

ABSTRAK

Penelitian ini membahas mengenai bagaimana pengaturan penggunaan upaya administrasi dalam proses berperkara di Pengadilan Tata Usaha Negara dan agar mengetahui bagaimana penggunaan upaya administrasi dalam proses berperkara di Pengadilan Tata Usaha Negara, Guna ,menjawab permasalahan tersebut, Penulis menggunakan metode penelitian yakni yuridis-normatif dengan pendekatan perundang-undangan, pendekatan kasus dan pendekatan konseptual.bahan hukum yang di gunakan dalam penelitian ini adalah bahan hukum primer,bahan hukum sekunder,bahan hukum tersier. Hasil penelitian ini menunjukkan bahwa pengaturan terkait penggunaan upaya administrasi dalam menyelesaikan perkara Pengadilan Tata Usaha Negara di indonesia telah di atur dalam Pasal 48 dan 51 Undang Uundang No 5 tahun 1986 dan Pasal 75 sampai 78 Undand Undang 30 Tahun 2014, Pasal 2 ayat (1) Perma 6/2018 dan Pasal 2 ayat (2) Perma 2/2019 dan juga Sema 5 Tahun 2021. penggunaan upaya administrasi dalam proses berperkara di Pengadilan Tata Usaha Negara, hakim menyatakan gugatan pada putusan PTUN No. 21/G/2022/PTUN.MDO tidak dapat diterima karena upaya administratif yang tersedia belum dipergunakan sehingga amar putusan hakim menolak gugatan pengugat karna di anggap masih dalam proses pengerjaan. Berbeda pada putusan PTUN No. 68/G/TF/2022/PTUN.SMG yang menyatakan terhadap tindakan melawan hukum tindak bertindak (omission) tidak diperlukan terlebih dahulu upaya administrasi.

Kata Kunci: *Pengunaan Upaya Administratif, Perkara, Kepastian Hukum*

ABSTRACT

This study discusses how to regulate the use of administrative efforts in the litigation process at the State Administrative Court and to find out how to use administrative efforts in the litigation process at the State Administrative Court. In order to answer this problem, the author uses a research method, namely juridical-normative with a regulatory approach, a case approach and a scope approach. The legal materials used in this study are primary legal materials, secondary legal materials, tertiary legal materials. The results of this study indicate that the regulations related to the use of administrative efforts in resolving cases at the State Administrative Court in Indonesia have been regulated in Articles 48 and 51 of Law No. 5 of 1986 and Articles 75 to 78 of Law No. 30 of 2014, Article 2 paragraph (1) of Perma 6/2018 and Article 2 paragraph (2) of Perma 2/2019 and also Sema 5 of 2021. in the litigation process at the State Administrative Court, the judge declared a lawsuit in the PTUN decision No. 21/G/2022/PTUN.MDO is unacceptable because the available administrative remedies have not been utilized, so the judge's decision rejects the plaintiff's lawsuit because it is considered still in progress. This differs from PTUN Decision No. 68/G/TF/2022/PTUN.SMG, which states that for unlawful acts of omission, prior administrative remedies are not required.

Keywords: *Use Of Administrative Measures, Cases, Legal Certainty*