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# The Urgence of Peaceful Settlement of State Administrative Disputes Through Mediation in State Administrative Courts

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***Abstract***

The process or stages of examining State Administrative disputes at the State Administrative Court, both based on statutory regulations, as well as in judicial practice, do not include a reconciliation process between the litigants through mediation. This is different from the examination of civil cases in both the general court and religious courts, in which there is mediation between the litigants. Based on these problems, the purpose of this study is to analyze the urgency of peaceful settlement of state administrative disputes through mediation at the State Administrative Court, as well as its legitimacy. The research method used in this research is normative juridical, which is a method in normative legal research that analyzes secondary data, which is then analyzed qualitatively. The results of this research are as follows: Settlement of state administrative disputes peacefully through mediation in the Administrative Court State Enterprises are very important (urgent) as instruments to be applied to the procedural law of the State Administrative Court, so that the Procedural Law of the State Administrative Court is more comprehensive, and can fulfill the administration of justice which is simple, fast and low cost and provides greater access to the parties. in obtaining a settlement of state administrative disputes that fulfills a sense of justice, and the legitimacy of peaceful settlement of state administrative disputes through mediation at the State Administrative Court, it is necessary to make changes to the amendments to the Republic of Indonesia Law Number 5 of 1986 concerning Judiciary. State Administration, or at least amendments are made to the Regulation of the Supreme Court Number 1 of 2016 concerning Mediation Procedures in Courts, which are adjusted to the procedural law of the State Administrative Court, so that with a formal acknowledgment (legitimacy) peaceful settlement of state administrative disputes through mediation at the State Administrative Court, so that the amicable settlement of state administrative disputes through mediation at the State Administrative Court is recognized as valid.

***Keywords****: Dispute Settlement; Dispute, Mediation; State Administrative Court.*

## A. Introduction

Humans in social life have different interests from one another, sometimes their interests conflict with each other, which can lead to disputes (Sutantio & Iskandar, 2019). A dispute is the actualization of a difference and/or conflict between two or more parties (Usman, 2013). Disputes in a broad sense can be divided into two major groups, namely social disputes and legal disputes. Legal disputes are broadly divided into several groups, including, Criminal law disputes; Civil law disputes; State administrative law disputes; and international legal disputes (Witanto, 2013). In connection with several groups of legal disputes, in this study the object of research is only limited to state administrative disputes which are the authority of the State Administrative Court.

State Administrative Court based on Law Number 5 of 1986 concerning State Administrative Court as amended by Law Number 9 of 2004 concerning Amendment

to Law Number 5 of 1986 concerning State Administrative Court, and amended again by Law Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning the State Administrative Court is the executor of judicial power within the State Administrative Court which has the duty and authority to decide and resolve State Administrative disputes. Soetami (2005) suggests that the object of a state administrative dispute at the State Administrative Court is a written state administrative decision. In Article 1 number 10 of Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning the State Administrative Court states:

"State Administrative Dispute is a dispute that arises in the field of State Administration between a person or civil legal entity and a State Administration Agency or Official, both at the center and in the regions as a result of the issuance of a State Administrative Decree, including employment disputes based on statutory regulations. applicable".

State administrative disputes, of course, need to be resolved through legal channels in accordance with applicable law, not in a way that is not in accordance with the law, because based on Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated as the 1945 Constitution) Indonesia is a state of law. There are two legal routes to resolve disputes, namely the first route, namely the non-litigation route or dispute resolution outside the judiciary, for example through alternative dispute resolution, such as by means of consultation, negotiation, mediation, or expert judgment, which is a "win-win solution", and the second route, is the court/litigation route, which is "win-win lose".

Settlement of state administrative disputes as a result of a conflict of interest between the government (Agency/TUN Official) and a person/Agency of Civil Affairs, sometimes it can be resolved peacefully through deliberation and consensus, but there are times when it develops into a legal dispute that requires settlement through deliberation and consensus. court (Abdullah, 2019).

The settlement of state administrative disputes through the courts is still the last resort in dispute resolution, although it is not the only way that can be taken. Sufiarina & Fakhirah (2014) The advantage of litigation dispute resolution in court is that it is adjudication by giving a decision on a dispute so that it can provide legal certainty. Settlement of state administrative disputes through state administrative courts is carried out if peace efforts through mediation outside the court have reached a dead end, so that the person concerned submits the problem to the State Administrative Court. Article 47 of Law Number 5 of 1986 in conjunction with Law Number 9 of 2004 in conjunction with Law Number 51 of 2009 states: Courts have the duty and authority to decide and resolve State Administrative disputes.

The process of examining state administrative claims/disputes at the State Administrative Court is known for several stages, including the administrative examination stage, the dismissal process stage, the preparatory examination stage, and the trial stage open to the public (Enrico, 2018). The process or stages of examining state administrative disputes at the State Administrative Court with Law Number 5 of 1986 concerning State Administrative Courts as amended by Law Number 9 of 2004 concerning Amendments to Law Number 5 of 1986 concerning State Administrative Court, and amended again by Law Number 51 of 2009

concerning the Second Amendment to Law Number 5 of 1986 concerning State Administrative Court in essence starting from:

Preliminary examination, claim registration and administrative examination at the Registrar's Office of the State Administrative Court within its jurisdiction, Dismissal Procedure or Dismissal Process by the Chair of the Administrative Court (Article 62 of Law Number 5 of 1986 in conjunction with Law Number 9 of 2004 in conjunction with Law Number 51 of 2009). Appointment of the Panel of Judges, Stage of Determination of Session Day, Summons to the Parties concerned, Preparatory Examination (Article 63 of Law Number 5 of 1986 in conjunction with Law Number 9 of 2004 in conjunction with Law Number 51 of 2009).

Trial Examination, examination in a court session is preceded by an answer-and-answer stage, starting with the reading of the lawsuit (Article 74 paragraph (1) of Law Number 5 of 1986); reading of answers (Article 74 paragraph (1) of Law Number 5 Year 1986); Replik (Article 75 paragraph (1) of Law Number 5 of 1986 in conjunction with Law Number 9 of 2004 in conjunction with Law Number 51 of 2009; Duplicate (Article 75 paragraph (2) of Law No. 5 of 1986 in conjunction with Law Number 9 of 2004 in conjunction with Law Number 51 Year 2009), then after the jinawab answer event has been carried out, it is continued with the process of proving the proof (Article 100-107 of Law Number 5 of 1986 in conjunction with Law Number 9 of 2004 in conjunction with Law Number 51 of 2009), namely the parties submitting evidence that has been prepared In order to support his legal position, in the event that the stage of proving has been carried out/completed, then proceed with the stage of the conclusion of the parties. Conclusion (Article 97 paragraph (1) of Law Number 5 of 1986 in conjunction with Law Number 9 of 2004 in conjunction with Law Number 51 of 2009), namely to express the last opinion. After both parties have expressed their conclusions, the Chief Judge of the Session stated that the trial was postponed to give the Panel of Judges the opportunity to deliberation in a closed room to consider all matters relating to a decision on the dispute (see Article 97 paragraphs (1) and (2) of Law Number 5 of 1986 in conjunction with Law Number 9 of 2004 in conjunction with Law Number 51 of 2009), and ends with the reading of the decision (Article 97 and Article 108 to Article 114 Law Number 5 of 1986 in conjunction with Law Number 9 of 2004 in conjunction with Law Number 51 of 2009).

Referring to the process or stages of examining state administrative disputes at the State Administrative Court, both based on statutory regulations and in judicial practice, it can be found that in the process or stages of examining state administrative disputes at the State Administrative Court There is no stage of a peace event through mediation, because the dispute is about public policy. This is different from the process of examining civil cases in both the general court and religious courts, in which there is mediation between the litigants (Ali Abdullah, 2015). The process of peacefully examining civil cases through mediation in both the general court and religious courts is regulated in Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures in Courts.

With regard to reconciliation proceedings at the State Administrative Court, the Supreme Court in the Guidelines for the Implementation of Duties and Administration of Courts in Four Judicial Environments, Book II, 2007 Edition affirms, In state

administrative disputes, there is no known peace, because what is being disputed involves public policy. However, in practice it does not rule out the possibility of reconciliation on the initiative of the two disputing parties. The reconciliation between the disputing parties is not carried out at the trial but occurs outside the trial. If there is reconciliation, the disputing parties submit it to the panel of judges/judges examining the case. The panel of judges/judges examining the case shall order in the next session that the outcome of the reconciliation be read out, and the substitute clerk appointed to attend the trial shall record it in the minutes of the session. Furthermore, the plaintiff officially withdraws his lawsuit in a trial open to the public. The panel of judges/judges shall include it in a stipulation which contains an order that the clerk of the court shall delete the claim from the case register. The order for the deletion was pronounced in a trial open to the public.

If there is no reconciliation between the plaintiff and the defendant outside the trial as described above and the defendant has received a copy of the lawsuit from the plaintiff, the judge, the chairperson of the trial, invites the plaintiff to read out his lawsuit. This is in accordance with the provisions of Article 74 paragraph (1) of Law Number 5 of 1986 which states that the examination of a dispute begins by reading out the contents of the lawsuit and a letter containing the answer by the judge at the head of the session, and if there is no reply letter, the defendant is given the answer. opportunity to submit answers. The answer is to respond to the arguments of the plaintiff's claim and no counterclaim is allowed.

With regard to the absence of a peace event for the litigants through mediation at the State Administrative Court, the authors endeavor to make a legal breakthrough to propose a concept of peaceful state administrative dispute resolution through mediation at the State Administrative Court. The author's ideas/thoughts about this concept are based on the author's hope that the implementation of a simple, fast and low-cost state administrative court will be fulfilled and provide greater access to the parties in obtaining a state administrative dispute resolution that satisfies a sense of justice by integrating mediation. as an alternative to resolving state administrative disputes in the litigation process at the State Administrative Court, as is the case in the litigation process in the Courts, both in the general court and religious courts. Therefore, it is necessary to examine the urgency of peaceful settlement of state administrative disputes through mediation at the State Administrative Court.

With regard to the originality of the research, the author has made observations and literature searches on several references to research results, contained in the sources of information, several types of research have been found, in this case articles published in journals relating to guarantees that have been compiled by previous authors. , which is used as a comparison with the research that the author has compiled, especially to maintain the originality of the research, including:

First, Tri Mulyani, et al. (2022). From the results of research on the concept of mediation in the settlement of state administrative disputes based on the value of Pancasila justice, it can be concluded that the weakness of the procedure for resolving state administrative disputes can be seen from 3 (three) aspects, first, aspects of the legal structure including the subjectivity of judges and the inability of lawyers caused by many concealed facts and inadequate levels of experience; second, the aspect of legal substance, that the current state administrative dispute resolution is less

effective, resulting in many remaining cases, the length of time for dispute resolution which results in the high cost of the case to be incurred. This ineffectiveness is due to the absence of supporting instruments for the short-lived justice system which causes failure to seek brief or quick handling of cases and the absence of a peace mechanism in dispute resolution; third, the aspect of legal culture, namely that the culture that cannot be lost until now is that the disputing parties are less cooperative in providing explanations and providing evidence or providing evidence that is not related to the substance of the case being disputed.

Second, Hervina Puspitosari. (2014). From the results of research on Mediation in the Framework of the Principle of Fast and Low Cost Judiciary in Efforts to Settle the Occurrence of Disputes in the State Administrative Court, it can be concluded that in the Administrative Court There is an imbalance between the positions of the plaintiff and the defendant (State Administrative Officer) because it is assumed that the position of the Plaintiff (a person or civil legal entity) is in a weaker position than the defendant as the holder of public power. Settlement of State Administrative disputes through the Level I State Administrative Court, using ordinary procedures and extraordinary procedures

## B. Method

This research is a normative law. According to Muhjad & Nuswardani (2012) normative legal research is research that examines legal issues from the point of view of legal science in depth against established legal norms. Meanwhile, according to Soerjono & Mamudji (2007) legal research conducted by examining library materials or mere secondary data, can be called normative legal research or library law research. In line with this type of research, the specification of this research is descriptive-analytic, because specifically, this research aims to provide an overview of society or certain groups of people, humans, circumstances or other symptoms (Soerjono, 2006).

According to Abdulkadir (2004) research is descriptive analysis, which is a research method that aims to describe a situation of a person/group of people, institutions or certain communities at certain times and situations based on the factors that appear in the situation under investigation. This research is a descriptive study that aims to obtain a complete description (description) of the legal conditions that apply in a certain place at a certain time or regarding juridical phenomena or certain events that occur in society.

The research approach in this normative legal research is normative juridical. legal research conducted by examining library materials or secondary data. Soerjono & Mamudji (2001) through a law approach or a statute approach or a juridical approach. research on legal products and approaches to legal principles (Soemantri, 1990).

Normative juridical approach, which is an approach in legal research (writing) by using primary sources of secondary data. Secondary data is data obtained from library materials. Soerjono (2006) suggests:

Secondary data, viewed from the point of view of binding strength include:

a. Primary legal materials, namely binding legal materials, consisting of basic norms or rules (preamble of the 1945 Constitution), basic regulations (Body of the 1945 Constitution, and statutory regulations and others;
b. Secondary legal materials, namely legal materials that provide explanations of primary legal materials, such as draft laws, research results from experts, scientific works from legal experts, and so on.
c. Tertiary legal materials, namely legal materials that provide instructions or explain the primary and secondary legal materials, such as dictionaries, encyclopedias and others.

A study always requires data or materials to be searched for, then processed and then analyzed to find answers to the proposed research problems. This type of data/legal research material is secondary data which includes: primary legal materials, secondary legal materials, and tertiary legal materials, which are supported by primary data. According to Ronny Hanitijo Soemitro (1988) primary data is data obtained by field studies directly from respondents through interviews or interviews, as supporting and complementary data to secondary data.

In relation to the type of legal research, which is normative legal research, the main source of data/research materials is secondary data. Secondary data is data obtained from library materials or through library research which includes primary legal materials, secondary legal materials and tertiary legal materials.

The most dominant data inventoried as research material is secondary data in the form of: First, literature books, such as the results of research by experts, the results of scientific works from legal experts, papers in seminars, articles in journals, and books written by experts. Second, primary legal materials are in the form of statutory regulations, namely, among others, the 1945 Constitution of the Republic of Indonesia, Law of the Republic of Indonesia Number 5 of 1986 concerning State Administrative Courts, Law Number 9 of 2004 concerning Amendment to Law of the Republic of Indonesia Number 5 of 1986 concerning State Administrative Court, Law of the Republic of Indonesia Number 48 of 2009 concerning Judicial Power, Law of the Republic of Indonesia Number 51 of 2009 concerning Second Amendment to Law of the Republic of Indonesia Number 5 1986 concerning the State Administrative Court, and other related laws and regulations. Third, tertiary legal materials, such as dictionaries, scientific journals and others, which can be supported by data/materials obtained through interviews, if needed.

To obtain the data sources mentioned above, a data collection technique is needed. Soerjono Soekanto said that in research, there are generally three types of data collection tools, namely the study of documents or library materials, observations or observations, and interviews or interviews. The three tools can be used individually, or together (Soerjono, 2006).

Data collection techniques used in normative legal research are carried out by literature studies of legal materials, both primary legal materials, secondary legal materials, and tertiary legal materials ..." (Mukti & Yulianto, 2010). In accordance with the data collection tool, the data collection technique used in this research is literature study.

After the sources of data/research materials, which are obtained, both from the literature study, are inventoried, then analyzed in a qualitative juridical manner and

compiled in the form of a description of sentences. Juridical, which means that this research is based on the existing laws and regulations as positive law. Qualitative, meaning without using numbers, statistical formulas, and mathematics.

## C. Research Results And Discussion

### 1. The Urgency of Peaceful Settlement of State Administrative Disputes through Mediation at the State Administrative Court

According to the KBBI (2008) the word peace comes from the word peace. According to the Big Indonesian Dictionary, the meaning of the word peace / peace / 1 n is that there is no war; no riots; safe: in a time of rapid industrial progress; 2 a serene; calm: how careful we are; 3 n non-hostile state; harmonious: the villagers always live with--; everything can be solved by--; The word peace in the Big Indonesian Dictionary is peace [n] cessation of hostilities (disputes, etc.); on peace (peace): congress ~ world.

Peace is beautiful. That's the jargon that is often used in society. If a conflict arises, all parties must find a middle way or a conciliatory solution. Likewise if there is a legal dispute. If what happens is a civil dispute, it is imperative to prioritize peace through mediation. The Supreme Court has legal instruments that require the mediation process in civil cases (MYS, 2015).

Settlement of legal disputes peacefully through mediation is a negotiation whose essence is the same as the process of deliberation or consensus. In accordance with the nature of negotiation or deliberation or consensus, there should be no coercion to accept or reject an idea or settlement during the mediation process. Everything must be approved by the parties.

Resito (2015) In the proceedings before the Court, both in the general court and in the religious court, when the plaintiff and the defendant are fully present, then at the beginning of the trial, before starting the examination of the case, the Judge is obliged to seek peace through mediation between the litigants. The provisions of the applicable civil procedural law, Article 154 of the Regulation of the Procedural Law for the Regions Outside Java and Madura (Reglement Tot Regeling Van Het Rechtswezen In De Gewesten Buiten Java En Madura, Staatsblad 1927:227) and Article 130 of the updated Indonesian Regulation (Het Herziene Inlandsch Reglement , Staatsblad 1941:44) encourages the Parties to pursue a peace process that can be utilized through Mediation by integrating it into litigation procedures at the Court. Similarly, Article 10 paragraph (2) of Law Number 48 of 2009 concerning Judicial Powers stipulates that the provisions referred to in paragraph (1) do not close the settlement of civil cases amicably. The mediation procedure in the Court is currently regulated in Supreme Court Regulation Number 1 2016 concerning Mediation Procedures in Courts. However, in contrast to the proceedings in the Courts, both in the general courts and in the religious courts, in the proceedings at the State Administrative Court, it does not regulate the existence of peace efforts through mediation of the litigants, so that in the State Administrative Court there is no regional regulation. Play through mediation.

The word mediation in English is called "mediation", which means dispute resolution involving a third party as an intermediary or dispute resolution mediating, who mediates is called a mediator or person who mediates. Usman (2013) The term

mediation is mentioned in Article 1 point 10 of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, but Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution does not provide any definition of mediation, but only mentions the person, namely the mediator is referred to in Article 6 paragraph (3).

Article 1 point 1 of the Regulation of the Supreme Court Number 1 of 2016 concerning Mediation Procedures in Courts states that: Mediation is a method of resolving disputes through a negotiation process to obtain an agreement the Parties with the assistance of the Mediator.

Mediation, which is a way of resolving disputes through a negotiation process to obtain an agreement between the parties with the assistance of a mediator. This mediator is a neutral party who assists the litigants in negotiations to find a consensus solution. This mediator can be from the Court Judge (who is not examining the case) and it can also be from an outside party who already has a mediator certificate. Panggabean (2015) Mediation is a method of resolving disputes outside the court through negotiations involving third parties who are neutral (non-interventional) and impartial (impartial) to the disputing parties and their presence is accepted by the disputing parties. The third party is called a mediator or intermediary, whose job is only to assist the disputing parties in resolving the problem and does not have the authority to make decisions (Daim, 2014).

The definition of mediator can be seen in Article 1 point 2 of the Regulation of the Supreme Court Number 1 of 2016 concerning Mediation Procedures in Courts, which states that:

"Mediator is a Judge or other party who has a Mediator Certificate as a neutral party who assists the Parties in the negotiation process in order to seek various possible dispute resolutions without resorting to a way of deciding or forcing a settlement".

Mediation is a dispute resolution method that has developed rapidly in various parts of the world since the last three decades. The use of mediation is not only carried out outside the court by private and non-governmental organizations, but is also integrated into the justice system. The development of mediation is an encouraging thing in the midst of the stagnation of the judicial mechanism in the world. Fatahillah (2012) In mediation, the parties themselves play an active role in exploring various alternatives to determine the final result with the help of an impartial mediator and play a role in helping to achieve mutually agreed matters.

Settlement of state administrative disputes peacefully through mediation at the State Administrative Court is very important as an effort to resolve state administrative disputes through a negotiation process to obtain an agreement between the Parties with the assistance of a Mediator in order to fulfill the principle of administering justice which is simple, fast and low cost. as well as providing greater access to the parties in obtaining state administrative dispute resolutions that fulfill a sense of justice. Therefore, peaceful settlement of state administrative disputes through mediation at the State Administrative Court is very important as part of the procedural law of the State Administrative Court to be able to strengthen and optimize the functions of the judiciary in resolving state administrative disputes that are simple, fast and low cost and provide greater access to the parties in

obtaining a state administrative dispute resolution that fulfills a sense of justice, which integrates mediation as an alternative dispute resolution into the litigation process at the State Administrative Court.

Mediation procedures at the State Administrative Court can be carried out, both manually and electronically, namely mediation with the support of information and communication technology (e-med). Mediation is carried out during the first trial before the answer-and-response stage of the event is held. Regulation of the Supreme Court Number 1 of 2016 concerning Mediation Procedures in Courts can be guided according to the procedural law of the State Administrative Court.

Peaceful settlement of state administrative disputes through mediation at the State Administrative Court is very important (urgent) as an instrument in the settlement of state administrative disputes at the State Administrative Court which is applied to the entire settlement of state administrative disputes submitted to the State Administrative Court, so that the procedural law of state administrative courts is more comprehensive, and can fulfill simple, fast and low-cost judicial administration as well as provide greater access to parties in obtaining state administrative dispute resolutions that fulfill a sense of justice. Therefore, peaceful settlement of state administrative disputes through mediation at the State Administrative Court must be part of the procedural law of the state administrative court.

## 2. Legitimacy for Peaceful Settlement of State Administrative Disputes through Mediation at the State Administrative Court

Settlement of state administrative disputes can basically be resolved by the parties themselves, and can also be resolved by the presence of a third party, either provided by the state or the parties themselves. In a modern society that is accommodated by a public power organization in the form of a state, the official forum provided by the state for the resolution of state administrative disputes is the judiciary. In Indonesia, a State Administrative Court has been established based on Law Number 5 of 1986 concerning State Administrative Courts as amended by Law Number 9 of 2004 concerning Amendments to Law Number 5 of 1986 concerning State Administrative Courts, and amended again by Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning the State Administrative Court, which is carried out by the State Administrative Court which is the executor of judicial power within the State Administrative Court which has the duty and authority, decide and resolve State Administrative disputes.

Law Number 5 of 1986 concerning State Administrative Courts as amended by Law Number 9 of 2004 concerning Amendments to Law Number 5 of 1986 concerning State Administrative Courts, and amended again by Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning the State Administrative Court, it does not regulate the provisions for peaceful settlement of state administrative disputes through mediation in the proceedings. This is different from the proceedings before the court, both in the general court and in the religious court, when the plaintiff and the defendant are present in full at the beginning of the trial, before starting the examination of the case, the judge is appointed must strive for peace through mediation between the litigants. However, although Law Number 5 of 1986 in conjunction with Law Number 9 of 2004 in

conjunction with Law Number 51 of 2009 does not regulate the provisions for peaceful settlement of state administrative disputes through mediation in the proceedings, settlement of state administrative disputes peacefully peace through mediation at the State Administrative Court is very possible. This can be seen in the Regulation of the Supreme Court Number 1 of 2016 concerning Mediation Procedures in Courts which allows the settlement of state administrative disputes peacefully through mediation at the State Administrative Court as read from the sentence "Trials outside the general courts and religious courts as referred to in paragraph (1) may apply Mediation based on this Regulation of the Supreme Court to the extent permitted by the provisions of the legislation (vide Article 2 Paragraph (2)). Therefore, it is necessary to legitimize the peaceful settlement of state administrative disputes through mediation at the State Administrative Court formally in a statutory provision, or at least in a Supreme Court Regulation.

The author has stated that the peaceful settlement of state administrative disputes through mediation at the State Administrative Court is very important (urgent) as an instrument to be applied to the procedural law of the State Administrative Court, so that the Procedural Law of the State Administrative Court is more comprehensive, and can fulfill the administration of justice. which is simple, fast and low cost as well as providing greater access to the parties in obtaining state administrative dispute resolutions that fulfill a sense of justice. Therefore, peaceful settlement of state administrative disputes through mediation at the State Administrative Court must be part of the procedural law of the State Administrative Court by integrating mediation as an alternative dispute resolution into the litigation process at the State Administrative Court. support it both administratively to its apparatus, and it is necessary to have its legitimacy in the laws and regulations.

The legitimacy of peaceful settlement of state administrative disputes through mediation at the State Administrative Court is the need for improvements in terms of laws and regulations, namely the need for amendments to the amendments to the Republic of Indonesia Law Number 5 of 1986 concerning the State Administrative Court, or at least whether or not changes are made to the Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures in Courts, which are adjusted to the procedural law of the State Administrative Court, so that with a formal acknowledgment (legitimacy) settlement of state administrative disputes peacefully through mediation at the State Administrative Court , so that the amicable settlement of state administrative disputes through mediation at the State Administrative Court is recognized as valid.

## D. Conclusion

Based on the results of the research and discussion, it can be concluded that the peaceful settlement of state administrative disputes through mediation at the State Administrative Court is very important as an instrument that is applied to the procedural law of the State Administrative Court, so that the Procedural Law of the State Administrative Court is more comprehensive, and can fulfill administration of justice that is simple, fast and low cost and provides greater access to the parties in obtaining state administrative dispute resolutions that fulfill a sense of justice. Therefore, peaceful settlement of state administrative disputes through mediation at

the State Administrative Court must be part of the procedural law of the State Administrative Court by integrating mediation as an alternative dispute resolution into the litigation process at the State Administrative Court.

The legitimacy of peaceful settlement of state administrative disputes through mediation at the State Administrative Court is that it is necessary to amend the amendment to the Republic of Indonesia Law Number 5 of 1986 concerning the State Administrative Court, or at least to make amendments to the Supreme Court Regulation Number 1 of 1986. 2016 concerning Mediation Procedures in Courts, which are adjusted to the procedural law of the State Administrative Court, so that with the formal recognition (legitimacy) of peaceful settlement of state administrative disputes through mediation at the State Administrative Court, so that the settlement of state administrative disputes peacefully through the validity of mediation at the State Administrative Court is recognized. Peaceful settlement of state administrative disputes through mediation at the State Administrative Court becomes an instrument and part of the procedural law of the State Administrative Court, so that it can fulfill the administration of justice which is simple, fast and low cost and provides greater access to the parties in obtaining dispute resolution. state administration that fulfills a sense of justice by integrating mediation as an alternative dispute resolution into the litigation process at the State Administrative Court.

## References

Siti Soetami. (2005). *Hukum Acara Peradilan Tata Usaha Negara*. Bandung: PT. Refika Aditama.

Abdulkadir Muhammad. (2004). *Hukum dan Penelitian Hukum*. Bandung: PT. Citra Aditya Bakti.

Abdullah, Ujang. (2009). *Upaya Administrasi dalam Peradilan Tata Usaha Negara*, Makalah Disampaikan dalam "DIKLAT CALON HAKIM ANGKATAN IV MAHKAMAH AGUNG RI TAHUN 2009", DI PUSDIKLAT MA RI, CIAWI, BOGOR, tanggal 7 Juli 2009.

Ali Abdullah M .(2015). *Teori dan Praktik Hukum Acara Peradilan Tata Usaha Negara Pasca Amandemen*. Jakarta: Kencana.

Bahder Johan Nasution. (2008). *Metode Penelitian Hukum.*Bandung: CV Mandar Maju Bandung.

D.Y. Witanto. (2011). *Hukum Acara Mediasi dalam Perkara Perdata di Lingkungan Peradilan Umum dan Peradilan Agama Menurut PERMA No. 1 Tahun 2008 Tentang Prosedur Mediasi di Pengadilan,* Bandung: Alfabeta.

Enrico Simanjunta. (2018). *Hukum Acara Peradilan Tata Usaha Negara: Transformasi dan Refleksi*, Jakarta: Sinar Grafika.

Fatahillah A. Syukur. (2012). *Mediasi Yudisial di Indonesia, Peluang dan Tantangan dalam Memajukan Sistem Peradilan.* Bandung: CV. Mandar Maju.

H.P. Panggabean. (2015). *Skematik Ketentuan Hukum Acara Perdata dalam HIR*. Bandung: PT Alumni.

Hadin Muhjad dan Nunuk Nuswardani. (2012). *Penelitian Hukum Indonesia Kontemporer*. Yogyakarta: Genta Publishing.

Mukti Fajar ND. dan Yulianto Achmad. (2010). *Dualisme Peneltian Hukum Normatif & Empiris*, Yogyakarta: Pustaka Pelajar.

MYS. (2015). *"Berdamai dalam Sengketa TUN, Siapa Takut? Sidang perkara TUN seharusnya sederhana, cepat, dan biaya ringan"*, https://www.hukumonline.com/berita/a/berdamai-dalam-sengketa-tun--siapa-takut-lt579d9ebdb0988, diakses: 5 Maret 2022.

Nuryanto A. Daim. (2014). *Hukum Administrasi, Perbandungan Penyelesaian Maladminitrasi oleh Ombudsman dan Pengadilan Tata Usaha Negara*. Surabaya: Penerbit Laksbang Justisia.

Rachmadi Usman. (2013). *Pilihan Penyelesaian Sengketa di Luar Pengadilan*. Bandung: PT Citra Adita Bakti.

Rasito. (2015). *Panduan Belajar Hukum Acara Perdata*. Yogyakarta: Pustaka Pelajar.

Reglemen Hukum Acara untuk Daerah Luar Jawa dan Madura (*Reglement Tot Regeling Van Het Rechtswezen In De Gewesten Buiten Java En Madura, Staatsblad* 1927:227).

Reglemen Indonesia yang diperbaharui (*Het Herziene Inlandsch Reglement, Staatsblad* 1941:44).

Retnowulan Sutantio dan Iskandar Oeripkartawinata. (2019). *Hukum Acara Perdata dalam Teori dan Praktek*. Bandung: CV. Mandar Maju.

Ronny Hanitijo Soemitro. (1988). *Metode Penelitian Hukum dan Jurimetri*. Jakarta: Ghalia Indonesia.

Ronny Hanitijo Soemitro. (1990). *Metodologi Penelitian Hukum dan Jurimetri*. Jakarta: Ghalia Indonesia,

Soerjono Soekanto dan Sri Mamudji. (2001). *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*. Jakarta: PT RajaGrafindo Persada.

Soerjono Soekanto dan Sri Mamudji. (2007). *Pengantar Penelitian Hukum*. Jakarta: Universitas Indonesia.

Soerjono Soekanto. (2006).*Pengantar Penelitian Hukum*. Jakarta: Universitas Indonesia Press.

Sufiarina, S., & Fakhirah, E. L. (2014). Kewajiban Upaya Nonajudikasi Sebagai Syarat Mendaftarkan Gugatan Guna Mewujudkan Peradilan Sederhana, Cepat, dan Biaya Ringan (Tinjauan atas Perma No. 1 Tahun 2008). *PADJADJARAN JURNAL ILMU HUKUM (JOURNAL OF LAW)*, *1*(1).

Sukimin, S., & Wijaya, W. S. W. P. (2022). Konsep Mediasi Dalam Penyelesaian Sengketa Tata Usaha Negara Berbasiskan Nilai Keadilan Pancasila. *Jurnal Ilmiah Galuh Justisi*, *10*(1), 133-159.

Tim Redaksi Kamus Besar Bahasa Indonesia Pusat Bahasa Departemen Pendidikan Indonesia. (2008). *Kamus Besar Bahasa Indonesia Pusat Bahasa*. Jakarta: PT Gramedia Pustaka Utama.

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

Undang-Undang Negara Republik Nomor 5 Tahun 1986 tentang *Peradilan Tata Usaha Negara*.

Undang-Undang Negara Republik Nomor 9 Tahun 2004 tentang *Perubahan atas Undang-Undang Negara Republik Nomor 5 Tahun 1986* tentang *Peradilan Tata Usaha Negara*.

Undang-Undang Negara Republik Nomor 48 Tahun 2009 tentang *Kekuasaan Kehakiman*

Undang-Undang Nomor Negara Republik 51 Tahun 2009 tentang *Perubahan Kedua Atas Undang-Undang Negara Republik Nomor 5 Tahun 1986* tentang *Peradilan Tata Usaha Negara*.

Pengadilan Negeri Bale Bandung Kelas IA, *"Prosedur Mediasi*", https://pn-balebandung.go.id/prosedur-mediasi.html, diakses: 5 Maret 2022.

Peraturan Mahkamah Agung Nomor 1 Tahun 2016 tentang *Prosedur Mediasi di Pengadilan*.

Puspitosari, H. (2014). Mediasi Dalam Rangka Asas Peradilan Cepat Biaya Murah Dalam Upaya Penyelesaian Terjadinya Sengketa Di Peradilan Tata USAha Negara. *RATU ADIL*, *3*(2).