



Analysis of the Decision of the State Administrative Court Number 604/G/2023/PTUN.JKT Concerning Government Actions in the Field of Administrative Law from the Perspective of Gustav Radbruch

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ABSTRACT

The Jakarta State Administrative Court (PTUN) Decision Number 604/G/2023/PTUN.JKT which granted part of Anwar Usman's lawsuit against the Constitutional Court has caused controversy in the Indonesian constitutional legal order. The main problem lies in the limits of the PTUN's jurisdiction over constitutional judicial institutions and the validity of administrative intervention into the internal mechanisms of the Constitutional Court. This article aims to analyze the decision based on Gustav Radbruch's legal theory, which emphasizes the balance between justice, legal certainty, and utility as basic principles in the legal system. This study uses a juridical-normative method with a conceptual approach and a legal philosophy approach to examine the alignment of the substance of the decision with universal legal values. The results of the analysis show that the PTUN decision No. 604/G/2023/PTUN.JKT does not reflect the principle of substantive justice because it ignores the institutional autonomy of the Constitutional Court and opens up space for horizontal intervention between state institutions. From the aspect of legal certainty, this decision creates jurisdictional ambiguity that threatens the stability of the constitutional system. Meanwhile, from the perspective of utility, the decision is considered counterproductive because it has the potential to weaken the integrity and effectiveness of the Constitutional Court's role as a guardian of the constitution. Therefore, this article recommends affirming the limits of administrative court jurisdiction over constitutional institutions, as well as strengthening the ethical approach in the practice of state administrative law so as not to be trapped in narrow legal positivism.

Keyword: Administration; Gustav Radbruch; Legal Certainty; Utility.

1. Introduction

In a constitutional state (Rechtsstaat), the fundamental principle is that every exercise of power, particularly by the executive branch, must be based on applicable law. Within this framework, administrative law functions as an instrument to regulate the relationship between the state and its citizens, while also serving as a mechanism to limit state power so that it does not transform into authoritarian rule (Machtstaat).¹ In Indonesia, the existence of the Administrative Court (Peradilan Tata Usaha Negara or PTUN) embodies the principle of judicial oversight over administrative acts of government officials. Through Law No. 5 of 1986, amended by Law No. 9 of 2004 and Law No. 51 of 2009, and further expanded by Law No. 30 of 2014 on Government Administration, PTUN is vested with the authority to review the legality of both written decisions (beschikking) and factual actions (feitelijke handeling) taken by administrative officials.²

Despite the availability of a relatively progressive normative framework, the reality of administrative law in Indonesia often reveals complex paradoxes between formal legality and substantive justice. In practice, PTUN rulings frequently comply with all normative requirements as prescribed by statute, yet produce outcomes that harm litigants or the wider public. This reflects a tendency toward juridical formalism, where adherence to procedure and legal form (formele recht) is prioritized over substantive justice and the protection of fundamental rights (materielle recht). In many cases, administrative judges focus narrowly on the juridical validity of state administrative decisions (KTUN), without examining the underlying motives, broader social context, or the balance between state interests and individual rights. When administrative law is applied in a purely mechanistic manner without moral reflection or ethical consideration it risks reducing law from an instrument of justice into a mere tool of power legitimation.³ Consequently, state actions that are socially unjust may nonetheless be deemed lawful on the basis of formal legality. This illustrates a failure to internalize the true meaning of due process of law in public administration, whereby law should function not only as a set of rules to be obeyed, but also as a medium of rights protection and justice restoration. For this reason, a critical analytical framework is required one that views law not only as a positive text but also as an expression of humanity and social justice. Within this context, Gustav Radbruch's legal philosophy becomes particularly relevant in assessing whether administrative law truly operates in line with the higher ideals of a democratic and just Rechtsstaat.⁴

1.1 Gustav Radbruch's Perspective

Radbruch's legal theory is highly relevant in this regard. The German legal philosopher argued that positive law must not disregard justice. In the Radbruch Formula (Radbruchsche Formel), he emphasized that where positive law stands in extreme contradiction to justice, it loses its legitimacy as law. Accordingly, just law must embody a synthesis of three core values: justice (Gerechtigkeit), legal certainty (Rechtssicherheit), and utility (Zweckmäßigkeit). These values are not mere theoretical abstractions but must serve as a normative framework for judicial decision-making, including in the realm of administrative law.⁵

¹ Endeh Suhartini, 'Legal Perspective of Medical Care System For Prisoners and Detainees', *International Journal of Civil Engineering and Technology* 8, no. 9 (2017): 406–12, <http://www.iaeme.com/IJCIET/index.asp406http://http://www.iaeme.com/ijciет/issues.asp?JType=IJCIET&VType=8&IType=9http://www.iaeme.com/IJCIET/index.asp407http://www.iaeme.com/IJCIET/issues.asp?JType=IJCIET&VType=8&IType=9>.

² Wadi, Raines, and et al, 'Tindakan Faktual Hasil Putusan Etik DKPP Sebagai Objek Pengujian Pengadilan Tata Usaha Negara.', *Jurnal Penelitian Hukum De Jure* 23 (2023): 71–86.

³ Supto Hermawan, 'KAJIAN TERHADAP TINDAKAN ADMINISTRASI PADA KEKUASAAN YUDIKATIF PASCA BERLAKUNYA UNDANG-UNDANG ADMINISTRASI PEMERINTAHAN', *Jurnal LEGISLASI INDONESIA* 18 (2020): 59–80.

⁴ Maier Clara, 'The Weimar Origins of the West German Rechtsstaat', *The Historical Journal* 62.4 (2019): 1069–91.

⁵ Hari Agus Santoso, 'PERSPEKTIF KEADILAN HUKUM TEORI GUSTAV RADBRUCH DALAM PUTUSAN PKPU "PTB"', *JATISWARA* 36, no. 3 (2021): 328.

The controversy surrounding PTUN Decision No. 604/G/2023/PTUN.JKT exemplifies this problem. In that case, the administrative act under dispute was declared valid by the court, despite raising serious concerns regarding justice, legal certainty, and utility. This suggests that the judges relied predominantly on procedural formalism and normative construction, while overlooking broader social context, public ethics, and the administrative impact on citizens.⁶

The central issue addressed in this study is that the decision appears to contradict Radbruch's three foundational principles justice, legal certainty, and utility simultaneously. Such inconsistency not only exposes weaknesses in judicial reasoning but also demonstrates an absence of ethical reflection in Indonesian administrative law practice. From Radbruch's perspective, this imbalance signals that law has lost its moral orientation, and that the judiciary no longer serves as the last bastion of justice, but merely reproduces lifeless norms.⁷

Based on this problem, the purpose of this article is to critically examine PTUN Decision No. 604/G/2023/PTUN.JKT through a juridical-normative approach combined with Radbruch's legal philosophy. The study does not merely assess the legality of the ruling in a dogmatic sense but also questions whether its substance and reasoning align with the ideal of justice at the core of the Rechtsstaat. In this way, the article seeks to contribute to strengthening the paradigm of substantive justice in Indonesian administrative law.

2. Research Method

The research method employed in this study is normative legal research, utilizing a juridical-normative approach that examines law as written norms enacted by authorized institutions or officials, and supported by a comprehensive literature study. The main focus is directed toward analyzing Administrative Court (PTUN) decisions through the lens of Gustav Radbruch's legal philosophy. This approach is used to assess the extent to which the values of justice, legal certainty, and expediency as formulated by Radbruch are reflected in the reasoning of PTUN judges.

Data collection under the juridical-normative approach was conducted through an examination of legislation, textbooks, academic journals, court decisions, previous research, legal encyclopedias, bibliographies, and cumulative indexes. In addition, the juridical-empirical approach was complemented by data derived from news reports, public documentation, and interviews aimed at enriching the literature-based study.⁸

The sources of data in this research consist of primary, secondary, and tertiary legal materials. Primary data include statutory regulations such as Law No. 5 of 1986 on Administrative Courts, Law No. 24 of 2003 on the Constitutional Court, and the PTUN Decision No. 604/G/2023/PTUN.JKT. Secondary data consist of books, scholarly articles, and prior studies that emphasize systematic interpretation of applicable legal norms as well as critical assessments of judicial decisions in light of juridical and moral values. Tertiary data include legal dictionaries, legal encyclopedias, and other supporting legal materials relevant to the research problem.⁹

In this normative legal research, data were collected through an examination of primary, secondary, and tertiary sources, with the objective of identifying, interpreting, and analyzing legal provisions and their application to the case under study. The data were analyzed qualitatively by correlating legal

⁶ Piotr Bystranowski et al., 'Do Formalist Judges Abide By Their Abstract Principles? A Two-Country Study in Adjudication', *International Journal for the Semiotics of Law* 35, no. 5 (1 October 2022): 1903–35, doi:10.1007/s11196-021-09846-6.

⁷ M Faiz Ali Wafi, 'Ratio Decidendi Hakim Dalam Memutus Perkara Izin Poligami Perspektif Teori Kepastian Hukum Gustav Radburch' (Universitas Islam Negeri Profesor Kiai Haji, 2025).

⁸ Martin Roestamy, Edeh Suhartini, and Ani Yumarni, *Metode, Penelitian, Laporan Dan Penulisan Karya Ilmiah Hukum Pada Fakultas Hukum Universitas Djuanda Bogor*, (2020).

⁹ Mamona Yasmin Khan and Masroor Sibtain, 'Studying Dictionary Use Among the Law Graduates in Pakistan: A Lexicographic Inquiry', *International Journal of English Linguistics* 9, no. 2 (7 March 2019): 429, doi:10.5539/ijel.v9n2p429.

facts with legal norms contained in statutory regulations, thereby drawing systematic and logical conclusions.

3. Results and Discussion

3.1 Justice in Gustav Radbruch's Perspective on Decision No. 604/G/2023/PTUN.JKT

Gustav Radbruch, in his legal philosophy, emphasizes that justice is the paramount principle that must serve as the spirit of every legal system. Within the Radbruchsche Formel, he asserts that if a law or judicial decision is in extreme contradiction with the sense of justice, such law loses its legitimacy as law. In this sense, justice is not merely measured by adherence to formal norms but by its orientation toward the protection of human rights, equality, and public morality.¹⁰

From Gustav Radbruch's perspective, substantive justice transcends mere adherence to statutory norms; it embodies the moral and ethical purposes that law must serve to be legitimate. Radbruch's "formula" asserts that when statutory law becomes intolerably unjust, it must yield to justice.¹¹

This principle resonates within several Administrative Court (PTUN) rulings in Indonesia, where judges have balanced legality with fairness. For instance, PTUN Jakarta Decision No. 123/G/2020/PTUN.JKT emphasized that administrative discretion must not contravene the constitutional principle of equality before the law, thereby manifesting Radbruch's idea of *gerechtigheit* (justice as fairness). Similarly, in PTUN Surabaya Decision No. 45/G/2021/PTUN.SBY, the court annulled a government decree due to procedural irregularities that undermined public trust, echoing Radbruch's emphasis on the moral legitimacy of legal acts.

The Decision of the Jakarta State Administrative Court (PTUN) No. 604/G/2023/PTUN.JKT, which partially granted Anwar Usman's claim against the Constitutional Court, has generated significant controversy within the framework of judicial governance in Indonesia. In this decision, PTUN declared null and void the appointment of Suhartoyo as Chief Justice of the Constitutional Court and ordered the restoration of the claimant's good name. The panel of judges based their reasoning on the assumption that the appointment of the Chief Justice constitutes an administrative act subject to PTUN's jurisdiction for legality review. Nevertheless, the substance of this case cannot be separated from the constitutional context that the Constitutional Court is an independent judicial body whose internal autonomy is guaranteed by the Constitution. To classify internal decisions of the Constitutional Court as objects of administrative dispute, without considering its constitutional nature, reflects a narrow and reductive approach to the structure of the rule of law.¹²

When analyzed through Radbruch's philosophical perspective, the decision to grant the lawsuit arguably contravenes the principle of substantive justice that lies at the core of Radbruch's theory. The Radbruchsche Formel underscores that justice must remain the primary orientation of the legal

¹⁰ Jonathan Jackson, 'Norms, Normativity and the Legitimacy of Justice Institutions: International Perspectives', *Annual Review of Law and Social Science* 14.1 (2018): 145–65, www.lse.ac.uk/collections/law/wps/wps.htm and the Social Sciences Research Network electronic library at: <https://ssrn.com/abstract=3129737> Electronic copy available at: <https://ssrn.com/abstract=3129737>.

¹¹ Radbruch, G. (1946). *Gesetzliches Unrecht und übergesetzliches Recht*. *Süddeutsche Juristenzeitung*, 1, 105–108.

¹² Karensia Payoh and Arman Tjoneng, 'Tinjauan Yuridis Terhadap Gugatan Mantan Ketua Mahkamah Konstitusi Di Ptun Jakarta Atas Pemulihan Sebagai Ketua Mahkamah Konstitusi Dalam Konteks Kompetensi/Kewenangan Ptun Dalam Penyelesaian Sengketa Tata Usaha Negara', *Jurnal Hukum Lex Generalis* 5, no. 8 (2024), <https://jhl.g.rewangrencang.com/>.

system. A decision that appears procedurally valid but, in substance, disrupts constitutional harmony, undermines judicial authority, and opens the door to disproportionate external intervention, may be considered inconsistent with Radbruch's conception of justice. For Radbruch, justice is not confined to the protection of individual rights but also encompasses systemic values such as institutional independence, constitutional integrity, and the coherence of the legal order.¹³

Accordingly, in this case, the PTUN panel of judges failed to fully apply the principle of justice, as their reasoning was overly focused on administrative legality while disregarding the broader structure and objectives of the constitutional legal order. A decision that seemingly protects the claimant's rights in a formal sense instead threatens judicial stability and creates opportunities for unhealthy procedural manipulation. From Radbruch's perspective, genuine justice is justice that incorporates values, context, and morality in the application of law. In this regard, justice would be better served by upholding the position of the respondent, which safeguards institutional autonomy and resists disproportionate interference in the internal mechanisms of the Constitutional Court.¹⁴

Comparatively, the German Federal Administrative Court (Bundesverwaltungsgericht) has applied Radbruch's principle in cases such as BVerwG 3 C 17.04 (2005), where the court ruled that administrative measures violating human dignity cannot be justified by formal legality alone.

Table 1. Evaluation of PTUN Decision No. 604/G/2023/PTUN.JKT Based on Gustav Radbruch's Theory

Radbruch's Principle	Theoretical Standard	Content of PTUN Decision	Analysis & Evaluation
Justice	Law must align with moral and ethical values, not merely formal legality	Granted Anwar Usman's lawsuit; annulled the appointment of the Chief Justice of the Constitutional Court	Contrary to the principle of substantive justice as it intervenes in a constitutional judicial body
Legal Certainty	Law must provide stability, predictability, and safeguard the integrity of the system	Classified the Constitutional Court's internal decision as an object of administrative dispute	Creates jurisdictional ambiguity; undermines the clarity of authority boundaries between state institutions
Utility	Law must deliver social benefits and maintain institutional order within society	Triggered potential tension among state institutions; questioned the legitimacy of the Constitutional Court	Counterproductive; weakens the system instead of reinforcing it, and opens precedent for intervention against constitutional bodies

¹³ DARYOKO, 'Analisis Yuridis Pertanggungjawaban Pidana Terhadap Sebagai Pelaku Tindak Pidana Dalam Perspektif Substantif (Studi Putusan Nomor: 33/Pid.Sus-Anak/2023/Pn Clp)' (Universitas Islam Sultan Agung Semarang, 2024).

¹⁴ Umar Sholahudin, *Hukum Dan Keadilan Masyarakat (Analisis Sosiologi Hukum Terhadap Kasus Hukum Masyarakat Miskin 'Asyani' Di Kabupaten Situbondo)*, vol. 9, 2016.

3.2 Legal Certainty within the Framework of Formal Legality and the PTUN Decision

Legal certainty (*Rechtssicherheit*) constitutes one of the three main pillars of Gustav Radbruch's legal theory, alongside justice and utility. In Radbruch's view, legal certainty serves as the technical foundation that ensures stability and order within a legal community. Law must be identifiable, predictable, and consistently applied so that citizens have a clear reference concerning the rules governing their rights and obligations. Within the framework of a modern rule-of-law state, legal certainty should not only be understood in a procedural or normative sense but must also be linked to institutional reliability, respect for the hierarchy of norms, and the integrity of the constitutional system.¹⁵

The PTUN Decision No. 604/G/2023/PTUN.JKT, which substantively annulled the appointment of Suhartoyo as Chief Justice of the Constitutional Court (MK), raises a serious issue concerning legal certainty in the constitutional realm. In this decision, PTUN considered the appointment of the Chief Justice of the Constitutional Court as a state administrative act falling within its jurisdiction as an object of administrative dispute. This approach presents complex methodological and juridical problems, particularly concerning the jurisdictional limits of PTUN and the Constitutional Court's position as an independent judiciary directly subject to the Constitution rather than general administrative law.¹⁶

From Radbruch's perspective on legal certainty, the decision creates severe uncertainty by transgressing the boundaries explicitly and implicitly understood in Indonesian constitutional law.¹⁷ The Constitutional Court's internal decision regarding the election and appointment of its Chief Justice is part of its judicial autonomy, which should not be subject to administrative oversight by other branches of power, including PTUN. By declaring that such an internal decision could be annulled by an administrative court, PTUN has, *de facto*, opened a precedent for horizontal intervention among state institutions something fundamentally at odds with the principles of separation of powers and judicial independence.¹⁸

The implications of this ruling are far-reaching. First, it generates uncertainty regarding the jurisdictional boundaries of PTUN in the future, particularly in relation to the internal affairs of other constitutional bodies. Second, it creates uncertainty concerning the legitimacy of the Chief Justice of the Constitutional Court, who plays a pivotal role in adjudicating judicial review cases, electoral disputes, and other constitutional matters. Third, PTUN's annulment of the appointment risks institutional dualism and instability within the constitutional judiciary, since the Constitutional Court is not subject to administrative law in the same manner as executive or bureaucratic organs.¹⁹

According to Radbruch, when the application of formal legality undermines order, clarity, and systemic consistency, the law fails to realize the value of legal certainty. In this case, although

¹⁵ Baritim Parjuangan Sinaga, 'Filsafat Hukum Mengajarkan Kepastian Hukum', 2023.

¹⁶ Safitri Ali, 'Juridical Analysis of the Position of PTUN in Resolving State Administrative Disputes', *Estudiante Law Journal* 7, no. 2 (9 April 2025), doi:10.33756/eslaj.v7i2.31026.

¹⁷ Putu Cakra Ari Perwira, 'Konsep Kerugian Keuangan Negara Dalam Tindak Pidana Setelah Putusan Mahkamah Konstitusi 25/Puu-Xiv/2016' (Tesis, Universitas Islam Sultan Agung, 2024).

¹⁸ Hans Kelsen, *Pure Theory of Law* (Univ of California Press, 1967).

¹⁹ Iwan Kurniawan, Felicitas Sri Marniati, and Irhamsah, 'Kepastian Hukum Akta Perjanjian Kerjasama Antara Pemerintah DKI Jakarta Dengan Pihak Pengembang Terkait Pemenuhan Kewajiban Fasilitas Sosial Dan Fasilitas Umum Yang Telah Disetujui Surat Izin Penunjukan Penggunaan Tanah (SIPPT)', *SENTRI: Jurnal Riset Ilmiah* 3.2 (2024): 622–32.

PTUN's reasoning was based on administrative formalism, the substance of the decision produces greater legal uncertainty. In other words, PTUN failed to distinguish between legal control over public administrative officials and constitutional deference owed to the supreme judicial body.

Therefore, in Radbruch's framework, legal certainty is not satisfied merely by applying the law mechanistically; it requires clarity of institutional functions, systemic consistency, and predictability for both citizens and state institutions. Within this context, the stance of the respondent the Constitutional Court aligns more closely with the principle of legal certainty, as it maintained that the judiciary's internal affairs cannot be subjected to the jurisdiction of PTUN, thereby preserving constitutional boundaries and institutional stability in a rule-of-law state.

3.3 Utility of Law within the Framework of Formal Legality and the PTUN Decision

Within Radbruch's legal theory, the utility of law (*Zweckmäßigkeit*) represents the third pillar of legal values that must always be maintained in balance with justice and legal certainty. Radbruch conceives utility as the practical dimension of law, meaning that a legal norm or decision must produce constructive, relevant, and positive impacts for social order and the public interest. Hence, utility should not only be assessed in terms of individual interests but also in the broader perspective of societal order and the sustainability of democratic governance.²⁰

The PTUN Decision No. 604/G/2023/PTUN.JKT, which granted part of Anwar Usman's lawsuit and declared the appointment of Suhartoyo as Chief Justice of the Constitutional Court invalid, requires careful analysis from the perspective of legal utility. The key question is whether the ruling produces tangible legal and social benefits for governance, or conversely, whether it creates uncertainty, instability, and disruption in the relations among the highest state institutions.²¹

In practice, the Constitutional Court plays a strategic role in safeguarding the Constitution, resolving disputes over authority among state institutions, and adjudicating electoral disputes. Internal stability within the Court is therefore essential for its rulings to be widely accepted, respected by all parties, and trusted as a foundation of democratic legitimacy. PTUN's annulment of the Chief Justice's appointment, regardless of its formal administrative reasoning, risks generating internal discord, institutional confusion, and even precedent for external actors to challenge the internal decisions of other constitutional bodies.²²

From the standpoint of legal utility, the decision fails to fulfill Radbruch's principle of usefulness. Instead of fostering order and social justice, it creates fragmentation between PTUN and the Constitutional Court, and fuels public debate over which institution ultimately holds authority in managing the internal affairs of high state bodies. More troublingly, it opens the door to misuse of administrative judicial mechanisms to interfere with matters of a constitutional nature issues that

²⁰ Joshua O Zachariah et al., *John Stuart Mill's Utilitarianism In Nation-Building: A Critical Evaluation Of Democracy And Governance In Nigeria Since 1999*, *African Journal of Social and Behavioural Sciences (AJSBS)*, vol. 14, 2024.

²¹ Endang Pratiwi, Theo Negoro, and Hassanain Haykal, 'Jeremy Bentham's Utilitarianism Theory: Legal Purpose or Methods of Legal Products Examination?', *Jurnal Konstitusi* 19, no. 2 (2 June 2022): 269–93, doi:10.31078/jk1922.

²² Almeida, Tailon Rodrigues, and Gabriel Avila Casalecchi. "When is corruption a threat to democracy? Perception of corruption about politicians and bureaucrats and democratic legitimacy in Latin America." *Revista Brasileira de Ciência Política* 44 (2025).

should only be addressed through internal mechanisms and ethical forums such as the Constitutional Court's Ethics Council (Majelis Kehormatan MK), rather than PTUN.

If legal utility is defined as a value that stabilizes the system, clarifies the direction of governance, and strengthens the functions of democratic institutions, then this ruling is counterproductive. It neither resolves institutional problems comprehensively nor strengthens governance, but instead exacerbates horizontal tensions between state institutions, undermining judicial effectiveness and democratic stability.

By contrast, the respondent's position the Constitutional Court's assertion that the appointment of its Chief Justice falls within its internal authority beyond PTUN's jurisdiction demonstrates a more accurate understanding of systemic utility. In this sense, utility is not measured merely by restoring an individual's formal reputation but by preserving the continuity of the constitutional judiciary, which forms a cornerstone of democratic governance.²³

Thus, in Radbruchian terms, a legal decision must be assessed not only from its formal and moral aspects but also through its sociological consequences. When a decision generates institutional conflict, weakens systemic integrity, and erodes public trust in democratic processes, the principle of legal utility is not achieved. In this case, the Constitutional Court's refusal to accept PTUN's intervention in its internal affairs better aligns with Radbruch's utilitarian principle, which emphasizes the preservation of social order and institutional stability as essential values of law.

4. Conclusion

The decision of the Jakarta Administrative Court (PTUN) No. 604/G/2023/PTUN.JKT, which partially granted Anwar Usman's lawsuit and annulled the appointment of Suhartoyo as Chief Justice of the Constitutional Court, raises profound concerns not only from the perspective of formal legality but also from the standpoint of legal philosophy. When examined through the lens of Gustav Radbruch's legal theory which emphasizes justice, legal certainty, and utility as the three fundamental values of the legal system it becomes evident that the decision is in serious tension with the ideals of the legal order that should be preserved within a democratic rule-of-law state.

First, in terms of justice, the PTUN ruling appears primarily oriented toward the restoration of the claimant's personal reputation, without adequately considering substantive justice in a broader sense. The disregard for the Constitutional Court's position as an independent judicial body and the neglect of the principle of non-intervention in the internal affairs of constitutional institutions indicate that ethical considerations and institutional morality were not placed at the core of the judgment. In Radbruchian terms, this represents a serious defect of justice, as law is instrumentalized in a formalistic manner to interfere with the autonomy of a constitutional organ that ought to remain independent.

Second, from the standpoint of legal certainty, the decision generates a dangerous jurisdictional ambiguity. By declaring the appointment of the Chief Justice of the Constitutional Court as an administrative act subject to review by PTUN, the boundary between the administrative and constitutional domains becomes blurred. This undermines the stability of the constitutional system and weakens the position of the Constitutional Court as a judicial institution with unique constitutional standing. Legal certainty, in Radbruch's conception, is not merely a matter of procedure, but also entails institutional stability and predictability for both citizens and inter-institutional relations within the state.

²³ V. Andri Hananto, 'Utilitarianisme Dan Keseimbangan Antara Kepentingan Umum Dan Kepentingan Individu', *Jurnal Hukum IUS QUIA IUSTUM* 32, no. 1 (31 January 2025): 72–98, doi:10.20885/iustum.vol32.iss1.art4.

Third, regarding the utility of law, the decision proves counterproductive. Instead of resolving institutional conflict, it opens the door to escalating tensions between state organs, creates a disproportionate precedent for intervention, and disrupts the Constitutional Court's effectiveness in carrying out its function as the guardian of the Constitution. Within Radbruch's framework, law that fails to produce tangible benefits for social order and governmental stability cannot be regarded as functionally valid law.

Based on these three dimensions of analysis, it can be concluded that PTUN Decision No. 604/G/2023/PTUN.JKT substantively contradicts the principles of justice, legal certainty, and utility within Gustav Radbruch's legal theory. In this regard, the stance of the respondent, the Constitutional Court, more accurately reflects the effort to safeguard the integrity of the legal and constitutional system, and better aligns with the spirit of a democratic rule-of-law state founded upon the balance between norms, morality, and the public good.

References

- Ali, S. (2025). Juridical analysis of the position of ptun in resolving state administrative disputes. *Estudiante Law Journal*, 7(2), 317-330. doi:10.33756/eslaj.v7i2.31026.
- Bystranowski, P., Janik, B., Próchnicki, M., Hannikainen, I. R., da Franca Couto Fernandes de Almeida, G., dan Struchiner, N. (2022). Do formalist judges abide by their abstract principles? A two-country study in adjudication. *International Journal for the Semiotics of Law-Revue internationale de Sémiotique juridique*, 35(5), 1903-1935. doi:10.1007/s11196-021-09846-6.
- Devi, U. P., Dewi, A. A. S. L., dan Suryani, L. P. (2021). Analisis yuridis pertanggungjawaban pidana terhadap anak sebagai pelaku tindak pidana penyalahgunaan narkoba (studi penetapan nomor. 22/pid. Sus-anak/2016/pn. Dps). *Jurnal Preferensi Hukum*, 2(2), 213-217.
- Hananto, V. A. (2025). Utilitarianisme dan keseimbangan antara kepentingan umum dan kepentingan individu. *Jurnal Hukum IUS QUIA IUSTUM*, 32(1), 72-98. doi:10.20885/iustum.vol32.iss1.art4.
- Hermawan, S., and Herman, H. (2021). Kajian terhadap tindakan administrasi pada kekuasaan yudikatif pasca berlakunya undang-undang administrasi pemerintahan. *Jurnal Legislasi Indonesia*, 18(1), 59-80.
- Jackson, J. (2018). Norms, normativity, and the legitimacy of justice institutions: International perspectives. *Annual Review of Law and social science*, 14(1), 145-165.
- Kelsen, H. (1967). *Pure theory of law*. Univ of California Press.
- Khan, M. Y., and Sibtain, M. (2019). Studying dictionary use among the law graduates in pakistan: a lexicographic inquiry. *International Journal of English Linguistics*, 9(2).
- Kurniawan, I., Marniati, F. S., dan Irhamsah, I. (2024). Kepastian hukum akta perjanjian kerjasama antara pemerintah DKI Jakarta dengan pihak pengembang terkait pemenuhan kewajiban fasilitas sosial dan fasilitas umum yang telah disetujui dalam surat izin penunjukan penggunaan tanah (sIPT). *Sentri: Jurnal Riset Ilmiah*, 3(2), 622-632.
- Maier, C. (2019). The weimar origins of the west german rechtsstaat, 1919–1969. *The Historical Journal*, 62(4), 1069-1091.
- Payoh, K., dan Tjoneng, A. (2024). Tinjauan yuridis terhadap gugatan mantan ketua mahkamah konstitusi di ptun jakarta atas pemulihan jabatan sebagai ketua mahkamah konstitusi dalam konteks kompetensi/kewenangan pengadilan tata usaha negara dalam penyelesaian sengketa tata usaha negara. *Jurnal Hukum Lex Generalis*, 5(8).
- Perwira, P. C. A. (2024). Konsep kerugian keuangan negara dalam tindak pidana korupsi setelah putusan mahkamah konstitusi nomor 25/puu-xiv/2016 (Doctoral dissertation, Universitas Islam Sultan Agung Semarang).
- Pratiwi, E., Negoro, T., and Haykal, H. (2023). Teori utilitarianisme jeremy bentham: tujuan hukum atau metode pengujian produk hukum? Jeremy bentham's utilitarianism theory: legal purpose or methods of legal. *Jurnal Konstitusi*, 19. doi:10.31078/jk1922.
- Radbruch, G. (1946). Gesetzliches unrecht und übergesetzliches recht. *Süddeutsche Juristen-Zeitung*, (5), 105-108.

- Rustamy, M. (2015). Metode penelitian laporan dan penulisan karya ilmiah hokum pada fakultas. Universitas djuanda bogor: *Katalog dalam Terbitan*.
- Santoso, H. A. (2021). Perspektif keadilan hukum teori gustav radbruch dalam putusan pkpu “ptb”. *Jatiswara*, 36(3), 325-334.
- Sholahudin, U. (2016). Hukum dan keadilan masyarakat (analisis sosiologi hukum terhadap kasus hukum masyarakat miskin “asyani” di Kabupaten Situbondo). *DIMENSI-Journal of Sociology*, 9(1).
- Sinaga, B. P. (2023). Filsafat hukum mengajarkan kepastian hukum.
- Suhartini, E. (2017). Legal perspective of medical care system for prisoners and detainess. *International Journal of Civil Engineering and Technology (IJCIET)*, 8(9), 406-412.
- Wadi, R., Putra, M. A., Kabalmay, T., and Mukhlis, M. A. R. (2023). Factual actions on dkpp ethical decision results as objects of examination by the state administrative court. *Jurnal Penelitian Hukum De Jure*, 23(1), 71-86.
- Wafi, M Faiz Ali. (2025) ‘ratio decidendi hakim dalam memutus perkara izin poligami perspektif teori kepastian hukum gustav radburch’. *Universitas Islam Negeri Profesor Kiai Haji*.
- Zachariah, J. O., Alo, F. C., Mbah, P. O., and Nwafor, P. I. (2024). John stuart mill’s utilitarianism in nation-building: a critical evaluation of democracy and governance in nigeria since 1999. *African Journal of Social and Behavioural Sciences*, 14(6).