandatory administrative remedies at least as a governance principle; however, its textual formulation leaves room for multiple interpretations when intersecting with sectoral laws that either provide or omit objection and appeal mechanisms with varying designs. PERMA No. 6/2018 attempts to guide judges in assessing the relationship between internal remedies and judicial claims. Nevertheless, as a judicial guideline rather than a statute, its application largely depends on the reasoning of individual judicial panels and the construction of specific cases. Consequently, judicial practice remains heterogeneous: some decisions treat exhaustion as an absolute prerequisite, while others permit direct litigation on the grounds that internal remedies are ineffective or practically unavailable (Sopyan et al., 2022). This variability, though sometimes justifiable, generates a procedural patchwork that undermines legal certainty.

Legal uncertainty is further exacerbated by the procedural effects of administrative remedies on litigation time limits. From the perspective of legal certainty, it should be clear whether the filing of an objection or administrative appeal suspends or merely tolls the limitation period, and when such periods resume. In practice, however, there is no uniform notification regarding when an internal remedy is deemed completed whether upon issuance, notification, or effectiveness of the decision. Divergent interpretations also persist as to whether a decision on an objection constitutes a new administrative decision that triggers a fresh limitation period, or merely confirms the original decision without altering the procedural timeline. Another source of uncertainty concerns the scope of review within administrative remedies. Law No. 30/2014 allows corrections relating to factual findings, legal interpretation, and propriety (proportionality).

Nonetheless, not all institutions provide equivalent guidelines regarding admissible evidence, the possibility of supplementary hearings, or the reasoning standards applicable in assessing proportionality (Widhi, 2021). These differences result in uneven citizen experiences. In some institutions, objections function as a genuinely deliberative forum, involving file re-examination, opportunities for clarification, and well-reasoned written decisions. In others, objections are treated as mere formalities, producing brief normative responses without substantive engagement with evidence or reasoning. When such cases eventually reach the State Administrative Court, judges inherit administrative records of inconsistent quality, which directly affects the depth and effectiveness of judicial review. Once again, the absence of uniform internal design generates uncertainty in outcomes.

Disharmony also extends to the issue of functional independence at the administrative review stage. In principle, credible internal remedies require sufficient institutional distance between the original decision-maker and the authority reviewing objections or appeals. In certain sectors, administrative appeals remain organizationally embedded within the same chain of command, raising public doubts about impartiality. In others, independent panels or separate units exist and provide substantively reasoned decisions. The lack of minimum institutional standards for administrative reviewers makes the quality of procedural justice contingent upon sectoral policy choices. From the standpoint of legal certainty, this constitutes a serious problem:

citizens cannot reasonably foresee the quality of the forum they will encounter, even though foreseeability is a core element of legal certainty.

At this juncture, Paul Craig’s framework of legal certainty provides a useful analytical lens for assessing the normative quality of Indonesia’s administrative law design. The first element is clarity. Legal norms are considered clear when definitions of dispute objects, decision finality, and the mandatory or optional nature of administrative remedies are articulated without ambiguity, including the consequences when internal procedures are unavailable, ineffective, or delayed due to administrative inertia. In reality, the three legal instruments discussed have yet to produce uniform clarity. Where Law No. 30/2014 establishes general principles, detailed bridges to sectoral practice are often absent, while Law No. 5/1986 and PERMA No. 6/2018 remain highly dependent on case construction and judicial policy. The second element is consistency. Legal certainty requires relatively similar treatment of comparable cases. Sectoral variation is inevitable, but it must remain within a coherent and explainable framework. When an objection is deemed a mandatory prerequisite in one case but not in another nearly identical case, the public perceives outcomes as being determined more by institutional or geographical contingencies than by shared legal norms.

The third element concerns accessibility and transparency. Legal certainty presupposes that citizens can ascertain procedures and legal consequences without incurring unreasonable information costs. Written guidelines, clear information portals, standardized forms, and obligations to provide written reasons are all components of meaningful access. When procedural information is fragmented, formats vary widely, and decision reasons are minimal, citizens are left to speculate. Such informational asymmetry weakens their position and contradicts the objectives of procedural justice. The fourth element relates to legitimate expectations. Citizens are entitled to expect administrative authorities to act consistently with announced procedural commitments and policy patterns.

If an institution publicly commits to resolving objections within thirty days and providing written reasons, deviations without sufficient justification undermine those legitimate expectations. In many disputes, violations of legitimate expectations themselves become the primary trigger for escalation to judicial review. From the perspective of due process and procedural justice, normative disharmony also creates a paradox of cost and access. On the one hand, the state channels disputes toward administrative remedies to reduce the social costs of litigation. On the other hand, the absence of uniform rules often forces citizens to bear a double burden: exhausting ineffective internal remedies and subsequently litigating before the State Administrative Court without meaningful relief. From a process-economics perspective, this represents an avoidable deadweight loss.

Administrative bodies also incur reputational costs, as every inadequately reasoned objection decision signals deficiencies in decision-making quality. Over time, organizations may adopt defensive bureaucratic practices focused on dispute avoidance rather than service improvement, contrary to the objectives of good governance. At a systemic level, normative uncertainty reverberates into the quality of judicial review itself. State Administrative Court judges operate most effectively when supported by comprehensive administrative records that include minutes, reasoned decisions, evidence assessments, and explicit proportionality standards. When administrative files are sparse or devoid of substantive reasoning, judges are compelled to fill normative gaps through assumptions or expansive interpretation outcomes that administrative officials may then perceive as judicial unpredictability (Maha, 2024).

Table 1. Testing Legal Certainty in the Assessment of Administrative Norms

No.	Type of Test	Key Question	Purpose / Indicator	Implications if Not Fulfilled
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1	Clarity Test	Are the norms governing finality, the obligation to pursue administrative remedies, and procedural time limits understandable and summarizable by ordinary citizens without costly legal assistance?	To measure the clarity and accessibility of legal norms for the general public.	The norms are considered unclear and prone to generating legal uncertainty.
2	Predictability Test	If two citizens with similar cases follow the same procedural path, can the procedural outcomes be reasonably predicted (e.g., decision timelines and effects on the right to bring a claim)?	To assess the extent to which legal procedures produce consistent and foreseeable outcomes.	Weak predictability results in legal uncertainty and potential procedural injustice.
3	Institutional Consistency Test	Do different administrative bodies provide equal treatment for similar issues (e.g., suspensive effect, evidentiary standards, or the format of written reasons)?	To measure the uniformity of legal application across governmental institutions.	Inconsistency indicates the need for legal harmonization and institutional reform.
4	Reviewability Test	Do administrative decisions (both initial and those issued upon objection or appeal) provide sufficient reasoning to allow courts to assess their rationality and propriety?	To ensure that administrative decisions are capable of rational and transparent judicial review.	Insufficient reasoning renders judicial review speculative and undermines legal certainty.

Source: Research Data, 2025

At this stage, it is important to emphasize that identifying normative disharmony does not imply denying the progress that has been achieved. Many public institutions have developed relatively sound standard operating procedures for administrative remedies, including clear internal time limits, functionally more independent review panels, and more structured and reasoned decision templates. The problem lies in the uneven dissemination of these good practices across the administrative system. In the absence of cross-sectoral standardization, citizens will continue to face shifting and fragmented procedural maps. Legal certainty requires not merely isolated islands of good practice, but a calm and navigable sea of uniformly applicable procedures.

Accordingly, the interim conclusion of this section is unequivocal: differences in orientation and regulatory formulation among Law No. 5 of 1986, Law No. 30 of 2014, and Supreme Court Regulation No. 6 of 2018 have produced grey areas concerning the finality of administrative decisions, the obligation to exhaust internal remedies, their effects on procedural time limits, the scope of review, and standards of reviewer independence. These grey areas constitute the primary source of legal uncertainty experienced by both citizens and administrative authorities. When tested against the Legal Certainty framework clarity, consistency, accessibility, legitimate expectations, and reviewability multiple nodes of uncertainty remain unresolved. Mapping these problems simultaneously opens the way for the subsequent discussion on reconstructing administrative remedy design through the theories of Administrative Justice and Legal Certainty: clarifying definitions, standardizing minimum procedures, assigning definite procedural effects, and entrenching reasoned decisions as the core of administrative justice.

Reconstruction through Administrative Justice and Legal Certainty

The first foundation lies in the normative framework. A single government-level regulation is required to establish national, cross-sector standards for administrative remedies, accompanied by technical revisions through Supreme Court regulations to ensure procedural alignment within the Administrative Courts. This umbrella norm should definitively codify the meanings of “final administrative decision,” “decisions subject to internal correction,” and “government actions open to objection.” The obligation to pursue administrative remedies should be affirmed as a national default rule, subject to four narrowly tailored exceptions: (i) the remedy is not genuinely available; (ii) the remedy is ineffective due to structural impediments; (iii) irreparable harm is likely to occur if the applicant must wait; or (iv) the dispute concerns jurisdictional issues requiring immediate judicial determination. Such regulation balances efficiency with access to justice while reducing interpretative disparities across administrative bodies.

The procedural architecture should be structured into three stages: access, examination, and decision. The access stage begins with a national single-entry electronic portal accommodating all administrative objections and appeals. Citizens submit objections through standardized forms, attach evidence, select relevant legal grounds, and indicate any request for suspension of the contested decision. The system validates completeness, generates a case number, and locks statutory deadlines for the administrative body. Automated notifications are issued to all parties, ensuring a clearly documented commencement of proceedings and preventing ancillary disputes over procedural timelines. The examination stage embodies the principles of Administrative Justice, particularly the right to a fair hearing and access to case files. Reviewers must be drawn from units functionally separate from the original decision-maker, bound by ethical obligations to avoid conflicts of interest, and subject to recusal mechanisms where prior involvement creates potential bias.

Access to relevant documents is facilitated through a digital case file, while the right to present oral clarification is accommodated through recorded online hearings. The reasoning standard employs a four-part analytical matrix: legality and competence, factual accuracy, proportionality, and respect for legitimate expectations (Kamber, 2022). This matrix compels reviewers to structure their reasoning, assess evidence systematically, and explain why any restriction of rights is proportionate to legitimate policy objectives. The decision stage requires strict enforcement of time limits. A general deadline of 30 working days applies to objections and 45 working days to administrative appeals. Extensions are permitted only in particularly complex sectors and must be accompanied by prior notification and justification before the deadline expires. Decisions must contain clear case identification, issue formulation, factual findings, legal bases, proportionality assessment, and an explicit operative order (revocation, modification, confirmation, or mandatory corrective action).

The duty to give reasons is not a mere formality; the quality of reasoning functions as a performance indicator and a basis for periodic evaluation by supervisory units. Decisions are digitally signed and fully recorded, facilitating seamless transfer to the courts should litigation ensue. Procedural effects must be clarified to avoid undermining the right to judicial review. Registration of an objection suspends the calculation of litigation deadlines, with a new limitation period commencing upon notification of the decision or upon expiry of the statutory deadline without a decision. Requests for suspension of execution are subject to expedited dual testing: the existence of a prima facie case and the risk of serious, disproportionate harm if execution proceeds (Green, 2020). Suspension operates temporarily until the objection decision is issued and may be extended on limited grounds. This framework eliminates uncertainty over whether litigation deadlines are tolled or continue to run during internal proceedings.

The relationship with the Administrative Courts is recalibrated to ensure mutual reinforcement rather than duplication. Digital records of administrative remedies including applications, evidence, hearing minutes, and written reasons are automatically transferred to the

court's case management system when litigation is initiated. Judicial review utilizes the internal record as an initial evidentiary baseline while preserving the possibility of additional proof where relevant facts or reasoning remain unexamined. Court decisions identifying serious procedural defects at the administrative stage such as absence of reasoning or unjustified deadline violations may require the authority to conduct a renewed examination within a short, court-mandated timeframe. This design establishes a constructive feedback loop between internal correction and judicial oversight.

An external oversight model complements the reconstruction. Supervisory functions should be vested in an ombudsman or independent commission with a mandate focused on maladministration in administrative remedies. Powers include auditing decision reasoning, monitoring compliance with deadlines, examining conflicts of interest, and issuing corrective recommendations subject to mandatory response. Periodic thematic reports are published, identifying systemic deficiencies and cross-sector reform priorities, thereby extending accountability beyond individual reviewers. The presence of independent oversight sends a strong signal that internal remedies are credible mechanisms of justice rather than procedural obstacles. Digitalization is not an accessory but the operational foundation. The national administrative remedy portal should incorporate real-time tracking dashboards, application programming interfaces for integration with sectoral licensing systems, and analytics modules measuring key performance indicators: median resolution time, proportion of fully reasoned decisions, judicial reversal rates, and identification of units frequently exceeding deadlines.

Role-based access control safeguards personal data, while audit trails prevent document manipulation. Aggregated data should be released as open government data, enabling researchers and civil society to monitor system performance (Bernot et al., 2024). Compensation and restoration are regulated as integral elements of a remedial continuum. Decisions on objections or administrative appeals may include orders for procedural correction, revocation of sanctions, adjustment of obligations, and even nominal compensation for compliance costs incurred as a result of procedural errors by officials. This compensation scheme is limited and expedited in nature and does not replace the right to seek full damages through other legal mechanisms (Ariky et al., 2024). The availability of tangible remedies encourages citizens to perceive administrative remedies as a forum for substantive dispute resolution, rather than merely a procedural stepping stone toward litigation. The transition to the new system is managed through a twelve-month roadmap.

The first six months are allocated to the drafting of a government regulation, the revision of Supreme Court regulations, the development of a national administrative remedies portal, and the preparation of guidelines for written reasoning. The subsequent three months are devoted to pilot projects in sectors with a high risk of disputes such as business licensing, enforcement of environmental administrative sanctions, and population administration services accompanied by intensive training for reviewing officers. The final three months complete nationwide rollout, together with the publication of baseline metrics to serve as benchmarks for first-year evaluation. This detailed roadmap reduces bureaucratic uncertainty and provides the public with a predictable implementation timeline. Quality standards for written reasoning are standardized through analytical templates that go beyond mere checklists. The structure of reasoning includes a case summary, formulation of legal issues, factual findings with evidentiary references, a step-by-step proportionality test, an assessment of legitimate expectations, and consideration of less rights-restrictive alternative solutions.

Readability is a mandatory requirement; concise, measured, and jargon-free language ensures that citizens can understand the logic of decisions (Aritonang et al., 2025). The quality of reasoning is evaluated through quarterly internal double-blind reviews, producing a quality index that directly affects unit performance assessments. Standards of reviewer independence are reinforced through organizational design. Administrative appeal units are positioned outside the chain of command of the original decision-making units and report directly to agency leadership or an ethics board. Appointments are conducted through fit-and-proper tests

emphasizing administrative law competence and integrity records. Terms of office are limited and subject to cooling-off periods when members have previously handled related policies or cases, thereby minimizing conflicts of interest. This process embeds the professional distance necessary for internal review to be perceived as fair. Evidentiary policies are tailored to the characteristics of administrative processes. Reviewers are authorized to request supplementary evidence from both agencies and applicants; however, this authority is balanced by a proportionality obligation, limiting requests to relevant and reasonably accessible evidence. Electronic evidence is admissible provided that its chain of authenticity can be demonstrated. Unjustified reluctance by agencies to disclose documents that should be accessible is recorded as an adverse inference in the reasoning of the decision, thereby promoting transparency without resorting to time-consuming criminal or ethical sanctions.

The alignment of this design with the principle of Legal Certainty is explicit. Clarity arises from standardized definitions, deadlines, and reasoning structures; consistency is maintained through cross-sector minimum standards and independent oversight; accessibility is ensured through digital portals and low costs; legitimate expectations are protected by firm deadlines and mandatory written reasoning; and reviewability is strengthened by comprehensive digital records that facilitate judicial assessment of legality and propriety. Administrative Justice operates in parallel, as each stage guarantees that citizens are heard, evidence is assessed fairly, and decisions bear a transparent argumentative burden. Once national minimum standards are implemented, previously fragmented best practices will converge into a coherent pattern, and disputes that genuinely require judicial review will reach the courts with complete records and clear reasoning. The ultimate objective is simple yet crucial: citizens gain legal certainty, the administration operates with greater care, and the rule of law becomes tangible through everyday interactions with the state.

CONCLUSION

This study advances three central arguments. First, administrative remedies occupy a strategic position as internal corrective mechanisms that simultaneously protect individual rights and promote administrative efficiency. Second, the disharmony among Law No. 5 of 1986, Law No. 30 of 2014, and Supreme Court Regulation No. 6 of 2018 generates legal uncertainty regarding the finality of administrative decisions, the obligation to exhaust internal remedies, procedural time limits, the scope of review, and standards of reviewer independence. Third, a reconstruction grounded in Administrative Justice and Legal Certainty offers a clear operational design through nationally fixed definitions, a default rule mandating administrative remedies with limited exceptions, standardized deadlines, mandatory written reasoning, review units institutionally distanced from original decision-makers, a single-entry digital portal, feedback loops with the administrative courts, and independent oversight. This framework addresses the need for procedural certainty without restricting access to justice, while transforming internal remedies from mere formalities into forums of genuine redress.

SUGGESTION

Future implications include the need for implementing regulations at the level of a government regulation, aligned through updates to Supreme Court regulations; cross-sector pilot projects in dispute-prone areas; standardization of written reasoning and reviewer competencies; and a national data architecture to monitor performance and decision quality. The next research agenda should focus on empirical evaluation of the new design's impact on judicial reversal rates, resolution times, the quality of reasoning, and user satisfaction; sector-specific analyses of procedural adaptation in licensing regimes, environmental sanctions, and population administration services; as well as studies on technology governance that ensure data security, access for vulnerable groups, and the integrity of audit trails. The expected outcome is not merely a reduction in litigation burdens, but a strengthening of the rule of law that is directly experienced by citizens in their interactions with administrative state decisions.

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