

ABSTRAK

Pengadilan Tata Usaha Negara menguji keabsahan suatu Keputusan Tata Usaha Negara dengan menggunakan Peraturan Perundang-undangan yang relevan serta menggunakan Asas-Asas Umum Pemerintahan yang Baik (AAUPB). Penerapan Peraturan Perundang-undangan dalam suatu permasalahan hukum yang sedang digugat haruslah cermat dan tepat agar tidak menimbulkan kesesatan. Permasalahan yang akan dibahas adalah mengenai penerapan peraturan perundang-undangan sebagai dasar uji keabsahan Keputusan Tata Usaha Negara dalam Peradilan Tata Usaha Negara dan pertimbangan hukum hakim untuk menentukan keabsahan suatu Keputusan Tata Usaha Negara. Tujuan penelitian ini untuk mengetahui penerapan peraturan perundang-undangan sebagai dasar uji keabsahan Keputusan Tata Usaha Negara yang digugat di Pengadilan Tata Usaha Negara serta mengetahui dan menganalisis pertimbangan hukum Majelis Hakim pada Putusan Pengadilan Tata Usaha Negara Semarang Nomor: 33/G/2013/PTUN.SMG.

Metode pendekatan yang digunakan adalah metode pendekatan yuridis normatif dengan pendekatan perundang-undangan dan pendekatan analisis. Data yang digunakan adalah data sekunder yang berupa buku-buku literatur dan mengutip peraturan perundang-undangan yang relevan.

Kesimpulan yang dapat ditarik dari penelitian ini yaitu, penerapan peraturan perundang-undangan sebagai dasar uji keabsahan Keputusan Tata Usaha Negara dapat dilihat dalam pertimbangan hukum Majelis Hakim dari aspek kewenangan, aspek prosedural/formal dan aspek substansi/materiil. Dalam pertimbangannya Majelis Hakim masih mencampuradukkan antara aspek kewenangan dan aspek substansi/materiil.

Kata Kunci: Peraturan Perundang-undangan, Dasar Uji, Keabsahan Keputusan Tata Usaha Negara.

ABSTRACT

State administrative courts test the validity of a decision administrative by using legislation relevant and use common principle good governance. The application of legislation in a legal issues being sued shall carefully and right so as not to cause error .Problems includes regarding the application of legislation as a basis test the validity of decision administrative in chancery administrative and judicial consideration judge to determine the validity of a decision state administrative .The purpose of this research to know the application of legislation as a basis test the validity of decision administrative sued parties in state administrative courts and know and analyze judicial consideration the judge in to the award state administrative courts Semarang number: 33/G/2013/ PTUN.Smg .

A method of the approach that was used is the method approach juridical normative with the approach legislation and approach analysis. The data used was secondary data of books literature and quoted legislation relevant. A conclusion that can be drawn from research is, the application of legislation as a basis test the validity of decision administrative can be seen in judicial consideration the judge in of authority aspect, aspects procedural / formal and a substance / material. In its consideration the judge in still mix up between authority aspect and a substance / material.

The approach that is used is the method juridical normative approach by approach regulation and approach analysis. The data used was secondary data of literature and quoted relevant regulation. Conclusion that can be drawn from the study is, the regulations as the basis for the validity of the administrative can be seen in judicial consideration the judge of authority aspect, the procedural formal / and a substance / material. In its consideration the judge between still kept authority aspect and a substance / material.

Keywords: legislation, basic test, the validity of state administrative decision.