

## The Implementation of Principle of Accuracy as a Test Stone for State Administrative Decisions

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### Abstract

Based on Article 53 of Law 9/2004, it is regulated that the basis for a lawsuit against the KTUN is the prevailing laws and regulations and the AUPB. In its development, Law 30/2014 was born which in Article 10 regulates the classification of the AUPB. One of the principles that have just been classified as AUPB in this provision is the principle of accuracy. In fact, this principle of accuracy has often been used as a touchstone by judges against a State Administrative Court. Based on this, the formulation of the problem in this article is First, the general principles of good governance as a touchstone for KTUN and Second, the application of the principle of accuracy as a test stone for KTUN. This research is legal research using statutory approach, conceptual approach, and the case approach. Based on the results of the research in this article, it was found that first, the classification of AUPB as a touchstone against KTUN, namely in the explanation of Article 53 paragraph (2) point b of Law 9/2004, AUPB which is specifically regulated in Law 30/2014, and, AUPB outside of Law 30/2014. As for the application of the Accuracy Principle as a Test Stone for KTUN, before Law 30/2014 came into effect, it had often been used as a test stone for KTUN, for example in the Kupang District Administrative Court Decision Number 5/G/2012/PTUN-KPG, Supreme Court Decision No. 150 K/TUN/1992, Supreme Court Decision No. 213 K/TUN/2007, Supreme Court Decision No. 101 K/TUN/2014, and Decision No. 02/G/2013 /PTUN JKT.

### Keywords

general principle of good governance; principles of accuracy; state administrative decisions



## I. Introduction

"The thought of legal formalism is to think of the law as mere obedience to the law". So, the law is identified with legislation (bold by author) (Ali, 2009)." Achmad Ali's expression which describes the nature of legal formalism or law that puts forward formal justice which incidentally focuses on "laws" can be said to still color the legal system in Indonesia, especially in the section on the legal structure and legal substance (Yuliana, 2016). It explained that the tick formal justice that characterizes the legal system in Indonesia is also described by Haryono (Haryono, 2019): "In reality, many law enforcers in carrying out their roles still use conventional methods (procedural and formal). Judges as law enforcers in deciding cases are still by standard procedures and based on applicable laws and regulations with the jargon of legal certainty. So that if it meets the procedural provisions and laws and regulations, the judge has decided that the case is fair. The conventional law enforcement only gives birth to procedural justice, not substantive justice (bold by the author)." "From Haryono's description, it can be understood that the juridical consequence of the adoption of a legal understanding that is formalism in Indonesia is that

justice is realized only as formal justice, not substantive justice. Kozhevnikov (2020) stated that the legal science itself was proclaimed as party, serving the interests of the proletariat. At the same time, it was argued that the interests of the proletariat are the real interests of society.

In Article 10 of Law 30/2014, it is regulated that: “(1) AUPB referred to in this Law includes the following principles: a. legal certainty; b. benefit; c. impartiality; d. precision; e. not abuse authority; f. openness; g. public interest; and h. good service. (2) Other general principles outside the AUPB as referred to in paragraph (1) can be applied as long as they are used as the basis for the judge's assessment as stated in the Court's decision which has permanent legal force.” From the grouping in Article 10 of Law 30/2014, it can be seen that several principles were not previously classified as AUPB, but have now been included as AUPB. (Charity, 2015). One of the principles newly classified as AUPB is the principle of accuracy which is regulated in Article 10-point d of Law 30/2014. Apart from the inclusion of the principle of accuracy as AUPB, it turns out that this principle has been widely used by judges in deciding state administrative disputes.

Based on this background, it is necessary to further analyze related to the construction of the principle of accuracy which is the AUPB as a tested stone for the KTUN. This is done so that there is legal certainty (*rechtszekerheid*) (Abrianto et al., 2018) through a judge's decision in the use of the principle of accuracy as a touchstone against a KTUN. Conducting an analysis related to the construction of the principle of accuracy as a touchstone for the State Administrative Court by judges to realize this legal certainty, is very important to do, because without legal certainty through court decisions people do not know what to do and finally uncertainty which will eventually lead to violent chaos. due to the indecisiveness of the legal system (Julyano & Sulistyawan, 2019). The importance of legal certainty through court decisions is also coherent with the legal maxim, are: (Kadouf & Quadri, 2017): “*certa debet esse intentio, et narratio et certum fundamentum, et certa res quae deducitur in iudicium*” (The intention, declaration, foundation and matter brought to judgment ought to be certain).

The formulation of the problem in this article is First, the general principles of good governance as a touchstone for KTUN, and Second, the application of the principle of accuracy as a tested stone for KTUN. The purpose of this article is First, to analyze the general principles of good governance as a touchstone for the KTUN, and Second, to analyze the application of the principle of accuracy as a touchstone to the KTUN. To ensure that this article is original, several articles similar to this article will be described and the differences between them will be described. The differences with these articles are:

- a. An article from Solechan entitled: “General Principles of Good Governance in Public Services” was published in the Administrative Law & Governance Journal, Volume 2, Issue 3, in 2019 (Solechan, 2019). In this article, the focus is on analyzing related to the implementation of AUPB as a foundation in public services for the government. From this focus, it can be seen that there is a difference with this article, is the focus of this article is to analyze one AUPB, is the principle of accuracy and its use by judges in court decisions, while the article from Solechan analyzes AUPB in general and relates it to public services.
- b. An article from Eny Kusdarini entitled: “Lawsuits for Violation of General Principles of Good Governance After the Enforcement of the Government Administration Law through the Yogyakarta Administrative Court” was published in the Civics Journal, Volume 14, Number 1, in 2017 (Kusdarini, 2017). In this article, the focus is on analyzing the use of AUPB in Law 30/2014 as a touchstone for KTUN. From this focus, it can be seen that there is a difference with this article, is the focus of this article is to

analyze only one AUPB, is the principle of accuracy and its use by judges in court decisions, while the article from Eny Kusdarini analyzes AUPB in Law 30/ 2014 in general.

## II. Research Methods

The research is legal. According to Jonaedi Effendi and Johnny Ibrahim, legal research is (Effendi & Ibrahim, 2020): "a scientific activity based on certain methods, systematics, and thoughts that aim to study one or several certain legal phenomena by analyzing them, except that, then an in-depth examination of the legal facts is also held to then seek a solution to the problems that arise in the phenomenon concerned". In this article, legal phenomena will be described, related to the principle of accuracy as a touchstone against KTUN and its use by judges in court decisions.

The legal research, the approach used is the statutory approach, conceptual approach, and case approach. The three approaches are used to produce comprehensive legal articles related to the principle of Accuracy as a touchstone against KTUN and its use by judges in court decisions.

Regarding sources of legal research, Peter Mahmud Marzuki argues that (Marzuki, 2013): "legal research sources can be divided into research sources in the form of primary legal materials and secondary legal materials". In this research, the primary legal materials consist of statutory regulations, official records/minutes in the making of legislation, and court decisions/decisions relating to the principle of accuracy as a touchstone against KTUN and its use by judges in court decisions. The secondary legal materials used in this research are all publications on the law that are not official documents, in the form of legal writings and opinions of scholars, both in the form of books, journals, legal dictionaries, as well as articles published in print and electronic media, which are related to the legal issues studied in this article. In this paper, primary legal materials and secondary legal materials that exist are then analyzed and processed, then its conclusions are drawn by the author.

## III. Results and Discussion

### 3.1 General Principles of Good Governance as a Testing Stone Against KTUN

In the context of legal science, legal principles are not concrete legal regulations, but basic thoughts that are general in nature or are the background of positive law contained in and behind every legal system that is embodied in legislation (Mertokusumo, 1989). D.H.M. Meuwissen, even mentions that legal principles are the basics or directions (*richtlijn*) in the formation of positive law (Sidharta, 1995). More D.H.M. Meuwissen, mentioned that: "*Daaraan ontleent het positieve recht zijn 'rechtszin'. Daarin ligt ook het onderium waarmee de kwaliteit van heit recht kan worden beoordeeld ... het recht wordt begrepen tegen de achtergrond van een begisel ... van een fundered principe* (from that principle positive law derives its meaning 'law'. It also contains criteria by which the quality of the law can be judged... the law can be understood against the background of a principle... an underlying principle). Philipus M. Hadjon also stated that (M.Hadjon, 1994): "legal norms are based on legal principles and behind legal principles other phenomena can be systematized." From the 2 (two) opinions of legal experts, it can be understood that the legal principle is the reason/basis behind the formation of a legal rule.

The legal principle which can be called "beyond the legislation" because it is the *ratio legis* of the legislation itself (Marzuki, 2020), is used as a touchstone for a State Administrative Court in the form of AUPB. At first glance, this may seem inaccurate,

because it seems that the government's actions are not sufficiently tested against statutory regulation, but have also reached the level of the foundation for the formation of the legislation itself or meta-norms. This is to ensure that the Government's actions, not only do not conflict with laws and regulations but also do not conflict with ethics and morality (Simanjuntak, 2018). This is analogous to the fact that it is similar to the concept in tort (*onrechtmatige daad*) which is regulated in Article 1365 of the Indonesian Civil Code which violates the law, not only against the laws and regulations, but also against morality (*geode zeden*), propriety (*bilijkheid*), and so on (Nugraha & Katherina, 2019).

The existence of this AUPB, in addition to ensuring that the government's actions do not conflict with ethics and morality, is also to ensure that the creation of good governance (Gandaria, 2015). According to Ridwan, the implementation of public services by the government cannot be separated from positions and officials, so that 2 (two) important entities arise, are government norms and apparatus behavior norms. (Ridwan, 2014). Government norms are written and unwritten legal rules that apply to government positions, while apparatus behavior norms are written and unwritten legal rules that must be considered and obeyed by officeholders. AUPB acts as a government norm along with the behavior norms of the apparatus, so it cannot be separated. It should also be understood that in drafting a decision point, it will also include government norms and norms of behavior of the apparatus, whether the decisions made are following the specified procedures, and whether they are also following the principles of openness, accuracy, impartiality and governance principles. others, both written and unwritten (Putrijanti et al., 2018). Thus, it can be said that a government that can be called good governance is one that in carrying out its functions is based on the AUPB. This is also coherent with the opinion of Williem Konijnenbelt (HR, 2020): "*Bestuursorganen zijn-aangenomen dat ze bevoegd zijn een bepaald handeling te verrichten-bij hun handelen niet allen gebonden aan wettelijke regels, aan het geschreven recht; daarnaast moeten zij het ongeschreven recht in acht nemen. Het ongeschreven recht, dat wil zeggen vooral de algemene beginselen van behoorlijk bestuur* (Government organs that receive the authority to carry out certain actions carry out their actions not only bound by statutory regulations; written law, in addition, government organs must pay attention to unwritten laws, are general principles of good governance).

Initially, before Law 9/2004 stipulates that one of the reasons for the lawsuit (*beroepsgronden*) from the KTUN is the AUPB, the judges have used the AUPB as a touchstone against the KTUN. For example, in the decision of the Palembang State Administrative Court, dated July 6, 1991, No. 06/PTUN/G/PLG/1991 which is often considered as an embryo, is used by judges for AUPB. In *a quo* decision, it is stated that what is meant by the general principle of good governance is the principle of customary law which is generally acceptable according to our sense of justice which is not explicitly formulated in the legislation, but which is obtained through analysis from jurisprudence and legal literature. that must be considered in every administrative-legal act carried out by the authorities (State Administration Agency or Official). This decision relates to a lawsuit by an employee of the University of Bengkulu against the Chancellor who has removed himself from his position, without first being proven guilty. The Chancellor's actions were blamed because in his decision he violated the principle of formal accuracy (Wiyono, 2013).

From the increasing number of decisions that use the AUPB, the Supreme Court then issued Supreme Court Instructions (Juklak) MA No. 052/Td.TUN/III/1992 dated March 24, 1992. Through the Juklak, it is possible for judges to include in "legal considerations" a

decision, by stating which principle of the AAUPB was violated, but with a note that it is not allowed to include it in the "dictum of the decision".

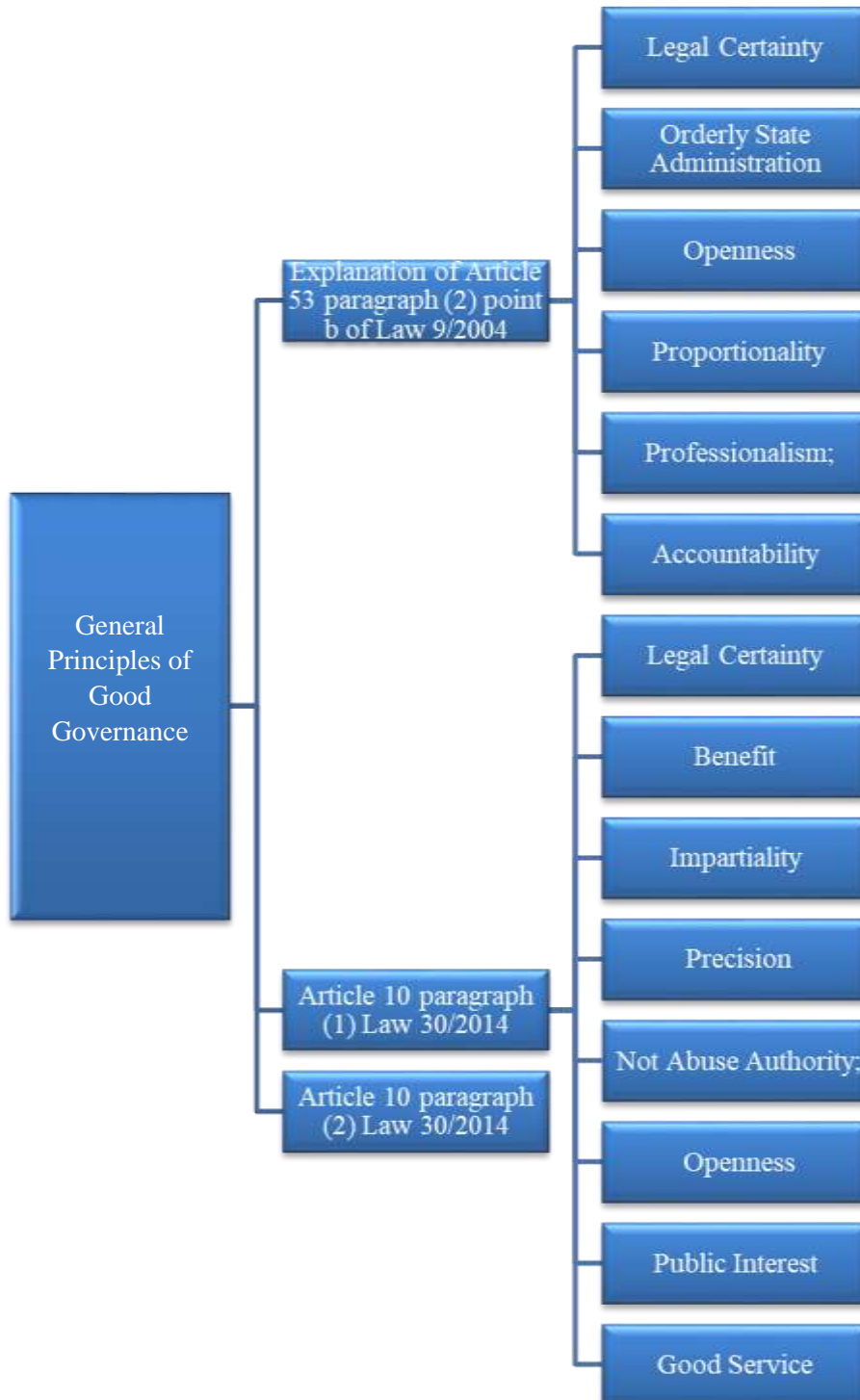
Over time, Article 53 paragraph (2) point b of Law 9/2004 was born which *expressis verbis* regulates AUPB as a touchstone against the State Administrative Court. The regulation is detailed in Article 53 paragraph (2) point b of Law 9/2004, are: "(2) The reasons that can be used in the lawsuit as referred to in paragraph (1) are a. The State Administrative Decision being sued is contrary to the prevailing laws and regulations; b. The State Administrative Decision being sued is contrary to the general principles of good governance (bold by author)". Furthermore, in the Elucidation of Article 53 paragraph (2) point b of Law 9/2004, it is regulated that: "What is meant by "general principles of good governance" includes the principles of a) legal certainty; b) orderly state administration; c) openness; d) proportionality; e) professionalism; and f) accountability, as referred to in Law Number 28 of 1999 concerning State Administrators that are Clean and Free from Corruption, Collusion, and Nepotism." From Article 53 paragraph (2) point b of Law 9/2004 and its Elucidation, it can be understood that one of the reasons that can cancel the KTUN is the AUPB whose classification is limitedly determined in the Elucidation of Article 53 paragraph (2) point b of Law 9/2004 which the same as the General Principles of State Administration in Article 3 of Law Number 28 of 1999 concerning State Organizers that are Clean and Free from Corruption, Collusion and Nepotism (hereinafter referred to as Law 28/1999) (Akhmaddhian, 2018). Thus, if it is constructed a *contra rio*, it can be understood that outside the AUPB qualified in the Elucidation of Article 53 paragraph (2) point b of Law 9/2004, it cannot be used as a basis for canceling a KTUN at that time.

"A theory, however elegant and economical, must be rejected or revised if it is not true; likewise laws and institutions, no matter how efficient and orderly, must be reformed or abolished if they are unjust (John Rawls, 2009)." The expression from John Rawls, actually has a deep meaning, that the law must continue to be perfected if it has not provided justice which of course must be interpreted as substantive justice (Setiawan et al., 2021). On this basis, Article 53 paragraph (2) point b of Law 9/2004 which can be said has not provided substantive justice, because it only regulates the qualifications of AUPB in the Explanation section which means that its position according to Bagir Manan and Kuntana Magnar is not a rule, so that law enforcers or other law enforcers and whoever is also bound by the provisions in the body of the law or Government Regulation but is not bound by the explanation (Manan & Magnar, 1997).

There are improvements related to a clear classification related to AUPB which is carried out by putting it in an article so that it is a rule/norm that is then carried out by legislators with the establishment of Article 10 of Law 30/2014. In Article 10 of Law 30/2014, it is regulated that: "(1) AUPB referred to in this Law includes the following principles: a. legal certainty; b. benefit; c. impartiality; d. precision; e. not abuse authority; f. openness; g. public interest; and h. good service. (2) Other general principles outside the AUPB as referred to in paragraph (1) can be applied as long as they are used as the basis for the judge's assessment as stated in the Court's decision which has permanent legal force." From Article 10 of Law 30/2014, it can be understood that the classification of AUPB Post Law 30/2014 is:

- a. AUPB which is specifically regulated in Law 30/2014, are 1) legal certainty; 2) benefit; 3) impartiality; 4) precision; 5) not abuse authority; 6) openness; 7) public interest; and 8) good service
- b. AUPB outside of Law 30/2014 on the condition that it has been used as the basis for the judge's assessment as stated in the Court's decision which has permanent legal force

What should be noted is that Law 30/2014 does not revoke the provisions in Article 53 paragraph (2) point b of Law 9/2004, so it can be said that these provisions are still valid. Thus, the AUPB that can be used as a touchstone against the KTUN is the AUPB which is regulated in the explanation of Article 53 paragraph (2) point b of Law 9/2004 and AUPB which is regulated in 10 of Law 30/2014 to facilitate understanding regarding this, it will be described in the following diagram



Source: Author's management results

**Figure 1.** Qualification of the General Principles of Good Governance as a Test Stone for State Administrative Decisions

### 3.2 Application of the Principle of Accuracy as a testing Stone for KTUN

On this basis, before understanding the application of the principle of accuracy as a touchstone to the KTUN, it will be described related to the definition of the principle of accuracy which incidentally is one of the AUPB which can be found in the Elucidation of Article 10 paragraph (1) point d of Law 30/2014. In the Elucidation of Article 10 paragraph (1) point d of Law 30/2014 it is stated as follows: “What is meant by “principle of prudence” is the principle which implies that a Decision and/or Action must be based on complete information and documents to support the legality of the stipulation. and/or implementation of Decisions and/or Actions so that the relevant Decisions and/or Actions are carefully prepared before the said Decisions and/or Actions are determined and/or carried out.””

From this definition, if each element is described, it can be understood, are:

- a. Decisions and/or Actions;
- b. Based on complete documents;
- c. Be careful before the Decision and/or Action is determined and/or carried out.

Based on the elements contained in the understanding of the principle of accuracy according to the 2014 AP Law, it can be captured an understanding that every State/Government Official must be careful and careful in making decisions or when taking an action by always basing it on complete information and documents. to support the legality of the determination and/or implementation of decisions and/or actions, so that the decisions and/or actions they make lead to justice so as not to harm the parties affected by the decisions made by the Government Official (Pratiwi et al., 2016). Thus, it can be seen that the main point of the principle of prudence is prudence and thoroughness in making a decision and/or taking action by the government, it must have a proper or accurate basis.

Before Law 30/2014, although it was not regulated, this principle of accuracy had been used by several judges. To obtain a holistic understanding of the construction of the principle of accuracy before it is regulated in Law 30/2014, one of the decisions in which judges use the principle of accuracy as a touchstone for a KTUN will be described. The decision of the District Administrative Court selected for analysis is the Kupang District Administrative Court Decision Number 5/G/2012/PTUN-KPG. The Plaintiff in the Decision is Nicodemus Imanuel Busi and the party who becomes the Defendant is the Chairman of the Silu Village Consultative Body. The object of the dispute is the Decree of the Silu Village Consultative Body Number: 04 of 2012 dated March 15, 2012, concerning the Determination of the Elected Candidate for the Silu Village Head for the 2011-2017 Period in the Fautmolo District, South Central Timor Regency.

That the claim from Plaintiff originated from the position of the Plaintiff who was the Elected Candidate for the Silu Village Head for the 2011-2017 Period who was democratically elected through the election, the Silu Village Head on April 11, 2011, which was attended by 4 Candidates with the highest votes, is 355 votes. That the results of the Silu Village Head Election have then been ratified by the Silu Village Consultative Body and have been signed by the Head of the Village Consultative Body and witnessed by the Chairperson of the Silu Village Head Election Committee for the 2011-2017 period. However, the Village Consultative Body issued a Decree of the Silu Village Consultative Body Number: 04 of 2011 dated March 15, 2012, concerning the Determination of the Elected Candidate for the Silu Village Head for the Period of 2011-2017 in the Fautmolo Sub-district, South Central Timor Regency, which the Plaintiff only found out on the 15th. March 2012 which conducted re-election and won another candidate, and appointed the candidate as Village Head. The Plaintiff feels the KTUN is legally flawed, as Article 55 of Law Number 5 of 1986 concerning State Administrative Courts amended by Law Number

9 of 2004 and Law Number 51 of 2009, which is contrary to the laws and regulations, are Article 50 paragraph (5) of Government Regulation Number 72 of 2005 concerning Village Administration and Article 29 paragraph (1) of Regional Regulation of South Middle East Regency Number 16 of 2007 concerning procedures for Nomination, Election, Appointment, and Inauguration and Dismissal of Village Heads and also The action of the Defendant who did not issue a decision regarding the ratification of the appointment of the Plaintiff as a candidate for the elected Silu Village Head for the 2011-2017 period was an arbitrary and unlawful act because it was contrary to the General Principles of Good Governance, are the principle of legal certainty and the public interest as referred to in paragraph (1). Article 53 paragraph (2) point b of Law 9/2004.

Against the lawsuit, Defendant submitted an answer which argued that the First Village election (I) on April 11, 2011, did not contain a Village Consultative Body Decision Point, of which the Village Consultative Body Decree was a Re-Village Election on 28 February 2012, because the Village Election dated April 11, 2011, the law is flawed and has tarnished the principles of democracy, are direct, general, free, confidential, honest and fair. Therefore, Defendant then conducted a plenary and consultation with the top government (Camat and Governance) and will conduct re-election on February 28, 2012, where the Village election on February 28, 2012, has shown the Principles of Democracy, then the BPD through the Plenary, the BPD has issued Decree Number: 04 of 201.

Based on these legal facts, the judge then decided that: “1. Granted the Plaintiff's claim in its entirety; 2. To declare that the action of the Defendant in issuing a decision on the object of *the quo* dispute violates Article 13 paragraph (3) of the Regional Regulation Number 16 of 2007 and violates the general principles of good governance, are the principle of accuracy; 3. Declaring the cancellation of the Silu Village Consultative Body Decree Number: 04 of 2011 dated March 15, 2012, concerning the Determination of the Elected Candidate for the Silu Village Head for the 2011-2017 Period in the Fautmolo Subdistrict, South Central Timor Regency; 4. Ordered the Defendant to revoke the Decision Point of the Silu Village Consultative Body Number: 04 of 2011 dated 15 March 2012 concerning the Determination of the Elected Candidate for the Silu Village Head for the 2011-2017 Period in the Fautmolo Subdistrict, South Central Timor Regency; 5. Require the Defendant to issue a State Administrative Decree that stipulates the Plaintiff as a candidate for the Elected Village Head for the period 2011-2017 6. Sentence the defendant to pay court fees of Rp. 231,000, - (two hundred and thirty-one thousand rupiah) (bold by the author).”

As for the main points of consideration of the judge, thus assuming that the KTUN contradicts the AUPB so that it is null and void are:

1. The judge thought that there was no equal number of votes between Nicodemus I. Busi and Nicodemus Y. Busi so that the reasons for re-election were not fulfilled based on the provisions of Article 24 paragraph (2) of Regional Regulation of South Central Timor Regency Number 16 of 2007, so it should not be necessary there is re-election as stated in the Decree of the Silu Village Consultative Body Number: 04 of 2012 dated March 15, 2012, concerning the Determination of the Elected Candidate for the Silu Village Head for the 2011-2017 Period in the Fautmolo Subdistrict, South Central Timor Regency;
2. Quod Non (if true) there is a fraud, but because the time limit for submitting an objection by a candidate entitled to be elected is 2 (two) days after the determination of the election result, the objection submitted by Nicodemus Y. Busi has expired, so the cancellation of the village head election silu and the results on April 11, 2011, are contrary to the laws and regulations from a procedural point of view, the decision point



on the object of the dispute *a quo* which is the result of the re-election of the village head of Silu on February 28, 2012, is also flawed in terms of procedural issuance because of the actions of the Defendant to issue a decision point on the object A dispute is a decision that follows up on a previous decision, therefore, *mutatis mutandis*, the decision point on the object of the dispute also contradicts the applicable laws and regulations. Therefore, the object of *the quo dispute* is flawed from a procedural point of view;

3. The election for the village head of Silu which was held on February 28, 2012 (the election on which the object of the dispute was based) must all be followed by 2/3 of the 1,243 voters totaling 828.6 or rounded up to 829 voters. Meanwhile, only 694 people exercised their right to vote or in other words did not reach the quorum. If the quorum is not reached then the village head election on 28 February 2012 should not be held. So that the determination of the elected candidate in the Silu village head election on February 28, 2012, is contrary to the provisions of Article 13 paragraph (3) of Regional Regulation Number 16 of 2007;
4. One indicator of the validity of the KTUN is the AUPB, one of which is the principle of accuracy, which means that a decision must be prepared and taken care of. This principle requires that a government agency before making a decision, examine all relevant facts and take into account all relevant interests. If the facts relating to the issuance of a Decree are not examined, it means that it is not accurate, or in other words, the principle of accuracy requires that the state administrative body/official always act carefully so as not to cause harm to the community. Thus, Defendant who did not examine and consider the Official Report of voting and vote counting at the polling station in the Silu village head election for the 2011-2017 period on February 28, 2012, and other documents related to the number of voters exercising their right to vote was deemed to have violated the principle of accuracy.

The decision which was declared open to the public on Thursday, September 27, 2012, which canceled the object of the KTUN, because it was considered contrary to the principle of prudence, was later also confirmed in the Decision of the Surabaya High Court Number 04/B/2013/PT.TUN.SBY which was pronounced on Thursday, February 28, 2013.

From the decision, it can be seen that the judge constructs the principle of accuracy which means that a KTUN must be prepared and taken care of. This principle requires that a government agency before making a decision, examine all relevant facts and take into account all relevant interests. If the facts relating to the issuance of a Decree are not examined, it means that it is not accurate, or in other words, the principle of accuracy requires that the state administrative body/official always act carefully so as not to cause harm to the community. The meaning of this principle of accuracy is similar to several Supreme Court Jurisprudence which has provided clear directions in the application of the principle of accuracy, such as in Supreme Court Decision No. 150 K/TUN/1992, Supreme Court Decision No. 213 K/TUN/2007, Supreme Court Decision No. 101 K/TUN/2014, and Decision No. 02/G/2013 /PTUNJKT. In these decisions, the indicator of the principle of accuracy of these decisions is that the State Administration Agency or Official always acts carefully, to consider carefully when making TUN decisions, by first seeking a clear picture of all relevant legal facts. , as well as the laws and regulations that underlie it and pay attention to the interests of third parties, so as not to cause harm to community members (Pratiwi et al., 2016).

## IV. Conclusion

The classification of AUPB used as a touchstone against KTUN is First, AUPB which is regulated in the Elucidation of Article 53 paragraph (2) point b of Law 9/2004, are the principles of a) legal certainty; b) orderly state administration; c) openness; d) proportionality; e) professionalism; and f) accountability, Second, AUPB which is specifically regulated in Law 30/2014, are a. legal certainty; b. benefit; c. impartiality; d. precision; e. not abuse authority; f. openness; g. public interest; and h. good service; Third, AUPB is outside of Law 30/2014 on the condition that it has been used as the basis for the judge's assessment as stated in the Court's decision which has permanent legal force. As for the application of the Accuracy Principle as a Testing Stone for KTUN, before Law 30/2014 came into effect, it had often been used as a touchstone for KTUN, for example in the Kupang District Administrative Court Decision Number 5/G/2012/PTUN-KPG, Supreme Court Decision No. 150 K/TUN/1992, Supreme Court Decision No. 213 K/TUN/2007, Supreme Court Decision No. 101 K/TUN/2014, and Decision No. 02/G/2013 /PTUN JKT.

In the construction of *the ius constituendum*, to provide legal certainty regarding the use of AUPB as a touchstone for the KTUN and to provide more detailed guidelines for judges, it is necessary to form a Supreme Court Regulation that regulates guidelines for judges in the use of AUPB as a touchstone for the KTUN. To ensure that the principle of accuracy can be used as a tested stone against KTUN because it is one of the AUPB, it is necessary to have legal training involving stakeholders, especially academics, practitioners, and judges.

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