

**TENGGANG WAKTU PENGAJUAN GUGATAN DALAM SENGKETA
TATA USAHA NEGARA DAN KEABSAHAN KTUN**

**(Studi Putusan Nomor 471 K/TUN/2021 juncto Putusan Nomor
85/G/2020/PTUN.SMG)**

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ABSTRAK

Penelitian ini menggunakan objek Putusan Kasasi Nomor 471 K/TUN/2021 yang membatalkan Putusan Nomor 113/B/2021/PT.TUN.SBY dan Putusan Nomor 85/G/2020/PTUN.SMG. Putusan kasasi mengabulkan gugatan Penggugat untuk seluruhnya dengan memberikan pertimbangan hukum mengenai tenggang waktu mengajukan gugatan belum melewati 90 (sembilan puluh) hari. Berbeda pada objek Putusan Nomor 85/G/2020/PTUN.SMG yang dalam amar putusan menyatakan gugatan tidak diterima karena tenggang waktu pengajuan gugatan Tata Usaha Negara telah melewati 90 (sembilan puluh) hari sebagaimana diatur dalam Pasal 55 Undang-Undang Nomor 5 Tahun 1986 sehingga hakim tidak memeriksa sampai pada pokok perkara, sedangkan Putusan Nomor 471 K/TUN/2021 menyatakan batal KTUN objek gugatan yang diwajibkan kepada Tergugat untuk mencabut KTUN atas nama Penggugat. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan perundang-undangan, pendekatan kasus, dan pendekatan konseptual. Hasil penelitian menunjukkan perhitungan tenggang waktu pengajuan gugatan Tata Usaha Negara adalah 90 (sembilan puluh) hari, tetapi yang membedakan adalah saat mulai dihitungnya yaitu setelah keluarnya penyelesaian upaya administratif terakhir. Hari yang dimaksud adalah hari kerja sebagaimana dalam Pasal 1 angka 9 Peraturan Mahkamah Agung Republik Indonesia Nomor 6 Tahun 2018. Terkait keabsahan KTUN, dalam pembuatan KTUN haruslah memenuhi syarat formil dan materiil. KTUN objek gugatan dibatalkan oleh Majelis Hakim sebab tidak memenuhi syarat materiil karena bertentangan dengan peraturan perundang-undangan dan melanggar asas-asas umum pemerintahan yang baik (AUPB).

Kata Kunci: Tenggang Waktu; Gugatan TUN; Keabsahan KTUN.

**THE PERIOD FOR FILING LAWSUITS IN STATE ADMINISTRATRIION
DISPUTES AND THE VALIDITY OF STATE ADMINISTRATION
DECISIONS**

**(The Studi Pertains to The Case of Decision Number 471 K/TUN/2021 in
conjunction with Decision Number 85/G/2020/PTUN.SMG)**

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ABSTRACT

This research utilizes the object of Cassation Decision Number 471/K/TUN/2021, which annuls Decision Number 113/B/2021/PT.TUN.SBY and Decision Number 85/G/2020/PTUN.SMG. the cassation decision grants the Plaintiff's lawsuit in its entirety, providing legal considerations regarding the time limit for filling a lawsuit, which has not exceeded 90 (ninety) days. In contrast, in the object of Decision Number 85/G/2020/PTUN.SMG, the decree states that the lawsuit is not accepted due to the time limit for filling a State Administrative Lawsuit exceeding 90 (ninety) days, as regulated in Article 55 of Law Number 5 of 1986. Consequently, the judge did not examine the substance of the case. On the other hand, Decision Number 471 K/TUN/2021 declares the annulment of the Administrative Courts decision, obligating the Defendant to revoke the Administrative Courts decision specifically on behalf of the Plaintiff. This study employs a normative juridical method with a legislative approach, a case approach, and a conceptual approach. The research findings indicate that the calculation of the time limit for filling a State Administrative Lawsuit is 90 (ninety) days. However, the distinguishing factor lies in the starting point of the calculation, which begins after the issuance of the final administrative settlement. The "day" refers to working days as stated in Article 1 Number 9 of the Supreme Court Regulation of the Republic of Indonesia Number 6 of 2018. Regarding the validity of the Administrative Courts decision, the creation of such a decision must fulfill both formal and materiil requirements. The object of lawsuits Administrative Court decision is annulled by the Panel of Judges because it fails to meet the material requirements as it contradicts the legislative regulation and violates the principles of good governance.

***Keywords:* The Time Limit; State Administrative Lawsuit; Validity of The Administrative Court decision.**