

**PENETAPAN KETUA PENGADILAN TATA USAHA NEGARA DALAM
DISMISSAL PROCEDURE TERHADAP PENERAPAN PASAL 62 AYAT (1)
HURUF a UNDANG-UNDANG NOMOR 5 TAHUN 1986 TENTANG
PERADILAN TATA USAHA NEGARA
(Studi Penetapan Nomor 23/PEN-DIS/2015/PTUN.YK)**

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ABSTRAK

Dismissal Procedure atau rapat permusyawaratan merupakan suatu prosedur pemeriksaan perkara yang disederhanakan, ketentuan mengenai *Dismissal Procedure* diatur dalam Pasal 62 ayat (1) Undang-Undang Nomor 5 Tahun 1986. Proses pemeriksaan perkara dalam *Dismissal Procedure* dimaksudkan untuk penyaringan perkara yang masuk ke Pengadilan Tata Usaha Negara. Dalam penetapan Ketua Pengadilan Tata Usaha Negara Yogyakarta Nomor 23/PEN-DIS/2015/PTUN.YK. menyatakan gugatan yang diajukan oleh Penggugat tidak diterima. Metode pendekatan yang digunakan dalam penelitian ini adalah metode pendekatan yuridis normatif, spesifikasi penelitian adalah deskriptif dengan menggunakan data sekunder yang disajikan dalam bentuk uraian yang disusun secara sistematis, logis, dan rasional, kemudian data yang diperoleh dianalisis secara kualitatif. Hasil penelitian menunjukkan bahwa gugatan tidak diterima disebabkan objek sengketa dikategorikan bukan sebagai Keputusan yang menimbulkan akibat hukum dan dikategorikan sebagai Keputusan dalam sengketa Tata Usaha Negara Pemilihan sehingga objek sengketa yang diajukan oleh Penggugat bukan merupakan kewenangan dari Pengadilan Tata Usaha Negara Yogyakarta untuk memeriksa dan memutus. Upaya hukum terhadap penetapan dalam *dismissal procedure* yang menyatakan gugatan tidak diterima adalah Perlawanan, apabila perlawanan dikabulkan maka dilanjutkan pemeriksaan dengan acara biasa. Sedangkan apabila perlawanan ditolak, maka penetapan masih tetap berlaku dan putusan perlawanan tidak dapat diajukan upaya hukum lagi.

Kata Kunci : Penetapan, Ketua Pengadilan, *Dismissal Procedure*, Kompetensi Pengadilan.

**THE DECISION OF THE HEAD OF STATE ADMINISTRATIVE COURT IN
THE TERM OF DISMISSAL PROCEDURE TOWARDS THE
IMPLEMENTATION OF ARTICLE 62 (1) WORD A ON ACT NUMBER 5 OF
1986 ON STATE ADMINISTRATIVE COURT**

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ABSTRACT

Dismissal Procedure or Rapat Permusyawaratan is a simply inspection procedure of the case. Dismissal procedure has been stated on article 62 verse (1) of act Number 5 of 1986. The inspection process of the case in dismissal procedure is purposed to do a case filter in the state administrative court. In the decision of the head of state administrative court Yogyakarta Number 23/PEN-DIS/2015/PTUN.YK has stated that the lawsuit that had been reported by the plaintiff was not accepted. The research was conducted by normative judicial approach, the research specification used descriptive specification which used secondary data that is arranged systematically, logically, and rationally. The final data was analysed qualitatively. The research concludes that the lawsuit was not accepted because the case object was not categorized as the decision that resulted law effect and the case object was categorized as the decision in dispute of selection of state administrative therefore the case object that had been reported by plaintiff was not a function of state administrative court of Yogyakarta to check. The legal effort on decision of dismissal procedure which states that the lawsuit was not accepted was a kind of match, if the match was accepted then it would be proceed to the inspection of regular case. However if the match was refused, then the decision would still on going and the match result would not able to make any kind of legal efforts.

Keywords : *The Decision, The Head of Court, Dismissal Procedure, The Competence of Court.*