A STATE ADMINISTRATIVE LAW REVIEW OF THE MINISTER OF ENVIRONMENT AND FORESTRY'S DECISION ON THE DESIGNATION OF FOREST AREAS SUSPECTED OF INVOLVING ABUSE OF AUTHORITY (A STUDY OF JAKARTA STATE ADMINISTRATIVE COURT DECISION NUMBER 388/G/2024/PTUN.JKT)

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Abstract

The designation of forest areas constitutes an attributive authority of the government in the framework of sustainable natural resource management. However, in practice, the implementation of such authority may give rise to administrative disputes if it is not carried out in accordance with statutory regulations and the General Principles of Good Governance (AUPB). This study aims to analyze the legality of the Decree of the Minister of Environment and Forestry concerning the Designation of Forest Areas in South Kalimantan Province and to examine whether the decree contains elements of abuse of authority from the perspective of State Administrative Law. This research employs a normative juridical method using both statutory and case approaches through the analysis of the Decision of the Jakarta State Administrative Court Number 388/G/2024/PTUN.JKT. The results show that the disputed object, in the form of a state administrative decision, fulfills the elements of being concrete, individual, and final, thereby falling within the jurisdiction of the State Administrative Court for judicial review. Furthermore, indications of abuse of authority are analyzed through aspects of authority, procedure, and substance, as well as their conformity with the principles of good governance. Therefore, the judicial review of the legality of state administrative decisions serves as an important instrument in ensuring legal protection for the public against governmental actions.

Keywords: *abuse of authority, state administrative law, state administrative decision, forest area designation, State Administrative Court.*

A. Introduction

The rule of law serves as the foundation of State Administrative Law because the implementation of executive duties and powers requires a clear legal basis.[1] The principle of the rule of law emphasizes that every governmental action must be based on lawful authority[2] and carried out in accordance with applicable laws and regulations. Government administration must ensure that its functions and duties are exercised in accordance with

[1] Elidar Sari, Hukum Administrasi Negara (Lhokseumawe, Aceh: Penerbit BieNa Edukasi, 2014), p. 20.
[2] Yusri Munaf, Hukum Administrasi Negara (Pekanbaru, Riau: Marpoyan Tujuh Publishing, 2015), p. 53.

statutory provisions.[3] These principles establish legal boundaries for the exercise of governmental power and serve as a basis for assessing the legality of administrative decisions.

Indonesia, as a state governed by the rule of law,[4] requires the government, as the administrator of state administrative authority, to exercise its powers in accordance with applicable laws and regulations[5] and the principles of good governance. State administrative officials are also granted discretionary authority to enable them to perform their duties effectively.[6] The exercise of discretion must remain within the limits established by law to prevent arbitrary decisions and abuse of authority. Compliance with these legal boundaries is essential to ensure that governmental actions remain accountable and do not infringe upon the rights of individuals or legal entities.

One form of governmental authority in the field of State Administrative Law is the designation of forest areas by the Minister of Environment and Forestry. This authority is based on the concept of attribution, namely the granting of governmental authority through the Constitution or legislation.[7] Forest area designation constitutes an administrative measure intended to support the management and protection of natural resources in a sustainable manner. The implementation of this authority must comply with applicable legal provisions and the principles of good governance. Disputes may arise when a forest area designation affects existing land rights or creates legal uncertainty for individuals and private legal entities.

An example of an administrative law dispute concerning forest area designation is the case decided by the Jakarta State Administrative Court under Decision Number 388/G/2024/PTUN.JKT. The dispute concerned a decision issued by the Minister of Environment and Forestry regarding the designation of forest areas in South Kalimantan Province. The decision was alleged to have harmed the plaintiff's rights by including land subject to a Right to Cultivate (Hak Guna Usaha or HGU), which had been held since 1999, within a designated forest area. This situation raises legal questions regarding the relationship between the government's authority to designate forest areas and the protection of existing land rights.

The dispute raises questions regarding the legality of the administrative decision and the possibility of abuse of authority in its issuance. An examination from the perspective of State

[3] Nasaruddin Umar and Nadhifah Attamimi, Pengantar Hukum Administrasi Negara dan Mekanisme Pengawasan Notaris di Indonesia (LP2M IAIN Ambon, 2020), p. 67.
[4] Utang Rosidin, Hukum Tata Negara (Bandung: Penerbit Widina, 2022), p. 1.
[5] I Nyoman Gede Remaja, Buku Ajar Hukum Administrasi Negara (Singaraja: Faculty of Law, Universitas Panji Sakti, 2017), p. 20.
[6] Wijaya, Emiliana, Aris, *Buku Ajar, Good Governance (Tata Kelola Pemerintahan Yang Baik)*, Penerbit Pustaka Magister, Jawa Tengah, 2018, hlm. 39.
[7] Yusri Munaf, *Hukum Administrasi Negara*, Penerbit Marpoyan Tujuh Publishing, Pekan Baru-Riau, 2015, hlm. 54.

Administrative Law is necessary to determine whether the decision was issued in accordance with applicable laws and regulations and the General Principles of Good Governance (Asas-Asas Umum Pemerintahan yang Baik or AUPB). This study therefore examines the legality of the Minister of Environment and Forestry's Decision concerning Forest Area Designation in Jakarta State Administrative Court Decision Number 388/G/2024/PTUN.JKT. It also analyzes whether the decision contains elements of abuse of authority when assessed against the General Principles of Good Governance.

B. Research Method

This study employs a normative juridical research method, which involves "examining library materials or secondary data alone."[8] The research focuses on analyzing legal norms contained in legislation, court decisions, and legal doctrines relating to State Administrative Law. The approaches used in this study consist of the statutory approach[9] and the case approach.[10] These approaches are applied to examine the legal basis for governmental authority and assess the legality of administrative decisions concerning forest area designation.

The statutory approach is conducted by examining the provisions of Law Number 30 of 2014 concerning Government Administration, Law Number 5 of 1986 concerning State Administrative Courts, as most recently amended by Law Number 51 of 2009, and other relevant regulations governing forest area designation. This approach aims to identify and analyze the applicable legal provisions governing the exercise of governmental authority, the issuance of administrative decisions, and the prevention of abuse of authority.

The case approach is conducted through an analysis of Jakarta State Administrative Court Decision Number 388/G/2024/PTUN.JKT, which serves as the primary object of this study. The analysis focuses on assessing the legality of the state administrative decision under dispute and examining the legal considerations underlying the court's decision. Legal materials are collected through a literature study involving relevant primary,[11] secondary,[12] and tertiary legal materials.[13] Primary legal materials include legislation and court decisions, while secondary legal materials consist of legal literature, scholarly books, and other academic

[8] Soerjono Soekanto and Sri Mamudji, Penelitian Hukum Normatif: Suatu Tinjauan Singkat (Depok: PT RajaGrafindo Persada, 2019), p. 13.
[9] Ishaq, Metode Penelitian Hukum dan Penulisan Skripsi, Tesis, serta Disertasi (Bandung: CV Alfabeta, 2017), p. 68.
[10] Ibid., p. 68.
[11] Soerjono Soekanto, *Pengantar Penelitian Hukum,* UI Press, 2015, hlm. 52.
[12] *Op. Cit*., hlm. 68.
[13] *Ibid*., hlm. 68.

publications. Tertiary legal materials are used to support the understanding of legal terminology and concepts relevant to the research problem.

C. Discussion

1. Legal Analysis of the Minister of Environment and Forestry's Decision on Forest Area Designation in Jakarta State Administrative Court Decision Number 388/G/2024/PTUN.JKT from the Perspective of State Administrative Law

From the perspective of State Administrative Law, a state administrative decision must satisfy the elements stipulated in the State Administrative Court Law, namely that it is "based on applicable laws and regulations, concrete, individual, and final in nature, and produces legal consequences for an individual or civil legal entity."[14]

a. Examination of the Elements of a State Administrative Decision

Based on Article 1 point 9 of the State Administrative Court Law, a decision may be classified as a State Administrative Decision (Keputusan Tata Usaha Negara or KTUN) if it fulfills the following elements: a written determination; issued by a state administrative body or official; concrete, individual, and final in nature; and produces legal consequences for an individual or civil legal entity.

In this case, Minister of Environment and Forestry Decision Number SK.1240/MENLHK/SETJEN/PLA.2/11/2023 fulfills these elements for the following reasons. First, regarding the written determination element, the decision is a formal administrative instrument concerning the designation of forest areas. Second, regarding the element of being issued by a state administrative official, the decision was issued by the Minister of Environment and Forestry in the capacity of a government administrative official. Third, regarding the concrete element, the decision designates a specific geographical area, namely the Forest Area of South Kalimantan Province. Fourth, regarding the individual element, the decision directly affects a particular legal subject, namely the holder of the Right to Cultivate (Hak Guna Usaha or HGU) held by PT Alamraya Kencana Mas. Fifth, regarding the final element, the decision is considered final because it does not require approval from another institution and directly produces legal consequences.

Accordingly, from a formal perspective, the decision qualifies as an object of dispute before the State Administrative Court.

[14] Law of the Republic of Indonesia Number 5 of 1986 concerning State Administrative Courts

b. Examination of the Principle of Legality: Authority, Procedure, and Substance

In modern State Administrative Law, legality is not assessed solely on the basis of formal authority but also encompasses the manner in which that authority is exercised.

1) Authority Aspect

The authority of the Minister of Environment and Forestry to designate forest areas is fundamentally derived from the attribution of authority granted directly by legislation governing the forestry sector.

Attribution refers to authority granted by the lawmaker to a state administrative organ, whereby an authority that previously did not exist is established.[15] Authority obtained through attribution is original in nature because it derives directly from valid and original legislation.[16]

This attribution of authority provides a legal basis for the Minister to designate, modify, or affirm the status of forest areas as part of the government's administrative functions in the fields of environmental protection and forestry. Nevertheless, this authority is not unlimited. It is bound by specific objectives, including ensuring the sustainability of ecological functions, protecting the environment, and maintaining legal certainty in forest area management in accordance with the rule of law and the principles of good governance.

Accordingly, the Minister of Environment and Forestry possesses a legally recognized basis of authority to designate forest areas. The exercise of this authority, however, must remain subject to an assessment of whether it is consistent with the purposes for which the authority was granted. Every decision issued must reflect the objective of protecting forest functions and the environment and must not deviate from the legislative intent underlying the relevant laws. From the perspective of State Administrative Law, the exercise of such authority must therefore be examined in accordance with the principle of legality, the objectives of the authority granted, and the General Principles of Good Governance (Asas-Asas Umum Pemerintahan yang Baik or AUPB).

2) Procedural Aspect

In this case, several issues arise concerning the administrative procedures associated with the designation of the forest area, including:

[15] Elidar Sari, Hukum Administrasi Negara (Lhokseumawe, Aceh: Penerbit BieNa Edukasi, 2014), p. 57.
[16] Imam Mahdi and Iskandar Zulkarnain Oktaria, Hukum Administrasi Negara (Bogor: IPB Press, 2013), p. 51.

a) The absence of effective involvement of affected parties in the designation process.
b) Limited transparency regarding the change in the status of land subject to an HGU into a designated forest area.
c) Alleged delays or inaccuracies in notifying the holder of the relevant rights about the decision.

Under State Administrative Law, procedural violations may constitute procedural defects (procedurele gebreken) that can potentially result in the annulment of an administrative decision.

These issues are related to the following principles:

a) The Principle of Openness

The principle of openness requires the government to recognize the public's right to obtain accurate, honest, and nondiscriminatory information concerning state administration, while continuing to protect personal rights, the interests of particular groups, and state secrets.[17]

b) The Principle of Carefulness

Government decisions must be made carefully, supported by thorough analysis, and based on comprehensive consideration of relevant aspects to prevent errors that may harm the public.[18]

3) Substantive Aspect

From a substantive perspective, the inclusion of land subject to an HGU granted in 1999 within a designated forest area raises several legal issues, including:

a) Potential conflicts between existing land rights under an HGU and the designation of forest areas.
b) Legal uncertainty concerning the status of land that has already been granted valid legal authorization.
c) Potential inconsistencies between land tenure records and the designation of forest areas.

An administrative decision that disregards existing factual conditions and legal status may violate the following principles:

[17] Safri Nugraha, Laporan Akhir Tim Kompendium Bidang Hukum Pemerintahan yang Baik (Jakarta: Badan Pembinaan Hukum Nasional, 2007), p. 15.
[18] Fajar Tri Kesuma et al., "Tinjauan Yuridis Terhadap Prinsip Asas Kecermatan Pada Putusan Nomor: 123/G/2019/PTUN-BDG," Nusantara: Jurnal Ilmu Pengetahuan Sosial, vol. 12, no. 5 (2025), p. 1885.

a) The Principle of Careful Government Action

The government must consistently exercise caution to avoid causing harm to members of the public. One example is the government's obligation to provide warning signs on roads undergoing repairs to prevent accidents resulting from the repair work.[19]

b) The Principle of Legal Certainty

The principle of legal certainty requires respect for rights that an individual has acquired through a decision issued by a state administrative body or official. This principle ensures legal certainty for the recipient of an administrative decision and requires the government to recognize licenses or authorizations that it has previously granted.[20]

c) The Principle of Prohibition of Abuse of Authority

Decisions made by government officials or institutions must be based on the authority granted by the state and exercised in accordance with the purposes for which that authority was conferred.[21]

d) The Principle of Legality

Every governmental action must be based on applicable law. All administrative policies and decisions must therefore have a clear legal basis.[22]

c. Conclusion of the Legality Analysis

The decision formally fulfills the elements of a State Administrative Decision and therefore qualifies as an object of dispute before the State Administrative Court. Substantively, however, potential legal issues remain, particularly concerning procedural compliance and the substance of the decision. These issues may serve as grounds for further judicial examination by the State Administrative Court.

2. Analysis of the Elements of Abuse of Authority in the Minister of Environment and Forestry's Decision Based on the General Principles of Good Governance

Article 1 point 6 of Law of the Republic of Indonesia Number 28 of 1999 concerning the Implementation of a State that Is Clean and Free from Corruption, Collusion, and Nepotism defines the General Principles of Good Governance as principles that uphold

[19] Bewa Ragawino, Hukum Administrasi Negara (Bandung: FISIP Universitas Padjadjaran, 2006), p. 42.
[20] Sahya Anggara, Hukum Administrasi Negara (Bandung: Pustaka Setia, 2018), p. 81.
[21] Dessy Agustina Harahap, Pengantar Hukum Administrasi Negara (Medan: Enam Media, 2020), p. 73.
[22] Agus Wibowo, Hukum Administrasi Publik (Semarang: Yayasan Prima Agus Teknik, 2023), p. 2.

moral standards, propriety, and legal norms in order to establish state administration that is clean and free from corruption, collusion, and nepotism.[23]

Abuse of authority in State Administrative Law is regulated under Articles 17 and 18 of Law Number 30 of 2014 concerning Government Administration. In principle, abuse of authority occurs when government officials exceed their authority, conflate or misuse their authority by exercising it beyond its proper scope or purpose, or act arbitrarily.

a. Examination of the Authority Aspect (Detournement de Pouvoir)

From a normative perspective, the Minister of Environment and Forestry possesses the authority to designate forest areas. Abuse of authority may nevertheless occur if:

1) The authority is exercised inconsistently with the legal purposes for which it was granted.
2) The decision causes disproportionate harm to a legitimate rights holder.

In this case, the designation of the forest area appears to have affected land subject to an HGU that had been legally granted since 1999. This situation raises the question of whether the objective of forest protection was pursued appropriately or whether the protection of previously established rights was disregarded. These circumstances warrant further examination of whether the authority was exercised in accordance with its legally prescribed purpose.

b. Examination of the Procedural Aspect as an Indicator of Abuse of Power

Abuse of authority may also be examined through potential violations of administrative procedures, including:

1) The lack of an optimal notification mechanism for the HGU holder.
2) The lack of clarity concerning the objection mechanism available before the decision became final.
3) Restrictions on effective access to administrative remedies.

Under the theoretical framework of the General Principles of Good Governance, procedural violations may indicate maladministration and potentially point to abuse of authority. Such indications must nevertheless be assessed against the relevant legal provisions and the factual circumstances established in the case.

c. Examination of the Substantive Aspect and Legal Consequences

[23] Bewa Ragawino, Hukum Administrasi Negara (Bandung: FISIP Universitas Padjadjaran, 2006), p. 44.

From a substantive perspective, a decision that changes the status of land subject to an HGU into a designated forest area may produce significant legal consequences, including:

1) The loss or restriction of the HGU holder's rights to control and use the land.
2) Financial obligations in the form of Forest Resources Provision (Provisi Sumber Daya Hutan or PSDH) and Reforestation Funds (Dana Reboisasi).
3) Legal uncertainty concerning investments and business activities.

A decision that is not based on accurate data and fails to consider previously established rights may be considered inconsistent with the following principles:

a) The principle of legality.
b) The principle prohibiting the abuse of power.
c) The principle of equal rights for all residents.
d) The principle of legal certainty.
e) The principle of carefulness.
f) The principle concerning the annulment of administrative decisions resulting from negligence or carelessness in administrative decision-making.[24]

d. Relationship between the Decision and the General Principles of Good Governance

The Minister of Environment and Forestry's decision concerning forest area designation in this case must be examined in light of the General Principles of Good Governance, particularly the principle of legal certainty. The case involves a potential conflict between the status of land subject to an HGU granted in 1999 and the designation of a forest area in 2023. This inconsistency creates legal uncertainty concerning the land rights legally held by the plaintiff and may undermine the stability of legal protection within the country's land administration and forestry governance systems.

The principle of carefulness is also an important consideration in examining the decision. This principle requires state administration to exercise caution in its actions to avoid causing harm to members of the public.[25] In this case, there are indications of potential inaccuracies in land tenure data, particularly concerning the existence of land subject to an HGU that has long been used for plantation activities. If the forest area designation was carried out without comprehensive verification of the factual

[24] Ibid., p. 50.
[25] Ibid., p. 82.

conditions and legal status of the land, the decision may be considered administratively deficient in terms of carefulness.

The principles of openness and the prohibition of abuse of authority are also relevant to the examination of this case. The principle of openness requires adequate access to information for affected parties. The case raises concerns about the possibility that the HGU holder received insufficient information before the forest area designation was issued. Meanwhile, the prohibition of abuse of authority concerns the exercise of governmental powers for purposes inconsistent with those prescribed by law, particularly when a decision significantly diminishes or restricts existing rights. These considerations constitute important indicators in assessing the legality of state administrative action.

e. Conclusion of the Abuse of Authority Analysis

Based on the analysis, abuse of authority in this case cannot be regarded as conclusively established. Nevertheless, there are administrative indications that warrant further examination through the State Administrative Court. Such examination should focus particularly on the procedural and substantive aspects of the decision to determine whether the authority was exercised in accordance with applicable laws and the General Principles of Good Governance.

D. Closing

The Decision of the Minister of Environment and Forestry concerning the Designation of Forest Areas in South Kalimantan Province constitutes a state administrative decision that fulfills the elements required to qualify as an object of dispute before the State Administrative Court. This is because the decision is written, concrete, individual, and final, and it produces legal consequences for the plaintiff.

Furthermore, from the perspective of State Administrative Law, the alleged abuse of authority in the issuance of the decision can be examined through the aspects of authority, procedure, and substance in relation to the General Principles of Good Governance (AUPB). Judicial review of the legality of state administrative decisions through the State Administrative Court therefore serves as an important mechanism for providing legal protection to the public against governmental administrative actions that may violate the law.

In view of these considerations, the government, as the administrator of state affairs, needs to ensure that every state administrative decision issued complies with applicable laws

and regulations and the General Principles of Good Governance. Such compliance is essential to prevent administrative disputes from arising in the future and to ensure that governmental authority is exercised in accordance with the law.

The government should also strengthen transparency and public participation in the forest area designation process. These measures are necessary to ensure that decisions concerning forest areas provide legal certainty and adequate protection for the rights of affected communities and legal entities.

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C. Legislation

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