

Legal Vacuum in the Establishment of Positive Fictitious Administrative Decisions in Indonesia after the Job Creation Law

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ABSTRACT

This article examines the normative vacuum governing positive fictitious administrative decisions in Indonesia after the amendment of Article 53 of Law Number 30 of 2014 on Government Administration through the Job Creation Law. The amendment removed the previous mechanism of judicial confirmation before the State Administrative Court (Pengadilan Tata Usaha Negara, PTUN) and delegated further procedural regulation to a Presidential Regulation. However, the mandated implementing regulation has not been issued, producing uncertainty regarding procedure, legal form, evidentiary status, institutional authority, and enforceability. Using normative legal research with statutory, conceptual, comparative, and case approaches, this article analyzes primary legal materials, selected PTUN decisions, and relevant legal doctrine. The findings show that the regulatory gap creates three interrelated problems: a disruption between statutory recognition and administrative enforceability, inconsistent judicial reasoning concerning PTUN jurisdiction, and inadequate protection of citizens whose applications are deemed granted by operation of law but cannot be effectively evidenced or executed. The article argues that Indonesia requires a clear regulatory framework that combines administrative efficiency with legal certainty and judicial control. It proposes the adoption of a Positive Fictitious Administrative Certificate as a formal evidentiary instrument, a categorical limitation of applications eligible for positive fictitious effect, a residual judicial oversight mechanism before PTUN, official accountability for administrative silence, and integration with electronic administrative systems. These reforms would bridge the gap between the legal recognition of positive fictitious decisions and their practical enforceability while strengthening the rule of law, good governance, and effective legal protection in public administration.

Keywords: positive fictitious administrative decision; legal vacuum; legal certainty; administrative law; State Administrative Court; Job Creation Law

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INTRODUCTION

The administration of government in a state governed by law is inseparable from the principle of legality. Every governmental decision and action must have a legal basis, must be exercised within the limits of public authority, and must remain subject to accountability. In Indonesian administrative law, legality is expressly recognized under Article 5 of Law Number 30 of 2014 on Government Administration, together with the protection of human rights and the general principles of good governance (Asas-Asas Umum Pemerintahan yang Baik, AUPB) (Republic of Indonesia, 2014). The elucidation of Article 5 affirms that government administration must prioritize legal authority for every decision or action. Similarly, the State Administrative Court Law defines state administrative agencies or officials as bodies or officials exercising government affairs based on prevailing laws and regulations (Republic of Indonesia, 1986; Effendi & Poernomo, 2019).

Within this framework, the principle of legality operates as a safeguard against the abuse of power. It requires that public authority be exercised not merely for administrative convenience, but in accordance with statutory competence, procedural propriety, and substantive justice. This principle is particularly important where government officials remain silent or fail to respond to citizens' applications. Administrative silence may appear to be non-action, yet the law may attach legal consequences to such silence. Consequently, the legal construction of fictitious administrative decisions occupies a critical position in the relationship between administrative efficiency and legal protection.

The concept of fictitious administrative decisions in Indonesia initially developed through Article 3 of Law Number 5 of 1986 on the State Administrative Court. Under that provision, if a state administrative agency or official failed to issue a requested decision within the legally prescribed period, the application was deemed rejected. This was known as the negative fictitious decision, because governmental silence was treated as a legal refusal (Irvansyah, 2022; Republic of Indonesia, 1986). The model changed significantly after the enactment of Law Number 30 of 2014 on Government Administration. Article 53 required government officials to decide an application within the time limit provided by sectoral legislation, or within ten working days if no specific period was prescribed. If the official failed to act, the application was deemed legally granted. This construction is commonly known as the positive fictitious administrative decision (*keputusan fiktif positif*).

Under the original formulation of Article 53, the positive fictitious effect was not self-executing in practical terms. Applicants still had to submit a petition to PTUN to obtain a judicial ruling confirming that the application was deemed accepted. This mechanism was designed to transform a statutory presumption into an enforceable legal basis. Supreme Court Regulation Number 8 of 2017 further provided procedural guidelines for obtaining a court decision on the acceptance of an application to obtain a government decision and/or action (Supreme Court of the Republic of Indonesia, 2017; Wulandari, 2020). The court's role therefore functioned as a mechanism of legal validation, evidentiary certainty, and administrative enforceability.

A fundamental transformation occurred after the enactment of the Job Creation Law, which was subsequently stipulated as Law Number 6 of 2023. Through Article 175, the Job Creation Law amended Article 53 of the Government Administration Law. The amendment removed the explicit mechanism for submitting positive fictitious applications to PTUN and delegated further regulation of the determination procedure to a Presidential Regulation (Republic of Indonesia, 2023). The policy objective was to simplify bureaucracy and accelerate administrative services by shifting from a judicially validated model to an administratively implemented model. Yet the expected Presidential Regulation has not been enacted. This creates a normative vacuum concerning the procedures, legal form, evidentiary mechanism, competent authority, and implementation of positive fictitious administrative decisions.

This vacuum cannot be treated as a merely technical delay. Positive fictitious decisions are premised on the assumption that governmental silence may produce legal approval. However, such an assumption cannot be universally applied to all administrative matters. Some applications implicate third-party rights, public assets, public services, environmental interests, regulatory compliance, licensing standards, or broader public order considerations. Without substantive limitations and procedural

safeguards, automatic approval may generate conflicts of interest and legal risk for both citizens and government officials (Wulandari, 2020). Conversely, without any formal mechanism to prove the deemed approval, citizens may hold only an abstract right that cannot be used or enforced in administrative practice.

Previous studies have discussed the development, legal consequences, and implementation challenges of positive fictitious decisions after the Job Creation Law. Abrianto et al. (2023) examined the consequences of governmental silence and the protection available to applicants. Yuniza and Inggarwati, as discussed in the existing literature, focused on opportunities and challenges arising after the Job Creation Law. Other studies have analyzed the changing authority of PTUN, the ambivalence of post-Job Creation adjudication, and the relationship between positive fictitious decisions and legal certainty (Umar, 2023; Wicaksono et al., 2021; Roychan, 2023). Nevertheless, the present article advances the discussion by formulating a regulatory design that links the legal status of positive fictitious decisions to administrative proof, judicial oversight, and institutional accountability.

The novelty of this article lies in the proposal of a Positive Fictitious Administrative Certificate as a formal evidentiary instrument. Such a certificate would not create the positive fictitious decision itself; rather, it would certify that the statutory conditions for the emergence of the decision have been fulfilled. This proposal is supported by comparative insights from Spanish administrative law, in which acts produced by administrative silence may be evidenced by a certificate and may be relied upon before administrative bodies and third parties (Spain, 2015, art. 24). By adapting this model to Indonesia's administrative system, the article seeks to bridge the gap between statutory recognition and practical enforceability.

This article addresses three research questions: first, what forms of normative vacuum arise in the regulation of positive fictitious administrative decisions after the Job Creation Law; second, how does this vacuum affect legal certainty and legal protection in public administration; and third, what regulatory framework should be adopted to ensure that positive fictitious decisions operate effectively without undermining public interest, good governance, and judicial control?

METHOD

This study employs normative legal research, because the central problem concerns the interpretation, coherence, validity, and implementation of legal norms governing positive fictitious administrative decisions. Normative legal research is appropriate where the object of inquiry is not social behavior as such, but the structure of legal rules, legal principles, legal doctrines, and judicial reasoning that determine how a legal institution should operate.

The study uses four approaches. First, the statutory approach examines the relevant hierarchy of legal instruments, including Law Number 5 of 1986 on the State Administrative Court as amended by Law Number 9 of 2004 and Law Number 51 of 2009, Law Number 30 of 2014 on Government Administration, Law Number 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation as Law, and Supreme Court Regulation Number 8 of 2017. Second, the conceptual approach analyzes doctrines of legality, legal certainty, administrative silence, delegated legislation, and positive fictitious administrative decisions. Third, the case approach examines selected PTUN decisions after the Job Creation Law,

namely Decision Number 5/P/FP/2021/PTUN-JKT, Decision Number 15/P/FP/2021/PTUN.SBY, Decision Number 7/P/FP/2021/PTUN.PBR, and Decision Number 1/P/FP/2022/PTUN.GTO. Fourth, the comparative approach uses Spanish administrative law, particularly Article 24 of Ley 39/2015, as a reference point for designing an evidentiary mechanism for decisions arising from administrative silence.

The legal materials consist of primary legal materials, secondary legal materials, and tertiary supporting materials. Primary legal materials include statutes, Supreme Court regulations, circular guidance where relevant, and court decisions. Secondary legal materials include books, journal articles, legal commentaries, and doctrinal writings on administrative law, legal certainty, and fictitious decisions. Tertiary materials include legal databases and official explanatory materials used to support legal interpretation.

The analysis is qualitative and prescriptive. It first identifies the legal changes introduced by the Job Creation Law and the resulting regulatory gap. It then evaluates the implications of the gap through theories of norm hierarchy and legal certainty, as well as through divergent judicial reasoning in selected cases. Finally, it formulates a regulatory framework that can be adopted in a Presidential Regulation or other appropriate implementing instrument. The study is limited to doctrinal analysis of legal materials and does not include empirical interviews with judges, public officials, or applicants.

RESULTS AND DISCUSSION

3.1. Normative Transformation of Positive Fictitious Administrative Decisions

The regulation of positive fictitious administrative decisions was initially introduced as a legal protection mechanism against administrative inaction. Under Article 53 of Law Number 30 of 2014, the failure of a government agency or official to issue a decision within the prescribed period resulted in the application being deemed legally granted (Republic of Indonesia, 2014). This represented a normative reversal from the earlier negative fictitious model under Article 3 of the State Administrative Court Law, where silence was deemed a rejection (Republic of Indonesia, 1986; Irvansyah, 2022).

The original formulation of Article 53 did not leave the applicant with a bare legal fiction. The applicant could petition PTUN for a ruling confirming that the application was accepted. Through this ruling, the legal presumption of acceptance was converted into a concrete and enforceable legal basis. Supreme Court Regulation Number 8 of 2017 operationalized this mechanism by regulating procedural requirements, evidentiary matters, and the special proceeding for obtaining a decision on the acceptance of an application (Supreme Court of the Republic of Indonesia, 2017; Roychan, 2023).

The Job Creation Law substantially altered this architecture. By removing the application mechanism to PTUN and delegating further procedural rules to a Presidential Regulation, the law sought to reduce judicial dependency and make administrative approval more efficient. However, this legislative choice also removed the institutional mechanism that had previously supplied validation, proof, and enforceability. In theory, the decision now arises automatically by operation of law. In practice, however, no detailed administrative instrument regulates how it is documented, verified, recognized, or implemented.

3.2. Legal Vacuum and the Problem of Delegated Legislation

A legal vacuum or *rechtsvacuum* arises when a substantive legal norm exists but the operational rules required for its implementation are absent. In the present context, the statutory norm recognizes that an administrative decision may arise from governmental silence, but the mandated Presidential Regulation has not been issued. The result is not the absence of a legal rule at the statutory level, but the absence of the procedural architecture needed to make that rule function.

This problem may be explained through Hans Kelsen's theory of hierarchical norms. A legal norm derives validity from a higher norm and must be integrated into a coherent normative structure. Where a statute delegates further regulation to a subordinate instrument, the continuity between general norm and implementing norm becomes essential for legal effectiveness (Kelsen, 1967; Jusuf & Mazin, 2023). Article 175 of the Job Creation Law delegates the procedure for determining positive fictitious administrative decisions to a Presidential Regulation. When that delegated norm is not enacted, the statutory provision remains formally valid but is difficult to apply effectively.

The vacuum concerns at least five matters. First, there is no clear procedure for applicants to request recognition of the deemed approval. Second, there is no prescribed legal form for a decision arising by operation of law. Third, there is no evidentiary mechanism by which applicants may prove that the statutory requirements have been fulfilled. Fourth, there is no clear allocation of authority to issue, certify, or confirm the decision. Fifth, there is no implementation mechanism for government agencies, third parties, or subsequent administrative processes. These gaps produce a discrepancy between legal recognition and administrative enforceability.

The absence of implementing regulation also creates institutional hesitation. Government officials may be reluctant to issue or recognize a positive fictitious decision because they lack procedural guidance and may fear legal consequences. Applicants, meanwhile, may be unable to prove the existence of the deemed decision. Thus, the reform intended to simplify bureaucracy may paradoxically produce administrative paralysis.

3.3. Legal Certainty, AUPB, and Protection of Citizens' Administrative Rights

Legal certainty is one of the general principles of good governance under Article 10(1)(a) of the Government Administration Law. The elucidation of this principle emphasizes the rule of law, statutory basis, propriety, consistency, and fairness in governmental administration (Republic of Indonesia, 2014). For positive fictitious decisions, legal certainty requires at least four elements: a clear time limit, a clear competent authority, a clear legal form, and a clear mechanism for implementation and dispute resolution.

The current regulatory condition does not adequately satisfy these elements. Although the law states that an application may be deemed granted by operation of law, there is no formal legal instrument evidencing the deemed approval. Consequently, citizens may hold a right that is normatively recognized but administratively unusable. This creates uncertainty in legal standing, because an applicant must be able to demonstrate a legally protected interest or right in order to pursue further administrative or judicial remedies.

Ridwan (2009) explains that administrative law has three central functions: regulating governmental conduct, structuring governmental authority and policy

implementation, and providing legal instruments for citizens and legal entities in their interactions with government. The present vacuum weakens all three functions. Government agencies lack guidance for action; administrative authority is not structured through operative procedures; and citizens lack an effective instrument for invoking, proving, or enforcing their rights.

This condition also undermines the purpose of the positive fictitious doctrine. The doctrine is intended to encourage public officials to respond to applications within a prescribed time and to protect citizens from administrative delay (Yasin, 2018). However, without an evidentiary and enforcement mechanism, the doctrine may fail to protect citizens. Worse, it may create legal risk because applicants who rely on deemed approval may later face administrative refusal, third-party objections, or allegations that no valid decision ever existed.

3.4. Divergent PTUN Decisions and Judicial Disharmony

The absence of a Presidential Regulation has produced inconsistent judicial responses. Some PTUN panels have interpreted the removal of the petition mechanism as eliminating absolute jurisdiction over positive fictitious applications. Others have continued to hear and grant such applications on the basis of legal protection, access to justice, and the absence of an alternative implementing mechanism. The following selected decisions illustrate the divergence.

Table 1. Selected PTUN Decisions on Positive Fictitious Applications after the Job Creation Law

Decision	Administrative object	Holding / ratio decidendi	Implication for legal certainty
5/P/FP/2021/PTUN-JKT	The applicant was the successful bidder for the 2021 Wanci Port Wharf Reinforcement Project and sought recognition of a deemed administrative decision.	The application was declared inadmissible because the court considered that, after the Job Creation Law, PTUN no longer possessed absolute jurisdiction over positive fictitious applications.	The decision reflects a literal interpretation of the statutory amendment and leaves applicants without judicial confirmation when no alternative administrative mechanism exists.
15/P/FP/2021/PTUN.SBY	The applicant claimed long-standing lawful control over former private estate state land and requested recognition of the administrative consequence of official silence.	The court accepted jurisdiction and considered that the application could still be examined to protect the applicant where no implementing Presidential Regulation had been issued.	The decision prioritizes access to justice and legal protection, but also illustrates uncertainty regarding the continued scope of PTUN authority.
7/P/FP/2021/PTUN.PBR	The object was the failure of the Village Head of Teluk Mega to issue a land information certificate requested by the applicant.	The court granted the application and ordered the requested administrative response, treating judicial protection as necessary in the absence of a clear alternative procedure.	The ruling provides practical protection for the applicant but contributes to inconsistent national practice because other courts rejected similar applications.
1/P/FP/2022/PTUN.GTO	The case concerned the silence of the Head of the Land Office of Gorontalo Regency regarding a request relating to compensation payment for	The court held that PTUN lacked absolute jurisdiction after the amendment of Article 53 and declared the	The ruling confirms the post-Job Creation jurisdictional problem and demonstrates that applicants may be denied a forum despite

Decision	Administrative object	Holding / ratio decidendi	Implication for legal certainty
	land affected by the Gorontalo Outer Ring Road project.	application inadmissible.	statutory recognition of deemed approval.

The table shows that the same statutory change generated opposing judicial outcomes. In Decisions Number 5/P/FP/2021/PTUN-JKT and Number 1/P/FP/2022/PTUN.GTO, the courts treated the statutory amendment as eliminating PTUN jurisdiction. In Decisions Number 15/P/FP/2021/PTUN.SBY and Number 7/P/FP/2021/PTUN.PBR, the courts maintained a protective judicial role because no implementing Presidential Regulation had replaced the previous mechanism. This divergence confirms that the problem is not merely theoretical; it directly affects applicants' legal standing, evidentiary position, and access to remedies.

3.5. *Ius Curia Novit*, Jurisdiction, and the Limits of Judicial Gap-Filling

The divergent decisions raise a deeper question concerning the relationship between *ius curia novit* and jurisdiction. Courts may not refuse to examine a case solely because the law is unclear or incomplete. This principle supports judicial responsibility to provide legal protection where legal ambiguity threatens citizens' rights. Nevertheless, a court cannot create jurisdiction where the legislature has expressly removed or failed to provide it. The problem after the Job Creation Law therefore lies not only in judicial interpretation, but in the absence of a clear institutional design.

Where courts declare applications inadmissible, applicants lose access to the judicial validation that previously enabled enforcement. Where courts continue to accept applications, their decisions may protect applicants but may also raise questions about the legal basis of jurisdiction after the statutory amendment. The result is uncertainty for applicants, government officials, and the judiciary. This is why the vacuum cannot be resolved solely through case-by-case judicial reasoning.

Subsequent Supreme Court guidance has attempted to manage the broader problem of administrative silence. For example, the 2024 Chamber Plenary formulation, implemented through Supreme Court Circular Letter Number 2 of 2024, treated certain government silence in the Minerba One Data Indonesia context as a refusal to issue an administrative decision under Article 3 of the State Administrative Court Law rather than as a factual omission (Supreme Court Registrar's Office, 2026). Such guidance demonstrates judicial responsiveness to regulatory uncertainty. However, circular guidance remains a judicial interpretive instrument; it cannot substitute the Presidential Regulation expressly mandated to regulate administrative procedures, certification, and implementation of positive fictitious decisions.

3.6. Comparative Perspective: Spanish *Silencio Administrativo Positivo*

A useful comparative reference is Spanish administrative law, which recognizes *silencio administrativo positivo* in proceedings initiated upon application by an interested party. Article 24 of Ley 39/2015 provides that the expiry of the maximum period without notification of an express decision generally enables the applicant to treat the application as granted by administrative silence, unless a statute, European Union law, or international law provides otherwise (Spain, 2015, art. 24).

The Spanish model is relevant for two reasons. First, it does not apply positive silence absolutely. It excludes matters such as the right of petition, transfer of powers concerning public domain or public services, activities that may harm the environment, public liability procedures, and other matters expressly excluded by law (Spain, 2015,

art. 24). This indicates that positive silence must be balanced against public interest, third-party rights, and regulatory safeguards.

Second, Article 24 provides that administrative acts produced by silence may be relied upon before administrative bodies and third parties, and their existence may be proven by any legally admissible evidence, including a certificate of administrative silence. The certificate is issued by the competent authority within a prescribed period, either *ex officio* or upon request by the interested party (Spain, 2015, art. 24). This certificate mechanism is particularly relevant to Indonesia because it addresses the evidentiary gap between an act arising by operation of law and the need for a document that can be used in administrative practice.

The Spanish model should not be transplanted mechanically. Indonesia has its own constitutional, statutory, and institutional context. Nevertheless, the comparative lesson is clear: a positive fictitious mechanism requires procedural classification, exceptions, evidentiary documentation, and enforceability. Without these elements, the doctrine may create more uncertainty than protection.

3.7. Proposed Regulatory Framework

An ideal regulatory framework should begin with the immediate issuance of the Presidential Regulation mandated by Article 175 of the Job Creation Law. The regulation should not merely repeat the statutory rule. It must operationalize the rule by specifying the procedure, the competent authority, the evidentiary instrument, the categories of eligible and excluded applications, the mechanism for objection or judicial oversight, and the consequences for officials who fail to respond without lawful justification.

First, the regulation should establish a Positive Fictitious Administrative Certificate. This certificate should function as formal evidence that the statutory requirements for a positive fictitious decision have been fulfilled. It should contain at minimum the applicant's identity, the receiving agency, the date of application receipt, the statutory time limit, the requested decision or action, evidence of completeness of the application, the date on which the legal fiction arose, and a statement that the certificate confirms the occurrence of the positive fictitious effect. The certificate should be issued by the competent agency or an authorized supervisory body within a short period after request. It should not transform the agency's silence into a discretionary decision; rather, it should verify the legal consequences already produced by statute.

Second, the regulation should classify applications that may and may not give rise to positive fictitious effect. Applications involving routine administrative services, individual rights that do not affect third parties, or low-risk licensing may be eligible. Applications involving public assets, public services, environmental impact, land with competing claims, procurement, discretionary allocation of public funds, public safety, immigration, taxation, or third-party rights should be excluded or subject to a different mechanism. This classification is necessary to prevent the positive fictitious doctrine from becoming a vehicle for bypassing substantive legal requirements.

Third, the regulation should preserve residual PTUN oversight. Administrative efficiency does not require eliminating judicial protection. A balanced model would allow the positive fictitious decision to arise by operation of law after the statutory period expires, while also allowing an applicant to seek PTUN confirmation where the agency refuses to recognize or implement the deemed decision. PTUN should also remain available where third parties challenge the legality of implementation or where

the government alleges that the statutory requirements were not satisfied. Such a model would preserve the objective of administrative acceleration while ensuring judicial control over abuse, error, or conflict.

Fourth, the regulation should impose accountability for unjustified administrative silence. Where an official intentionally delays, ignores, or fails to process an application without lawful reason, administrative sanctions should be available. These sanctions would reinforce the purpose of the doctrine: improving responsiveness, preventing maladministration, and ensuring that public officials cannot benefit from inaction. Accountability is particularly important because administrative silence may result from negligence, bureaucratic inertia, or deliberate avoidance of responsibility.

Fifth, the regulation should integrate the mechanism with electronic administrative systems. Applications should be registered through a system capable of recording submission dates, completeness checks, time limits, notifications, and certificate issuance. Digital traceability would reduce evidentiary disputes and improve transparency. It would also support the principle of legal certainty by ensuring that applicants and agencies can determine precisely when the statutory time limit begins and ends.

The proposed framework therefore treats legal certainty, legal protection, administrative efficiency, and public interest as interdependent. The objective is not to return entirely to the pre-Job Creation judicial model, nor to rely solely on automatic administrative approval. The objective is to create a hybrid model in which positive fictitious decisions can arise efficiently, be evidenced administratively, remain subject to lawful limitations, and be controlled judicially when necessary.

CONCLUSION

The amendment of Article 53 of the Government Administration Law through the Job Creation Law removed the PTUN judicial confirmation mechanism for positive fictitious administrative decisions and delegated further regulation to a Presidential Regulation. Because the mandated regulation has not been enacted, a normative vacuum has emerged. The vacuum concerns procedure, legal form, evidentiary value, competent authority, administrative recognition, and practical implementation. As a result, rights that are deemed granted by operation of law may remain abstract and difficult to enforce.

This vacuum adversely affects legal certainty and legal protection. It creates uncertainty for citizens seeking recognition of their administrative rights, for government officials responsible for implementation, and for courts faced with applications after the removal of the previous statutory mechanism. Divergent PTUN decisions demonstrate that the absence of implementing regulation has produced judicial disharmony. Some courts have rejected applications for lack of absolute jurisdiction, while others have continued to provide legal protection in the absence of an alternative mechanism.

The ideal regulatory solution is the immediate issuance of a Presidential Regulation that operationalizes the positive fictitious doctrine. The regulation should establish a Positive Fictitious Administrative Certificate as formal evidence, classify eligible and excluded categories of applications, regulate procedures and time limits, preserve residual PTUN oversight, impose accountability for unjustified administrative silence, and integrate the mechanism into electronic administrative systems. Such a

framework would bridge the gap between statutory recognition and administrative enforceability while strengthening legal certainty, good governance, and effective legal protection in Indonesian administrative law.

Recommendations

The Government should prioritize the issuance of the Presidential Regulation mandated by Article 175 of the Job Creation Law. The regulation should be drafted through meaningful consultation involving administrative law scholars, PTUN judges, ministries and agencies, local governments, the Ombudsman, practitioners, and civil society representatives. The drafting process should identify administrative sectors in which positive fictitious effect is appropriate and sectors where public interest requires exclusion or stricter safeguards.

The Supreme Court should maintain clear procedural guidance for courts dealing with disputes arising from administrative silence until the implementing regulation is enacted. However, judicial guidance should be positioned as a temporary and complementary mechanism, not as a substitute for delegated legislation. Government agencies should also develop internal standard operating procedures to prevent silence, record application timelines, and ensure that applicants receive clear notifications regarding the legal consequences of administrative inaction.

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