

ASPEK HUKUM PEMBUKTIAN DAN PERLINDUNGAN HAK DALAM ADMINISTRASI PUBLIK: ANALISIS YURIDIS TERHADAP PROSES ADMINISTRASI DAN SENGKETA TATA USAHA NEGARA

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Abstract

Public administration in Indonesia faces a crucial challenge in maintaining a balance between the authority of civil servants and the protection of citizens' rights through fair evidentiary mechanisms and effective dispute resolution, as stipulated in Law No. 5 of 1986 on Administrative Courts and Law No. 30 of 2014 on Government Administration. This article analyses the legal aspects of evidence under the principle of the reversed burden of proof, which requires civil servants to prove the validity of administrative acts through at least two valid forms of evidence (documents, witnesses, experts, admissions, and judicial knowledge), as well as the hierarchy of rights protection through preventive administrative measures, Ombudsman oversight, and remedial actions in the Administrative Court (PTUN) that guarantee the annulment of illegal decisions along with compensation for material and non-material damages. A normative legal approach using a statute approach and analysis of court rulings reveals key challenges such as unequal access to information, weak enforcement of rulings, and regulatory fragmentation that hinder good governance; consequently, recommendations include amending the Administrative Court Law to mandate digital evidence, strengthening enforcement sanctions, and digitising administrative processes to realise the rule of law and human rights-oriented bureaucratic accountability.

Keywords: *administrative evidence, reversed burden of proof, protection of rights, public administration, Administrative Court disputes, AUPB, good governance, enforcement of rulings, administrative measures, Indonesian Ombudsman*

Abstrak

Administrasi publik di Indonesia menghadapi tantangan krusial dalam menjaga keseimbangan antara kewenangan pejabat Tata Usaha Negara (TUN) dan perlindungan hak warga negara melalui mekanisme pembuktian yang adil serta penyelesaian sengketa yang efektif, sebagaimana diatur dalam UU No. 5 Tahun 1986 tentang Peradilan TUN dan UU No. 30 Tahun 2014 tentang Administrasi Pemerintahan. Artikel ini menganalisis yuridis aspek pembuktian dengan prinsip *reversed burden of proof* yang mewajibkan pejabat membuktikan sahnya KTUN melalui minimal dua alat bukti sah (surat, saksi, ahli, pengakuan, pengetahuan hakim), serta hirarki perlindungan hak melalui upaya administratif preventif, pengawasan Ombudsman, dan gugatan represif di PTUN yang menjamin pembatalan keputusan ilegal beserta ganti rugi materiil-immateriil. Pendekatan yuridis normatif dengan *statute approach* dan analisis putusan pengadilan mengungkap tantangan utama berupa ketimpangan akses informasi, lemahnya eksekusi putusan, dan fragmentasi regulasi yang menghambat *good governance*, sehingga rekomendasi mencakup amandemen UU PTUN untuk bukti digital wajib, penguatan sanksi eksekusi, serta digitalisasi proses administratif guna mewujudkan supremasi hukum dan akuntabilitas birokrasi yang berorientasi pada hak asasi manusia.

Kata Kunci: pembuktian TUN, *reversed burden of proof*, perlindungan hak, administrasi publik, sengketa PTUN, AUPB, *good governance*, eksekusi putusan, upaya administratif, Ombudsman RI