



Legal Certainty and Access to Justice through Judicial Review without New Evidence: A Normative Analysis of Legal Misapplication in State Administrative Disputes

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Abstract

This study examines judicial review without new evidence (*novum*) in State Administrative disputes as a mechanism for ensuring legal certainty and expanding access to justice within Indonesia's administrative law system. The research aims to analyze the normative basis, judicial interpretation, and practical implications of judicial review filed on the grounds of judicial error or manifest error, particularly in decisions that have obtained final and binding legal force. Employing normative legal research, this study applies a statute approach and a case approach by examining constitutional provisions, statutory regulations on judicial power and administrative courts, as well as relevant Supreme Court decisions. The analysis focuses on judicial reasoning and the interpretation of legal errors in the absence of *novum*. The results indicate that although judicial review without *novum* serves an important corrective function to address serious misapplication of law and safeguard substantive justice, the lack of clear normative parameters has led to inconsistent judicial practices and legal uncertainty. This condition weakens the principle of finality of judgments and risks transforming judicial review into an extended litigation mechanism, especially when utilized by state administrative bodies or officials. Nevertheless, judicial review without *novum* remains relevant for protecting citizens' rights where injustice arises from legal misinterpretation rather than evidentiary shortcomings. The study concludes that clearer doctrinal standards and restrictive limitations on eligible applicants are essential to balance access to justice with legal certainty in State Administrative Adjudication.

Keywords: Judicial Review, Legal Certainty, Access to Justice

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INTRODUCTION

Indonesia, as a state based on the rule of law, places the supremacy of law as the main foundation in the administration of government and societal life (Putra, 2024). This principle is constitutionally affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that Indonesia is a state based on the rule of law. The juridical consequence of this principle is that every action by state officials must be based on law, both written and unwritten (Razak, 2023). The main purpose of the rule of law concept is to provide protection for human rights and prevent arbitrary actions by authorities (Asmuni, 2024). In addition, the state is obliged to ensure the orderly and accountable administration of government, as well as to provide legal protection for citizens in obtaining justice (Seputra & Ropii, 2025).

Within the framework of a state of law, the judiciary holds a strategic role as a pillar of law enforcement and justice (Prajitno et al., 2023). The independence of the judiciary is a primary prerequisite for achieving objective and impartial justice (Asmuni, 2020). This independence is realized through guarantees of judges' freedom to examine, adjudicate, and decide cases without interference from any party (Sherliyanah & Asmuni, 2023). However, the independence of the judiciary is not absolute, as it remains within the boundaries of the law and the principles of judicial

accountability (Rezah & Sapada, 2023). This aligns with Hans Kelsen's view, which states that judges, in carrying out their judicial duties, are independent and subject only to the law, not to orders or instructions from other branches of power (Faisyah et al., 2025; Razak et al., 2023).

As part of the judicial system, procedural law provides a mechanism for internal oversight of court decisions through extraordinary legal remedies in the form of judicial review (PK) (Asmuni, 2020). The provisions regarding PK are regulated in Law Number 48 of 2009 concerning Judicial Power, which states that final and binding court decisions can be submitted for PK to the Supreme Court under certain circumstances as stipulated by law (Hatta et al., 2024). A PK application can be filed by the parties, either in writing or orally, through the court that decided the case at the first level. Generally, a PK application is based on the existence of novum or new decisive evidence (Tjoneng & Narwastuty, 2023). However, the legislation also allows for the possibility of submitting a PK without novum if the court decision contains errors in the application of the law or evident mistakes (Zaid et al., 2025).

In the practice of administrative court proceedings, provisions regarding extraordinary appeals (PK) without novum raise complex legal issues. The unclear normative boundaries regarding the concept of misapplication of law and apparent errors often give rise to differing interpretations in judicial practice (Lestari et al., 2025). This condition has the potential to create legal uncertainty, inconsistency in court decisions, and difficulties for seekers of justice in utilizing the PK mechanism as a means of correcting decisions deemed not to reflect substantive justice. In fact, administrative disputes have special characteristics as they are directly related to government administrative actions that affect the legal interests of citizens. (Thio, 2022).

Several previous studies have discussed review as an instrument of judicial correction in the judicial system (Garoupa & Spruk, 2025). However, these studies generally focus more on the procedural aspects of PK or on the existence of novum as the basis for submitting PK (Zhao et al., 2022). Studies that specifically examine PK without novum in state administrative disputes, especially from the perspective of legal certainty and access to justice, are still relatively limited (Swantoro, 2023). On the other hand, the development of discourse on access to justice emphasizes that judicial mechanisms must be able to provide effective opportunities for society to obtain substantive justice, not merely formal legal certainty (Putra, 2024).

The urgency of this research lies in the need to clarify the function and limitations of judicial review without novum as a corrective mechanism in administrative disputes. Uncertainty in the application of the concept of legal error and manifest mistakes has the potential to undermine public trust in the judiciary and limit public access to justice. Therefore, a comprehensive and systematic study of judicial review without novum is important to strengthen the normative framework and provide clearer interpretative guidance in judicial practice.

Based on the description above, this study aims to analyze the judicial review without novum in state administrative disputes from a normative juridical perspective, focusing on errors in the application of law and clear mistakes as the basis for filing a judicial review. This research is expected to provide an academic contribution to the development of procedural law in state administrative courts and to strengthen legal certainty and access to justice for citizens in a state governed by law.

METHODS

This study employed normative legal research designed to examine the legal framework and judicial reasoning concerning judicial review without new evidence in state administrative disputes. The research was conducted through systematic analysis of legal norms, judicial decisions, and scholarly interpretations relevant to the issue of legal certainty and access to justice. A normative approach was selected because the object of the study was not social behavior or empirical data, but legal rules, doctrines, and judicial interpretations governing the mechanism of judicial review (Raju paminto, 2023).

The research was carried out through two primary analytical approaches, namely the statute approach and the case approach. The statute approach involved a comprehensive examination of constitutional and statutory regulations governing judicial power and judicial review. The legal instruments analyzed included the 1945 Constitution of the Republic of Indonesia, Law Number 48 of 2009 on Judicial Power, Law Number 14 of 1985 on the Supreme Court as amended, and statutory provisions regulating state administrative courts. These legal materials were selected because they constitute the formal legal basis for judicial review and directly regulate

the conditions under which judicial review without new evidence may be submitted (Diantha, 2016).

The case approach was conducted by analyzing selected Supreme Court decisions in state administrative disputes involving petitions for judicial review without new evidence. The cases were selected based on two criteria: first, the decisions had obtained permanent legal force; and second, the judicial reasoning explicitly referred to errors in the application of law or manifest errors as the grounds for judicial review. The analysis focused on the ratio decidendi, particularly how judges interpreted and applied the concepts of legal misapplication and manifest error in deciding whether a judicial review petition was admissible (Muhtarom et al., 2022).

The legal materials used in this study consisted of primary, secondary, and tertiary legal sources. Primary legal materials included statutory regulations and Supreme Court decisions relevant to judicial review in administrative disputes. Secondary legal materials comprised academic books, peer-reviewed journal articles, and prior research discussing judicial review, administrative justice, legal certainty, and access to justice. Tertiary legal materials, such as legal dictionaries and encyclopedias, were used to clarify legal terminology and concepts. All materials were obtained through systematic literature searches in legal databases, official court websites, and reputable academic journals (Putra, 2025).

Data collection was conducted through document study by identifying, compiling, and classifying relevant legal materials. The analysis was performed using qualitative normative analysis. Legal norms and judicial reasoning were interpreted through grammatical, systematic, and teleological interpretation methods to identify patterns of judicial reasoning and normative inconsistencies. The findings from statutory analysis and case analysis were then compared and integrated to assess the role of judicial review without new evidence in ensuring legal certainty and enhancing access to justice in state administrative disputes.

RESULTS AND DISCUSSION

The Concept of Judicial Review Without Novum in State Administrative Disputes

The State Administrative Court (PTUN) constitutes one of the judicial jurisdictions under the Supreme Court within Indonesia's judicial power system, as stipulated in Article 24 of the 1945 Constitution of the Republic of Indonesia. The PTUN was initially introduced through Law Number 14 of 1970 on the Basic Provisions of Judicial Power and was subsequently institutionalized comprehensively through Law Number 5 of 1986 on State Administrative Courts. The establishment of the PTUN was intended to provide a legal protection mechanism for citizens against governmental administrative actions that may infringe upon their subjective rights.

Conceptually, the PTUN is designed with procedural characteristics that distinguish it from other judicial bodies. Administrative court procedure assigns judge an active role in uncovering material truth, particularly considering the structural imbalance between plaintiff's individuals or private legal entities and defendants, namely state administrative bodies or officials (Faridah & Hadiyantina, 2025). This imbalance is further reinforced by the structural advantages held by administrative authorities, including public power, access to information, and state administrative resources. Accordingly, PTUN procedural law is structured to afford enhanced protection to parties that are structurally disadvantaged (Putrijanti, 2020).

In evidentiary proceedings before the PTUN, judges are bound by Article 107 of Law Number 5 of 1986, which requires at least two lawful means of proof accompanied by the judge's conviction. Such evidence includes written documents, expert testimony, witness testimony, admissions of the parties, and the judge's own knowledge. This evidentiary framework underscores the dominant role of judges while simultaneously opening the possibility of errors in factual assessment or legal application. Such errors may ultimately serve as grounds for the extraordinary legal remedy of judicial review (PK) (Wisubroto et al., 2025).

Judicial review constitutes an extraordinary legal remedy submitted against court decisions that have obtained permanent legal force. In state administrative disputes, the legal basis for judicial review is regulated under Law Number 14 of 1985 on the Supreme Court and Article 132 of Law Number 5 of 1986 on State Administrative Courts. Grounds for filing judicial review include the discovery of new evidence (*novum*), contradictory court decisions, as well as judicial error or manifest error (Pratiwi et al., 2025).

In the practice of state administrative adjudication, judicial review is not always filed based on new evidence. Judicial review without *novum* is commonly submitted on the grounds of judicial

error or manifest error, as regulated under Article 67 of the Supreme Court Law. However, the legislation does not provide clear parameters for defining these concepts (Permadi & W., 2025). This normative ambiguity creates broad interpretative space and poses a potential threat to legal certainty (Ningsih et al., 2024). Doctrinally, judicial error is understood as a mistake originating from the judge, either in evaluating facts or applying the law, whereas manifest error refers to an error that is clear, objective, and identifiable from the reasoning or operative part of the judgment (Tan, 2022).

Judicial review without new evidence in state administrative disputes fundamentally serves a corrective function aimed at ensuring substantive justice, particularly for citizens harmed by decisions containing serious legal errors (Swantoro, 2023). Nevertheless, problems arise when this mechanism is also utilized by state administrative bodies or officials. Given their structurally dominant position, granting unrestricted access to judicial review may prolong disputes, delay the execution of PTUN decisions with permanent legal force, and ultimately undermine the principle of legal certainty (John Braithwaite, 2002).

The expansion of PTUN jurisdiction following the enactment of Law Number 30 of 2014 on Government Administration which authorizes the PTUN to assess the existence of abuse of power further reinforces the role of the PTUN as a judicial control mechanism over governmental actions. In this context, the use of judicial review without *novum* by administrative officials may paradoxically weaken the accountability function of administrative justice.

The Constitutional Court Decision Number 24 of 2024, which reviewed Article 132 paragraph (1) of the State Administrative Court Law, highlights constitutional issues concerning the ambiguity of legal subjects entitled to file judicial review in state administrative disputes. Such ambiguity generates legal uncertainty and directly affects the effectiveness of legal protection for citizens. Consequently, limiting the category of applicants eligible to submit judicial review becomes relevant to maintaining a balance between justice and legal certainty.

Based on the characteristics of the PTUN and the objectives underlying its establishment, judicial review in state administrative disputes should be positioned restrictively and should be available primarily to citizens or private legal entities who suffer actual harm. Such limitation is necessary to prevent judicial review without new evidence from transforming into a defensive instrument for administrative power, and instead to preserve its function as a final corrective mechanism for ensuring substantive justice within a democratic state governed by the rule of law.

The Implications of Judicial Review without New Evidence on Legal Certainty in State Administrative Disputes

The State Administrative Court (PTUN) constitutes one of the judicial jurisdictions under the authority of the Supreme Court and was established to resolve disputes between citizens or private legal entities and state administrative bodies or officials arising from the issuance of State Administrative Decisions (*Keputusan Tata Usaha Negara*—KTUN). The institutionalization of the PTUN through Law Number 5 of 1986, as a continuation of Law Number 14 of 1970 on the Basic Provisions of Judicial Power, affirms the role of administrative justice as an instrument for protecting citizens' rights and ensuring legal certainty in the relationship between the government and society.

Normatively, PTUN procedural law possesses distinctive characteristics compared to other judicial environments (Seputra & Ropii, 2025). These include the more active role of judges in uncovering material truth, an evidentiary system oriented toward free evaluation of evidence subject to a minimum requirement of two lawful means of proof accompanied by the judge's conviction, and the existence of an imbalance of position between plaintiffs and defendants (Pratiwi et al., 2025). In state administrative disputes, defendants namely state administrative bodies or officials occupy a structurally stronger position than plaintiffs in terms of authority, access to information, and institutional resources (Seputra & Ropii, 2025; Tjoneng & Narwastuty, 2023). Consequently, PTUN decisions hold significant meaning not only for the disputing parties but also for legal certainty and the orderly administration of government.

Within the judicial system, judicial review (PK) is positioned as an extraordinary legal remedy that may only be submitted against court decisions that have obtained permanent legal force (Saifulloh et al., 2025). The purpose of judicial review is to correct serious errors in judicial decisions that cannot be remedied through ordinary legal remedies. Pursuant to Article 67 of Law Number 14 of 1985 on the Supreme Court, the grounds for filing judicial review include the

discovery of new evidence (*novum*), the existence of contradictory court decisions, as well as judicial error or manifest error (Zaid et al., 2025).

In the practice of state administrative adjudication, judicial review without new evidence is commonly filed on the grounds of judicial error or manifest error. However, the legislation does not provide adequate clarification regarding the scope and limits of these two grounds. The elucidation of Article 67 merely states that the provision is “self-explanatory,” thereby opening broad and subjective interpretative space. This normative ambiguity directly affects legal certainty, as decisions that have already obtained permanent legal force remain vulnerable to challenge through judicial review, even in the absence of new and decisive facts or evidence.

Doctrinally, judicial error may encompass mistakes in the assessment of facts as well as errors in the application of law, while manifest error refers to mistakes that are clear and objectively observable from the reasoning or operative part of a judgment (Asmuni, 2020). In practice, however, these grounds are often interpreted in an overlapping and elastic manner, causing judicial review without new evidence to shift from an exceptional corrective mechanism into a form of extended litigation. This functional shift undermines the principle of *res judicata pro veritate habetur* and weakens legal certainty (Huda, 2020).

The implications for legal certainty become even more pronounced when judicial review without new evidence is filed by state administrative bodies or officials. In the context of state administrative disputes, the use of judicial review by administrative officials has the potential to delay the execution of PTUN decisions that have obtained permanent legal force (Ningsih et al., 2024). As a result, the rights of citizens that have been restored through judicial decisions may be postponed or even fail to be effectively realized. Such conditions contradict the objectives underlying the establishment of the PTUN, as emphasized in the preamble of Law Number 5 of 1986, namely, to ensure justice, order, and legal certainty in the administration of government.

To assess the extent to which Judicial Review (*Peninjauan Kembali*) without new evidence (*novum*) affects legal certainty in State Administrative disputes, empirical data are required to illustrate the practical application of this extraordinary legal remedy within the judicial system (Swantoro, 2023). Empirical data play a crucial role in revealing factual trends in the enforcement of legal norms, particularly in identifying a potential shift in the function of Judicial Review from an exceptional corrective mechanism into a repeatedly utilized litigation instrument (Sherliyanah & Asmuni, 2023). In the context of State Administrative disputes, the frequency of Judicial Review applications reflects the degree to which decisions of the State Administrative Courts (PTUN) that have obtained final and binding legal force continue to be challenged, thereby indicating possible disruptions to the principles of finality of judgments and legal certainty (Asmuni, 2020).

Furthermore, the increase in the number of Judicial Review applications correlates with the expansion of access to judicial mechanisms, notably through the implementation of electronic court systems (*e-court* and *e-litigation*) by the Supreme Court (Haqqi et al., 2022). While such accessibility enhances legal protection and access to justice, it simultaneously creates a broader space for the potential misuse of extraordinary legal remedies if not accompanied by clear and stringent normative limitations (Putra, 2025). Consequently, the presentation of empirical data on the number of Judicial Review cases both nationally and specifically within State Administrative disputes becomes highly relevant to strengthen the analysis of the impact of Judicial Review without *novum* on legal certainty.

Based on these considerations, the following table presents empirical data on the number of Judicial Review applications examined by the Supreme Court, including those arising from State Administrative disputes, during the period of 2022–2024. These data serve as an analytical foundation for identifying trends in the use of Judicial Review and for evaluating their implications for legal certainty within the State Administrative judicial system.

Table 1. Empirical Data on Reviews (PK) at the Supreme Court and State Administrative Disputes

Year	Total Judicial Review Cases (National)	Judicial Review in State Administrative Disputes	Relevance Description
2022	9,519 cases	253 cases	Initial upward trend in Judicial Review filings, including administrative disputes

2023	10,551 cases	254 cases	Relatively stable number of Judicial Review applications in TUN disputes, indicating repeated use
2025	13,482 cases	193 cases	Surge in electronic Judicial Review filings; TUN cases decreased but remained significant

Data for 2024 represent the cumulative handling of cassation and electronic Judicial Review cases during the period of May–December 2024.

The empirical data presented in Table 1 demonstrate a significant upward trend in the use of Judicial Review as an extraordinary legal remedy before the Supreme Court in recent years. At the national level, the number of Judicial Review cases increased from 9,519 cases in 2022 to 10,551 cases in 2023 and rose sharply to 13,482 cases during the period of May–December 2024, coinciding with the optimization of electronic court systems. Within the specific context of State Administrative disputes, Judicial Review applications amounted to 253 cases in 2022, 254 cases in 2023, and 193 cases in 2024. Although quantitatively smaller compared to other judicial jurisdictions, these figures indicate that Judicial Review remains consistently utilized in administrative justice disputes.

The increase and sustained use of Judicial Review applications suggest a practical shift in the function of Judicial Review from an extraordinary and exceptional corrective mechanism into a form of extended litigation, including the filing of Judicial Review without new evidence (*novum*). In the context of State Administrative disputes, this phenomenon directly affects legal certainty, as decisions of the State Administrative Courts that have obtained final and binding legal force remain susceptible to further challenge in the absence of new and decisive facts or evidence. Consequently, the principle of finality of judgments is weakened, the execution of court decisions is delayed, and the legal status of the disputed State Administrative Decisions (*Keputusan Tata Usaha Negara*) remains uncertain.

Accordingly, the empirical findings reinforce the argument that the practice of Judicial Review without *novum* in State Administrative disputes has serious implications for legal certainty. In the absence of clear normative limitations on both the grounds and the eligible applicants for Judicial Review particularly when such applications are submitted by state administrative bodies or officials the function of the State Administrative Court as a guardian of orderly administration and a protector of citizens' rights risks being systematically undermined.

Judicial Review without New Evidence as a Means of Expanding Access to Justice

The existence of the State Administrative Court (PTUN) cannot be separated from the institutional design of Indonesia's judicial power, which aims to ensure the protection of citizens' rights against administrative actions of the government. As one of the judicial jurisdictions under the authority of the Supreme Court, the PTUN was established to resolve disputes between citizens or private legal entities and state administrative bodies or officials arising from the issuance of State Administrative. The institutionalization of the PTUN through Law Number 5 of 1986, as a continuation of Law Number 14 of 1970 on the Basic Provisions of Judicial Power, affirms the function of administrative justice as an instrument of judicial control over governmental actions and as a guarantor of legal certainty.

Normatively, PTUN procedural law possesses distinctive characteristics that differentiate it from other judicial environments (Kusdarini et al., 2025). These characteristics include the active role of judges in seeking material truth, an evidentiary system oriented toward the free evaluation of evidence subject to a minimum requirement of two lawful means of proof accompanied by the judge's conviction, and the existence of an imbalance of position between plaintiffs and defendants (Tias et al., 2026). In State Administrative disputes, defendants namely state administrative bodies or officials occupy a structurally stronger position than plaintiffs in terms of authority, access to information, and administrative resources (Fajrini, 2025). This imbalance places citizens in a vulnerable position, thereby requiring the legal protection mechanisms within the PTUN to be designed in a manner that ensures effective access to justice.

Within this framework, Judicial Review (PK) as an extraordinary legal remedy serves a strategic function in ensuring the realization of substantive justice (Razak, 2023). Judicial Review is intended as a last corrective mechanism against court decisions that have obtained final and binding legal force when serious errors exist that cannot be remedied through ordinary legal remedies. Pursuant to Article 67 of Law Number 14 of 1985 on the Supreme Court, one of the

grounds for filing Judicial Review is the existence of judicial error or manifest error, which allows for the submission of Judicial Review without the prior discovery of new evidence (*novum*) (Zaid et al., 2025).

In the context of State Administrative disputes, Judicial Review without *novum* holds relevance as a means of expanding access to justice (Putrijanti, 2020). Not all injustices in PTUN decisions stem from deficiencies in evidence or the emergence of new facts; rather, they often arise from errors in the application of law, misinterpretation of legal norms, or inadequate legal reasoning (Faisyah et al., 2025). If access to Judicial Review were rigidly limited solely to the existence of *novum*, citizens who are harmed by judicial misapplication of law would risk losing the opportunity to obtain justice (Putrijanti, 2020). Accordingly, the grounds of judicial error or manifest error are conceptually intended to ensure that serious legal mistakes remain subject to correction even when all factual elements have already been fully examined in prior proceedings.

The function of Judicial Review without *novum* as a means of access to justice must also be understood within the historical and philosophical context of the establishment of the PTUN. Unlike the administrative justice models in France and the Netherlands, where administrative courts are institutionally situated within the executive branch, Indonesia's PTUN is firmly placed under the judicial power as mandated by Article 24 of the 1945 Constitution (Asmuni, 2024). This placement underscores a *rule of law* orientation that prioritizes the protection of citizens' rights. Consequently, Judicial Review without *novum* in State Administrative disputes should operate as a corrective instrument to ensure that administrative power is not shielded by judicial decisions that are legally flawed.

Nevertheless, the expansion of access to justice through Judicial Review without *novum* entails ambivalent normative consequences. On the one hand, this mechanism opens avenues for citizens to seek redress when PTUN decisions contain clear legal errors (Asmuni, 2020). On the other hand, the absence of clear normative boundaries regarding the meaning of judicial error and manifest error creates the potential for repetitive use of Judicial Review, including by state administrative bodies or officials. Such conditions risk shifting the function of Judicial Review from an exceptional corrective mechanism into a form of extended litigation that undermines legal certainty and delays the execution of PTUN decisions (Razak et al., 2023).

In practice, the imbalance of position between citizens and state administrative officials further exacerbates this risk. Administrative officials possess greater institutional capacity and resources to utilize the Judicial Review mechanism, including Judicial Review without *novum*, to postpone or avoid the implementation of PTUN decisions that have obtained final and binding legal force. If left unrestricted, the use of Judicial Review by state administrative bodies may erode citizens' access to justice and weaken the role of the PTUN as an instrument of control over administrative governance (Razak, 2023).

Therefore, Judicial Review without *novum* as a means of expanding access to justice must be positioned in a proportional and restrictive manner. This mechanism should be prioritized for citizens or private legal entities who are demonstrably harmed by legal errors in PTUN decisions, rather than serving as a defensive instrument for administrative power. Limiting the eligible applicants for Judicial Review, as highlighted in Constitutional Court Decision Number 24 of 2024, is thus essential to ensure that Judicial Review without *novum* continues to function as a final corrective mechanism for achieving substantive justice, without sacrificing the principles of legal certainty and the finality of judgments.

This study finds that judicial review without new evidence (*novum*) in state administrative disputes has undergone a functional shift from an extraordinary corrective legal remedy into a mechanism that, in practice, may prolong litigation and weaken legal certainty. This finding is particularly relevant within the context of administrative law, as it highlights the tension between the need to ensure substantive justice and the importance of maintaining the finality of judicial decisions.

In comparison with previous studies, several similarities and differences can be identified. Prior research consistently emphasizes the role of judicial review as a corrective mechanism to protect citizens' rights and ensure substantive justice (Imanuela & Rasji, 2025; Lestari et al., 2025). This similarity may be explained by the shared normative foundation that views judicial review as an essential safeguard against judicial error. However, this study also aligns with findings that highlight the risks of legal uncertainty arising from the absence of clear limitations, particularly

regarding the interpretation of judicial error and manifest error (Fathor & Widiarto, 2023; Saleh et al., 2026).

At the same time, this study differs from perspectives that advocate broader flexibility in judicial review to enhance access to justice (Ahdout, 2022). While such flexibility is important, this research demonstrates that, in the specific context of state administrative disputes, unrestricted use of judicial review without *novum* may instead function as a tool to delay the execution of final and binding decisions. These differences may be influenced by variations in legal systems, the scope of analysis, and methodological approaches, where this study integrates normative legal analysis with empirical data on the increasing trend of judicial review applications (Ahdout, 2022).

The novelty of this research lies in its conceptual formulation of judicial review without *novum* as a dual-function mechanism that is inherently paradoxical serving both as a corrective instrument for achieving substantive justice and as a potential threat to legal certainty when applied without clear normative boundaries. This perspective contributes to the development of administrative law by offering a more balanced analytical framework that does not position judicial review in purely dichotomous terms.

The implications of this study are threefold. Practically, it calls for stricter judicial scrutiny in assessing judicial review applications, particularly in distinguishing genuine judicial error from attempts to prolong disputes. Academically, it enriches the theoretical discourse on extraordinary legal remedies within administrative law. From a policy perspective, it underscores the need for clearer regulatory standards concerning judicial error, manifest error, and the limitation of eligible applicants, in order to maintain a balance between access to justice and legal certainty.

Finally, this study recommends that future research adopt a more comprehensive empirical approach by examining judicial reasoning in specific cases of judicial review without *novum*. Comparative studies across different legal systems are also encouraged to identify alternative regulatory models, while interdisciplinary approaches may further deepen understanding of the relationship between judicial review practices and administrative power.

This study provides both conceptual and normative contributions to the field of administrative law, particularly concerning judicial review without new evidence (*novum*) in state administrative disputes. The novelty of this research lies in its analytical formulation that positions judicial review without *novum* as a mechanism with a dual and paradoxical function serving as a corrective instrument to achieve substantive justice while simultaneously posing a potential threat to legal certainty when applied without clear normative limitations. This approach enriches existing perspectives, which have tended to position judicial review in a dichotomous manner, and offers a more balanced analytical framework between justice and legal certainty within the practice of administrative adjudication.

The findings of this study have several important implications. Practically, this study highlights the need for judges to apply stricter standards in assessing applications for judicial review without *novum*, particularly in distinguishing between genuine judicial error and mere dissatisfaction with a court decision. Academically, this research contributes to the development of administrative law theory by offering a critical perspective on the function of extraordinary legal remedies within the framework of the rule of law, especially in relation to the interplay between substantive justice and legal certainty.

From a policy perspective, this study underscores the urgency of regulatory reform to establish clearer limitations regarding *judicial error*, *manifest error*, and the categories of parties eligible to file judicial review, to maintain a balance between justice and legal certainty and to prevent the misuse of judicial review mechanisms by parties holding structurally dominant positions.

This study has several limitations. *First*, it adopts a normative juridical approach that focuses on statutory regulations and legal doctrines and therefore does not extensively examine judicial practices in concrete cases, particularly regarding judges' reasoning in granting or rejecting applications for judicial review without *novum*. *Second*, the empirical data utilized remain limited to general trends in the number of judicial review cases and do not include an in-depth qualitative analysis of legal reasoning patterns in court decisions. *Third*, this study is confined to the context of the Indonesian legal system; therefore, the generalization of its findings to other legal systems should be undertaken with caution, considering differences in institutional structures and characteristics of administrative courts across jurisdictions.

Based on the findings and limitations of this study, future research is recommended to adopt an empirical approach by conducting a more in-depth analysis of judicial review decisions without *novum*, particularly to examine patterns of judicial reasoning and the consistency in the application of the concepts of *judicial error* and *manifest error*. Further research may also undertake comparative studies across different legal systems to identify more effective regulatory models for judicial review in maintaining a balance between substantive justice and legal certainty. In addition, interdisciplinary approaches that integrate perspectives from law, sociology, and public policy are essential to provide a more comprehensive understanding of the relationship between judicial review practices and the dynamics of administrative power.

CONCLUSION

This study demonstrates that judicial review without new evidence (*novum*) in State Administrative disputes serves a critical yet ambivalent function within Indonesia's administrative justice system. While normatively intended as an exceptional corrective mechanism to address judicial error or manifest error in final and binding decisions, the absence of clear and consistent normative parameters has generated legal uncertainty. In practice, the expansive interpretation of these grounds weakens the principle of finality of judgments and risks transforming judicial review into a prolonged litigation mechanism, particularly when utilized by state administrative bodies or officials to delay the execution of PTUN decisions.

Nevertheless, judicial review without *novum* remains essential for safeguarding access to justice, especially in cases where substantive injustice arises from misapplication of law rather than evidentiary deficiencies. To maintain its legitimacy, this mechanism must be applied restrictively and proportionally, with a clear prioritization of citizens and private legal entities as applicants. Future legal development should focus on formulating clearer doctrinal standards for judicial and manifest error, as well as refining procedural limitations on eligible applicants. Further empirical and comparative research is required to assess the broader impact of judicial review without *novum* on legal certainty, judicial efficiency, and the protection of citizens' rights within Indonesia's administrative law framework.

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