

**PENERAPAN KONSEP KEABSAHAN KEPUTUSAN GUBERNUR
AKADEMI KEPOLISIAN TERHADAP PEMBERHENTIAN TARUNA
AKADEMI KEPOLISIAN DARI PERSPEKTIF SUBSTANSIAL DAN
PROSEDURAL (Studi Putusan Nomor 93/G/2024/PTUN.SMG)**

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ABSTRAK

Pemberhentian Taruna Akademi Kepolisian merupakan sanksi akademik yang dijatuhkan oleh pejabat administrasi negara dalam rangka penegakan disiplin. Penerbitan Keputusan Tata Usaha Negara (KTUN) harus dilakukan secara cermat, objektif, dan proporsional sesuai dengan ketentuan hukum serta Asas-Asas Umum Pemerintahan yang Baik (AUPB). Penelitian ini bertujuan untuk menganalisis penerapan konsep keabsahan KTUN dalam Keputusan Gubernur Akademi Kepolisian terkait pemberhentian Taruna, melalui studi Putusan PTUN Semarang Nomor 93/G/2024/PTUN.SMG. Metode penelitian yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan, konseptual, dan kasus. Hasil penelitian menunjukkan bahwa Keputusan Gubernur Akademi Kepolisian mengandung cacat prosedural dan substansial. Cacat prosedural terlihat dari inkonsistensi dasar hukum, yang mengakibatkan penggugat tidak mendapatkan kesempatan yang layak untuk melakukan pembelaan diri terhadap tuduhan pasal baru yang dijadikan dasar diterbitkannya keputusan pemberhentian. Secara substansial, keputusan tersebut tidak sah karena mengabaikan fakta hukum berupa penyelesaian perkara melalui mekanisme *restorative justice* serta melanggar prinsip keadilan, kepastian hukum, dan proporsionalitas dalam AUPB. Kesimpulan penelitian menegaskan bahwa sanksi pemberhentian tidak proporsional, tidak sesuai fakta, dan bertentangan dengan rekomendasi Dewan Akademik, serta mengabaikan penyelesaian *restorative justice* sehingga melanggar asas kepastian hukum, asas kecermatan, dan asas proporsionalitas dalam AUPB. Pertimbangan Hakim menegaskan bahwa cacat substansial dan prosedural cukup menjadi alasan untuk menyatakan batal suatu KTUN.

Kata Kunci: Keabsahan; Keputusan Tata Usaha Negara; Substansial, Prosedural.

***APPLICATION OF THE VALIDITY CONCEPT IN THE GOVERNOR OF THE
POLICE ACADEMY'S DECISION ON THE DISMISSAL OF POLICE ACADEMY
CADETS FROM SUBSTANTIVE AND PROCEDURAL PERSPECTIVE***

(A Study of Decision Number 93/G/2024/PTUN.SMG)

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ABSTRACT

The dismissal of a Police Academy Cadet constitutes an academic sanction imposed by state administrative officials as a measure of disciplinary enforcement. The issuance of a State Administrative Decree (KTUN) must be conducted in a thorough, objective, and proportional manner, in accordance with legal provisions and the General Principles of Good Governance (AUPB). This research aims to analyze the application of the concept of validity regarding the Governor of the Police Academy's Decree on the dismissal of a cadet, specifically through the study of the Semarang Administrative Court Decision Number 93/G/2024/PTUN.SMG. The research method employed is normative juridical, utilizing statutory, conceptual, and case approaches. The results indicate that the Governor's Decree contains both procedural and substantial defects. The procedural defect is evident in the inconsistency of the legal basis, which deprived the plaintiff of a proper opportunity to defend himself against new charges introduced as the basis for the dismissal. Substantially, the decree is invalid as it disregarded the legal fact of case resolution through a restorative justice mechanism and violated the principles of justice, legal certainty, and proportionality within the AUPB. This research concludes that the dismissal sanction was disproportionate, factually inaccurate, and contrary to the Academic Council's recommendations. Furthermore, by ignoring the restorative justice settlement, the decree violated the principles of legal certainty, duty of care (kecermatan), and proportionality. The judge's deliberation affirms that such substantial and procedural defects constitute sufficient grounds to declare a State Administrative Decree null and void.

Keywords: Validity; State Administrative Decision; Substantial; Procedural.