

ABSTRAK

Demi memberikan rasa keadilan bagi seluruh warga negara Indonesia, maka yang merasa dirugikan atas keluarnya suatu Keputusan Tata Usaha Negara tertentu dapat mengajukan gugatannya kepada PTUN. Peradilan Tata Usaha Negara adalah pengadilan yang memiliki wewenang untuk memeriksa, mengadili dan memutus suatu sengketa tata usaha negara sebagai akibat dikeluarkannya Keputusan Tata Usaha Negara (KTUN), alasan untuk dapat melakukan gugatan di Pengadilan Tata Usaha Negara selain pelanggaran peraturan perundang-undangan yang berlaku, ialah alasan terjadinya pelanggaran Asas-Asas Umum Pemerintahan Yang Baik. Permasalahan yang dikaji yaitu (1) Keputusan yang diterbitkan oleh Panitia Seleksi Pengisian Jabatan Ketua dan Anggota Komite Badan Pengatur Hilir Minyak dan Gas Bumi (BPH Migas) dapat Digugat dan Masuk dalam Ranah Kewenangan Pengadilan Tata Usaha Negara, (2) Kriteria Sengketa Tata Usaha Negara Terhadap Keputusan Hasil Seleksi Pengisian Jabatan Ketua Dan Anggota Komite BPH Migas. Tujuan penelitian ini melakukan Identifikasi dan menganalisis kewenangan Pengadilan Tata Usaha Negara, dan Kriteria atas Sengketa Tata Usaha Negara Dari Keputusan Hasil Seleksi Pengisian Jabatan Ketua Dan Anggota Komite BPH Migas.

Metode Pendekatan yang digunakan dalam penulisan ini adalah dengan *yuridis-normatif*, dalam hal ini menggunakan Data Sekunder sebagai bahan untuk melakukan penelitian dengan bahan hukum atau studi pustaka antara lain bahan hukum primer, sekunder, dan tersier. Serta analisa yang bersifat deskriptif analitis.

Hasil penelitian menemukan bahwa (1) Keputusan yang diterbitkan oleh Panitia Seleksi Pengisian Jabatan Ketua dan Anggota Komite BPH Migas termasuk dalam Keputusan TUN yang dapat digugat dan merupakan kewenangan dari Pengadilan Tata Usaha Negara Jakarta untuk memeriksa, memutus, dan mengadili. (2) Kriteria Sengketa Tata Usaha Negara atas Keputusan Hasil Seleksi Pengisian Jabatan Ketua dan Anggota Komite BPH Migas dianggap sudah terpenuhi dari keseluruhan kriteria, meskipun pada bagian penerapan AAUPB menimbulkan penilaian pro dan kontra atas terbitnya keputusan dari berbagai pihak yang mengikuti keseluruhan proses seleksi.

Kata Kunci : Keputusan Tata Usaha Negara, Kewenangan, Sengketa Tata

Usaha Negara, BPH Migas.

ABSTRACT

In order to provide a sense of justice for all Indonesian citizens, those who feel aggrieved by the issuance of a certain State Administrative Decision can file a lawsuit with the State Administrative Court. The State Administrative Court is a court that has the authority to examine, adjudicate and decide on a state administrative dispute as a result of the issuance of a State Administrative Decision, the reason for being able to file a lawsuit at the State Administrative Court other than violating the applicable laws and regulations, is the reason the occurrence of violations of the General Principles of Good Governance. The problems studied are (1) Decisions issued by the Selection Committee for Filling the Positions of Chairmen and Members of the Downstream Oil and Gas Regulatory Body Committee can be sued and fall within the domain of the State Administrative Court, (2) Criteria for State Administrative Disputes from Decisions on Results Selection for Filling the Positions of Chairman and Members of the Downstream Oil and Gas Regulatory Body Committee. On the basis of the objective of identifying and analyzing the authority of the State Administrative Court and the Criteria for State Administrative Disputes from the Selection Results for Filling the Positions of the Chairperson and Members of the Committee for Downstream Oil and Gas Regulatory Body.

The method approach used in this writing is juridical-normative, in this case using secondary data as material for conducting research with legal materials or literature studies including primary, secondary and tertiary legal materials. As well as analysis that is descriptive analytical.

The results of the study found that (1) Decisions issued by the Selection Committee for Filling the Positions of the Chairperson and Members of the Downstream Oil and Gas Regulatory Body Committee are included in State Administrative Decisions that can be challenged and are the authority of the Jakarta State Administrative Court to examine, decide, and judge. (2) The Criteria for State Administrative Disputes over the Selection Results for Filling the Positions of the Chairperson and Members of the Downstream Oil and Gas Regulatory Body Committee are considered to have been fulfilled from all the criteria, even though the application of the General Principles of Good Governance gives rise to pro and contra assessments of issuance of decisions from various parties that follow the entire selection process.

Keywords: Decisions on State Administration, Authorities, Disputes on State Administration, Regulatory Agency for Downstream Oil and Gas.