

APPLICATION OF HEALTH LAW IN THE SETTLEMENT OF STATE ADMINISTRATIVE COURTS OR MILITARY BUSINESS CASES

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Abstrak

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Applying health law in settling cases at the State Administrative Court or military business cases may involve several aspects related to health problems. In cases of military undertaking, there may be human rights violations or health problems involving military personnel. Health laws will be implemented to ensure that military personnel's right to health is met, including providing adequate medical services and appropriate treatment for illness or injury. In cases before the State Administrative Court, health problems may arise in public administration related to health policies, health business licenses, health product licensing, or employment issues in the health sector. Health laws are applied to resolve these issues, such as determining whether an administrative action complies with applicable health laws or violates individual or group health rights. Using health law in settling cases at the State Administrative Court or military business cases requires in-depth knowledge and understanding of the applicable health law and the latest developments in that field. Health legal experts and doctors can work together to provide an accurate view of the health issues involved in the case so that the claims can be settled fairly and based on applicable law.

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INTRODUCTION

The purpose of the author in conducting this scientific article research on the application of health law in the resolution of cases in the Administrative Court (PTUN) or military administrative disputes is to provide insight into how legal mechanisms protect and safeguard public health rights while ensuring fair and proportional law enforcement within the health context. The application of health law in resolving cases at the Administrative Court or in military administrative matters aims to protect public health rights.



Health law encompasses various regulations designed to promote and safeguard public health. When applied within PTUN cases or military administrative disputes, health law ensures that public health rights are preserved and not violated.

The implementation of health law further ensures that every action or decision related to health is evaluated fairly and without discrimination. Health law enables the handling of actions that harm individuals or communities within the health sector and provides the legal basis for enforcing justice. Within PTUN or military administrative cases, health law also functions to regulate and limit the authority held by institutions or individuals involved in dispute resolution. This ensures that decisions or actions related to health do not exceed lawful authority and are not exercised arbitrarily.

The application of health law additionally aims to prevent misconduct or violations in the health sector. Health law offers mechanisms for addressing violations of health regulations, unethical medical practices, or actions harmful to public health. Through its implementation in PTUN or military administrative case resolution, the law is expected to uphold justice, protect health rights, and prevent abuse within the health sector. It is therefore crucial for courts and stakeholders involved in the judicial process to understand and rely on relevant health law provisions and to conduct evaluations objectively and fairly for the benefit of society.

Administrative Court disputes (PTUN) represent judicial bodies in Indonesia tasked with adjudicating legal conflicts related to administrative decisions. PTUN was established to maintain legal certainty, ensure legal protection for citizens, and balance the powers of the executive, legislative, and judicial branches. PTUN adjudicates conflicts arising among state institutions, regional governments, and between the government and individuals or legal entities. Such disputes may include public policy conflicts, administrative sanctions, termination of civil servants, procurement issues, and other administrative decisions.

The court process involves PTUN judges acting as arbitrators in administrative disputes. These judges work independently, free from executive or legislative influence. They examine evidence, listen to arguments from both sides, and decide cases based on applicable law. PTUN rulings are final and binding; however, dissatisfied parties may appeal to the Supreme Court. PTUN proceedings are conducted openly and follow principles of fair trial to ensure justice and legal certainty for all parties involved.

LITERATURE REVIEW

1. The Right to Health as a Constitutional Right

The right to health has evolved into one of the most fundamental constitutional guarantees in modern legal systems, including Indonesia. As articulated in international human rights frameworks such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR), health is recognized not merely as freedom from disease but as the entitlement to the highest attainable standard of physical, mental, and social well-being. Indonesia adopts this framework through constitutional mandates and statutory regulations, making the protection of health rights an obligation of the state. Within the context of administrative disputes, particularly those adjudicated in the Administrative Court (PTUN), the right to health becomes a crucial standard against which governmental decisions are evaluated.

Administrative acts affecting healthcare access, medical licensing, drug distribution, environmental safety, or occupational health may directly influence individuals' constitutional rights. When such acts are alleged to violate health rights, PTUN serves as an essential mechanism for judicial review. The court must determine whether administrative authorities have acted within legal boundaries and whether their decisions respect the constitutional guarantee of health. Scholarly literature emphasizes that the right to health includes availability, accessibility, acceptability, and quality (AAAQ framework). These components guide judicial reasoning by obligating the state to ensure healthcare services that are sufficient, non-discriminatory, culturally appropriate, and medically sound.

Cases involving pollution, hazardous workplaces, denial of medical facilities, or inadequate public health services often invoke constitutional health principles. PTUN's role is therefore preventive and corrective: preventing administrative overreach while correcting governance failures. The literature asserts that effective judicial enforcement of health rights strengthens accountability, promotes transparency, and ensures that public institutions function equitably. Thus, the right to health not only forms a constitutional safeguard but also becomes a vital doctrinal foundation for adjudicating health-related administrative disputes.

2. Administrative Authority in Health Policy

Health policy is inherently administrative in nature, requiring active governmental involvement in regulation, licensing, public service delivery, and supervision. The scientific literature describes administrative authority as the lawful power bestowed upon public institutions to formulate and implement health-related regulations. Such authority includes issuing permits for hospitals and health workers, enforcing pharmaceutical regulations, overseeing disease prevention programs, and ensuring compliance with environmental health standards. Because these decisions directly affect public welfare, they fall under the scrutiny of administrative law.

In Indonesia, the exercise of administrative authority in health must conform to principles of legality, proportionality, accountability, and reasonableness. PTUN serves as the judicial forum responsible for reviewing whether administrative bodies have acted within the scope of their authority. Scholars note that administrative discretion though necessary in complex health governance carries the risk of misuse, arbitrariness, or insufficient scientific grounding. When administrative decisions negatively impact public health, affected parties may challenge them at PTUN.

Administrative authority intersects with health law in several crucial areas. First, licensing authority ensures that medical personnel and facilities meet professional standards. Second, regulatory authority governs pharmaceuticals, medical devices, and food safety areas prone to public health risks. Third, enforcement authority enables government agencies to impose sanctions for violations, such as malpractice, drug misuse, or failure to meet hygiene standards. Fourth, administrative decisions concerning epidemics, quarantine, or emergency health responses require careful judicial oversight due to their profound impact on civil liberties.

The literature consistently emphasizes that administrative health decisions must be evidence-based, transparent, and aligned with public health objectives. Oversight by PTUN ensures that administrative power is not exercised arbitrarily and that health policy implementation adheres to ethical and legal standards. Thus, administrative authority in health is both an instrument of public governance and a potential subject of

judicial correction.

3. Health Law in Military Administrative Disputes

Military environments present unique legal challenges due to their hierarchical structure, special regulations, and the nature of military duties, which often involve high physical and psychological risks. Health law becomes particularly relevant in assessing medical conditions, occupational hazards, and healthcare obligations owed to military personnel. Scholarly studies highlight that the military has heightened responsibilities in ensuring the health and safety of soldiers, given their exposure to rigorous training, hazardous materials, combat readiness demands, and operational stress.

Within military administrative disputes, health law often arises in claims involving service-related illnesses, improper medical treatment, inadequate protective equipment, or failures in providing appropriate healthcare facilities. Indonesian legal frameworks, including the Military Service Law and government regulations on military health services, impose explicit obligations on the state to maintain soldiers' physical and mental fitness. When disputes concerning these obligations emerge, they may be adjudicated through military administrative processes or, in certain cases, PTUN.

Academic literature notes that military administrative decisions affecting health such as fitness assessments, deployment eligibility, or medical discharge must be grounded in scientific evaluation and comply with health law principles. Even though military institutions possess broad authority, their decisions remain subject to legal limitations to prevent abuse or negligence. Courts reviewing such disputes examine whether medical assessments were conducted properly, whether health facilities met required standards, and whether personnel were adequately protected from occupational hazards. Because the military operates under distinct disciplinary structures, health-related disputes often require a balance between operational necessity and human rights protection. The literature underscores that soldiers' right to health does not diminish due to their military status. Judicial review in these cases ensures fairness, prevents arbitrary decision-making, and maintains accountability within military health administration.

4. Legal Remedies in Administrative Health Disputes

Legal remedies serve as essential mechanisms for enforcing health rights and correcting administrative errors. The literature distinguishes multiple layers of remedies available in administrative health disputes, each serving a specific protective function. The first remedy is appeal, which allows dissatisfied parties to seek reconsideration from a higher administrative court. Appeals focus on factual and legal reassessment, ensuring that procedural fairness and substantive accuracy are upheld.

The second remedy is cassation, which is lodged with the Supreme Court and focuses on issues of legal interpretation. Cassation plays a crucial role in shaping the jurisprudence of administrative health law, ensuring uniform application of legal principles nationwide. The third remedy is judicial review, which allows the Supreme Court to examine the constitutionality or legality of administrative regulations affecting health. This mechanism is particularly important when public health policies are believed to violate higher-level laws or constitutional standards.

Another important remedy is filing a civil claim for unlawful acts (*perbuatan melawan hukum*) when state authorities allegedly cause harm through negligence, misconduct, or arbitrary decisions affecting health. Such claims seek compensation for medical injury, occupational disease, or denial of health services. Mediation is also widely discussed in literature as a flexible alternative, promoting faster and less

adversarial resolution of health disputes. It is particularly useful in medical negligence cases, where collaborative settlement often benefits both parties. Scholarly sources emphasize that effective legal remedies strengthen accountability in the health sector. They ensure that administrative decisions align with legal norms, safeguard human rights, and uphold medical ethics. Remedies empower citizens, health workers, and military personnel to challenge unfair practices and demand corrective action. Without accessible legal remedies, the right to health would remain unenforceable and vulnerable to administrative abuse.

RESEARCH METHOD

In this study, the author employs a qualitative research method as the primary approach. Qualitative research involves collecting and analyzing descriptive and non-numerical data to understand complex social phenomena and gain deep insights into perspectives, behaviors, and attitudes of research subjects. The first step includes identifying the research topic and formulating relevant research questions. Such questions are open-ended and exploratory in nature.

The next step is selecting an appropriate research design. Common qualitative designs include case studies, ethnography, phenomenology, and grounded theory. Various data collection techniques are used, including in-depth interviews, participant observation, and document analysis, allowing the researcher to develop rapport and gather high-quality data. After data collection, the analysis is carried out inductively organizing, coding, categorizing, and identifying patterns or themes within the data. The researcher interprets findings holistically, considering context and variations within the subject group.

Ensuring research validity and trustworthiness is essential. This may involve data triangulation, obtaining participant feedback, and thoroughly documenting research procedures. Findings are then presented in a written report that provides a detailed account of the research process, major findings, and interpretations. Qualitative research proves valuable across social sciences, psychology, anthropology, education, and humanities, offering comprehensive understanding of context, nuance, and human complexity.

RESULT AND DISCUSSION

Health law is a branch of law that regulates all aspects related to health. It encompasses the rules governing the health sector, including the rights and obligations of patients, medical activities, disease prevention, and the legal responsibilities of health professionals. Health law also covers health policies, regulations on pharmaceuticals and food, as well as the establishment of government institutions that regulate the health sector. More specifically, health law involves several key aspects, including:

a. Rights and Obligations of Patients

Health law ensures legal protection of patient rights, such as the right to obtain clear and adequate information regarding medical treatment, the right to choose the type of medical care, and the right to privacy and confidentiality of health information.

b. Legal Responsibilities of Health Professionals

Health law establishes ethical and practical standards that must be followed by health professionals. Doctors and other medical personnel have legal responsibilities regarding the services they provide to patients.

c. Authorization of Medical Services

Health law regulates the requirements for obtaining practice licenses for health professionals. This ensures that medical personnel who practice possess adequate qualifications and expertise.

d. Consumer Protection

Health law includes regulations and protections for health-related products available on the market. These regulations cover the supervision of medicines, dietary supplements, medical products, as well as food and beverages consumed by the public.

e. Health Policy

Health law plays a role in shaping health policies formulated by the government. These policies include disease prevention efforts, health financing regulation, and equitable and efficient allocation of health resources.

f. Law Enforcement

Health law also encompasses the legal enforcement process related to violations committed in the health sector. Such violations may include medical malpractice, the use of illegal substances, or other unlawful acts that negatively impact public health.

Efforts within health law to resolve cases in the Administrative Court (PTUN) or military administrative cases involve several carefully structured processes. Initially, individuals affected by an administrative or military case must recognize the health rights that are violated or potentially threatened. The first approach is to understand the legal basis regulating these health rights, including laws, regulations, and relevant court decisions.

A health evaluation is required to determine the direct or indirect impact of the administrative or military case on individual or public health. This evaluation includes analysis of medical support, collection of medical data, assessment of health impacts, and identification of necessary corrective actions. Affected individuals must regularly monitor their health condition to document changes that may arise due to the case. Such monitoring must use relevant medical standards and involve competent health experts.

If there is strong evidence that an administrative or military case has violated health rights, the affected parties may pursue policy reform. This involves strong legal arguments and support from others, such as human rights organizations, the government, or relevant health institutions. If policy reform efforts fail or are insufficient to protect violated rights, the affected parties may file a legal claim. They must involve attorneys specialized in administrative or military law, depending on the case. This legal claim formally resolves the matter through the administrative or military court, where a legal decision can be issued.

As an alternative, affected parties may attempt mediation or other dispute resolution methods to settle the case more quickly and affordably. Mediation involves a neutral third party assisting both sides in reaching a mutually beneficial agreement. After the case concludes whether through court rulings, mediation, or alternative settlement the affected parties must take future steps to protect their health. These may include continued monitoring, health policy improvements, or support for systemic reform.

Health law plays a vital role in resolving cases within the Administrative Court (PTUN) or military administrative cases. Several key points illustrate this connection:

a. Protection of Human Rights

Health law is intertwined with the protection of human rights, including the right to health. In administrative or military cases, court decisions must ensure that individual or group health rights are safeguarded.

b. Health Service Standards

Disputes often arise regarding health service standards provided by relevant authorities. Health law provides guidelines and regulations for these standards, and courts use them as references when evaluating whether such standards have been met.

c. Responsibility of the State or Military

In administrative or military cases, there may be controversies concerning state or military responsibility for health-related matters. Health law helps determine the extent of these responsibilities in providing health services, protecting the public, and responding to health emergencies.

d. Court Authority

Health law helps determine the authority of courts in administrative or military cases. In health-related contexts, the court's authority may include reviewing administrative decisions linked to health services or violations of health-related human rights.

e. Dispute Resolution

Health law provides the basis for resolving disputes arising in administrative or military cases. It also offers alternative mechanisms, such as mediation or arbitration, which can help parties achieve mutually beneficial solutions.

Efforts in health law to resolve cases in the Administrative Court or military administrative courts involve several legal remedies available to parties who feel harmed or dissatisfied with a court decision. These remedies include:

a. Appeal

Parties may file an appeal to a higher administrative or military court if they believe the decision at the first level is unsatisfactory.

b. Cassation

If the appeal decision remains unsatisfactory, cassation can be submitted to the Supreme Court. Cassation is the final legal remedy in Indonesia, though administrative or military cases may have specific pathways depending on jurisdiction.

c. Judicial Review

In administrative cases, parties may file for judicial review to the Supreme Court to assess the legality of regulations involved in the dispute.

d. Civil Lawsuit for Unlawful Conduct

If the state is believed to have committed an act violating health rights, affected parties may file a civil lawsuit for unlawful conduct before the Administrative Court.

e. Mediation

Mediation may also be attempted as an alternative form of dispute resolution, enabling parties to reach a settlement without further litigation.

Several legal foundations govern the resolution of administrative or military cases involving health law:

a. Law No. 23 of 2014 on Regional Government

Article 32(2) grants regional governments the authority to regulate and manage local health affairs.

b. Law No. 36 of 2009 on Health

Article 170(1) states that disputes related to pharmaceuticals and food may be submitted to the Administrative Court.

c. Law No. 34 of 2004 on the Indonesian National Armed Forces (TNI)

Article 7(2) states that every soldier must maintain physical and mental fitness.

d. Law No. 8 of 1997 on Physicians

Article 10 obligates doctors to provide basic services to individuals, families, and communities within their area of duty.

e. Law No. 29 of 2004 on Medical Practice

Article 35 requires doctors to comply with applicable laws and uphold quality medical service standards.

Additional implementing regulations include:

- Government Regulation No. 61 of 2009 on Health Services within the TNI
- Government Regulation No. 78 of 2010 on Mandatory Health Services for Soldiers
- Government Regulation No. 24 of 2017 on Military Health Services

These regulations outline responsibilities, authority, and procedures within military health services.

CONCLUSION

PTUN holds authority to adjudicate administrative disputes, order compensation, annul administrative actions, suspend decisions, and examine administrative violations by civil servants or legal entities. In PTUN and military administrative cases involving health issues, disputes may involve occupational diseases, inadequate workplace protections, contaminated environments, or insufficient access to healthcare services. Health law provides standards, obligations, and accountability mechanisms to ensure fairness and protection of health rights.

Courts must evaluate medical evidence, health standards, administrative authority, and legal responsibility. Ultimately, health law ensures justice, prevents abuse, and safeguards public health within administrative and military judicial contexts.

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