The Integralistic State Idea: Reconstruction of Administrative Efforts Perspective

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Abstract.
The administrative efforts as part of the state administrative and legal process are efforts to optimize non-litigation dispute resolution steps. This study attempts to present a prescription for administrative efforts associated with the idea of an integralistic state. This research is normative legal research with conceptual and statutory approach. The results of the study confirm that the mandatory administrative effort is a progressive step because it emphasizes the values of the civilized nation, which focuses more on non-litigation dispute resolution. In addition, the reconstruction of the practice of administrative efforts needs to be carried out by socializing and providing an understanding of the importance of administrative efforts as well as the need for technical guidelines for the implementation of administrative efforts in each institution as well as increase the capacity of institutional leaders.

1. Introduction

All Disputes are commonplace in everyday life as humans, especially in social life. As a *zoon politicon* or a creature that has an orientation to socialize, certain obstacles can lead to disputes between humans.[1] In this case, the dispute is a necessary thing in human life. Therefore, disputes should not be avoided but must

[1] Rosita Rosita, "ALTERNATIF DALAM PENYELESAIAN SENGKETA (LITIGASI DAN NON LITIGASI)," *Al-Bayyinah*, 2017, https://doi.org/10.35673/al-bayyinah.v1i2.20.

find a way out in overcoming disputes.[2] Disputes become an 'enigma' in the social life of every human being. It can be understood that "where there are humans, there are disputes," so the existence of human life goes hand in hand with disputes. Therefore, disputes should not be avoided but must find a way out in overcoming disputes.[3] The Dispute, although in general, is often equated with conflict; in fact, it has several differences from conflict. Conflict is a dispute that occurs between each party due to certain factors that cause conflict. Conflict is multi-aspect and multi-sectoral. That causes the conflict not to be centered on a particular problem but triggered by a particular problem which then spreads to become a widespread conflict.[4] That is certainly different from disputes that are normative and are based on specific and specific problems. Because the problem is clearer, disputes require special space or facilities for dispute resolution. This is certainly different from a conflict that requires the consolidation of the conflicting parties. Based on this description, even though they have similarities, conflict and dispute are two different things.[5]

Disputes essentially have a normative character that requires clarity and clarity of issues. In this case, a competent third party must resolve the dispute. Because it requires dispute resolution with the help of a third party, in general, dispute resolution efforts are carried out through third parties. The third party can be an authoritative institution or according to the wishes of the disputing parties.[6] Dispute resolution efforts are generally divided into two, namely litigation and non-litigation.[7] Litigation efforts are dispute resolution with the orientation of the court's role as the party with authority to resolve disputes. The role of the court in this matter is formal, official, and must be obeyed; this is following the adage that *res judicata pro veritate habetur*, which means that in a dispute, the court's decision is "final" and has an authoritative meaning (the strongest) so that the disputing parties must obey it. In this case, non-litigation dispute resolution places the court as the "spearhead" of dispute resolution. Non-litigation dispute resolution is just the opposite which places the court not the only place to resolve disputes. In non-litigation disputes, the court is placed as "*the final room*" to

[2] Rohmad Supaat, "Penyelesaian Sengketa Secara Mediasi Oleh Kepala Desa Atas Peralihan Hak Atas Tanah Yang Dilaksanakan Di Bawah Tangan Di Desa Pleret Kecamatan Pohjentrek Kabupaten Pasuruan," *Dinamika:Jurnal Ilmiah Ilmu Hukum* 26, no. 13 (2020): 5–24.
[3] Supaat.
[4] Albert Fiadjoe, *Alternative Dispute Resolution: A Developing World Perspective* (New York: Routledge, 2013).
[5] Dafna Lavi, *Alternative Dispute Resolution and Domestic Violence: Women, Divorce and Alternative Justice* (New York: Routledge, 2018).
[6] Susan Blake, Julie Browne, and Stuart Sime, *A Practical Approach to Alternative Dispute Resolution* (Oxford: Oxford University Press, 2012).
[7] Candra Nur Hidayat Serena Ghean Niagara, "Penyelesaian Sengketa Non-Litigasi Ditinjau Dari Undang Undang Nomor 10 Tahun 1998 Tentang Perbankan Dan Undang Undang Nomor 30 Tahun 1999 Tentang Arbitrase Dan Alternatif Penyelesaian Sengketa," *Surya Kencana Dua* 7, no. 1 (2020): 76.

resolve the dispute.[8] That is understandable because non-litigation dispute resolution efforts are considered more dignified, more effective, and efficient in terms of time and cost.[9]

One of the non-litigation dispute resolution efforts in state administrative law is administrative efforts. Administrative efforts are one of the efforts to resolve disputes in administrative law which emphasizes that the Administrative Court (in this case, the *Peradilan Tata Usaha Negara* or PTUN) is the last resort and step.[10] That is stated in Article 75, 76 and Article 77 of Act No. 30 of 2014 concerning Government Administration (hereinafter referred to as UU AP) which essentially requires administrative efforts before taking litigation steps through the Administrative Court. The Supreme Court (*Mahkamah Agung* or MA) followed this up through the Regulation of the Supreme Court of the Republic of Indonesia (*Peraturan Mahkamah Agung* or Perma) Number 6 of 2018 concerning Guidelines for Settlement of Government Administration Disputes. Thus, administrative efforts are the first step and the first effort in resolving state administrative disputes before taking litigation at the PTUN. The strong legitimacy of the position of administrative efforts in state administrative disputes is actually following the personality of the Indonesian state, which has integralistic values.[11] The integralistic value of the Indonesian state, as stated in the fourth principle of Pancasila emphasizes the aspect of "*musyawarah-mufakat*" or consensus as the first step in dealing with disputes; what can understand that because even though the parties are in dispute, the integralistic value views the parties as one body and one soul.[12] The disputing parties are also Indonesian family members, so even if there is a dispute, they cannot be seated face to face (*vis a vis*) as in litigation. This study seeks to emphasize the nature of administrative efforts in state administrative disputes related to integralistic values, especially those initiated by Supomo as one of the *founding leaders* who tried to explore the values of the Indonesian nation's personality in the Investigating Committee for Preparatory Work for Indonesian Independence (BPUPKI) meeting.[13]

[8] Syamsudin, *Konstruksi Baru Budaya Hukum Hakim Dalam Perspektif Hukum Progresif*, 2nd ed. (Jakarta: Kencana Prenada Media Group, 2015).
[9] Siti Munawaroh, *Modul Ajar PLKH Litigasi Dan Non Litigasi*, 1st ed. (Surabaya: Jakad Publishing, 2015).
[10] Rizza Arge Winanta Suwandoko, Sholihul Hakim, "Implikasi Hukum Putusan Pengadilan Tata Usaha Negara Dalam Perspektif Negara Hukum," *Journal of Public Administration and Local Governance* 5, no. 2 (2021): 146–48.
[11] Riski Febria Nurita Laga Sugiarto, "Pandangan Negara Integralistik Sebagai Dasar Philosofische Gronslag Negara Indonesia," *Cakrawala Hukum* 9, no. 1 (2018): 59–67.
[12] Dicky Eko Prasetio Fradhana Putra Disantara, "The Little Vatican : Optimalisisasi DWIPA (Desa Wisata Pancasila) Sebagai Upaya Meningkatkan Harmonisasi Sosial Dan Tolerans," *Law, Development & Justice Review* 3, no. 1 (2020): 42–56.
[13] Ida Bagus Brata and Ida Bagus Nyoman Wartha, "Lahirnya Pancasila Sebagai Pemersatu Bangsa Indonesia," *Jurnal Santiaji Pendidikan* 7, no. 1 (2017): 120–32, https://doi.org/https://doi.org/10.36733/jsp.v7i2.

The research on administrative efforts in state administrative disputes has been studied by researchers such as that conducted by Erna Dwi Safitri and Nabitatus Sa'adah (2021) regarding *Penerapan Upaya Administratif Dalam Sengketa Tata Usaha Negara*. The results of this study confirm that administrative efforts must be carried out in every state administrative dispute, especially in disputes that occur in ASN.[14] Furthermore, the research conducted by Mikhael Pontowulaeng Mikhael Pontowulaen, Tommy F. Sumakul, and Eugenius N. Parasi (2021) on *Upaya Administratif Dalam Penyelesaian Sengketa Tata Usaha Negara Menurut Undang–Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan* with the results of research that efforts are legitimized Administrative measures in the UU AP make the Supreme Court seek responsive steps by issuing a Supreme Court Regulation.[15] That emphasizes that is facing a legal need, synergy and coordination between institutions are needed in optimizing a legal policy. Research conducted by Pulung Hudoprakoso (2022) on *Pemberlakuan Upaya Administrasi Sebagai Primum Remidium Dalam Penyelesaian Sengketa Tata Usaha Negara* which relates administrative efforts in a broad sense, is understood as an effort to optimize the principles of simple, fast, and low-cost justice.[16] In this case, the principle of a simple, fast, and low-cost trial must be understood as a dispute process in court that must be carried out first in a preventive manner before the juridical process in court is carried out. This research is an original study associated with the three previous studies because the link between administrative efforts and the idea of an integralistic state has never been done by previous researchers. This purpose of this research is attempts to present a prescription for administrative efforts associated with the idea of an integralistic state.

2. Research Methods

This research is legal research. Legal research is an excavation of a legal problem called a legal issue based on the nature of legal scholarship.[17] The nature of legal is normative, which means it is based on certain norms or rules; who must distinguish this from the positivistic view, which sees law as a building of written rules only.[18] his study uses primary legal materials, which include: the 1945 Constitution of the Republic of Indonesia, Act No. 30 of 2014 concerning Government Administration (hereinafter referred to as UU AP) and Regulation of the Supreme Court of the Republic of Indonesia (PERMA) Number: 6 of 2018 concerning Guidelines for Settlement of Government Administration Disputes.

[14] Erna Dwi Safitri and Nabitatus Sa'adah, "Penerapan Upaya Administratif Dalam Sengketa Tata Usaha Negara," *Jurnal Pembangunan Hukum Indonesia* 3, no. 1 (2021): 34–45.
[15] Mikhael Pontowulaeng, Tommy F. Sumakul, and Eugenius N. Paransi, "Upaya Administratif Dalam Penyelesaian Sengketa Tata Usaha Negara Menurut Undang–Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan," *Lex Administratum* 9, no. 6 (2021): 167.
[16] Pulung Hudoprakoso, "Pemberlakuan Upaya Administrasi Sebagai Primum Remidium Dalam Penyelesaian Sengketa Tata Usaha Negara," *Juristic* 3, no. 1 (2022): 93.
[17] Peter Mahmud Marzuki, *Penelitiam Hukum*, 13th ed. (Jakarta: Kencana, 2017).
[18] Cynthia Hadita Eka N.A.M. Sihombing, *Penelitian Hukum*, 1st ed. (Malang: Setara Press, 2022).

Secondary legal materials include books, articles, and other scientific works, especially those relating to the idea of an integralistic state initiated by Supomo. Non-legal materials include legal dictionaries. The approach in this study uses a statutory approach and a conceptual approach.

3. Results and Discussion

3.1. The Urgency of Administrative Efforts as Alternative Dispute Resolution

Administrative efforts are one of the efforts to resolve state administrative disputes out of court. Law no. 5 of 1985 concerning the State Administrative Court or *Peradilan Tata Usaha Negara* (hereinafter referred to as the UU PTUN) emphasizes that administrative efforts are one way that can take to resolve state administrative disputes.[19] That is mainly related to the word "can" in the formulation of the UU PTUN. In *legislative drafting*[20], words can indicate permissibility or an optional choice that may or may not be taken. In the legal concept, the word "can" refers to a complementary legal concept commonly referred to as *aanvullend recht*. *Aanvullend recht* is a legal concept that is complementary and optional so that it is not considered a necessity and should be implemented continuously (ought to be).[21] As an option, of course, *aanvullend recht* is an alternative. This is, of course, in line with administrative efforts in the UU PTUN; with the formulation of the word "can," administrative efforts are the only alternative, which means they can be done or *vice versa*. However, UU PTUN issuance has had its legal implications. In the UU PTUN, there is a provision that administrative efforts are required before taking litigation steps through the Administrative Court. This has changed the position of administrative efforts, which in the UU PTUN are an *avullend recht* to *dwingend rech*t or have coercive characteristics as stated in the formulation of the UU PTUN.[22] In the author's opinion, the occurrence of different formulations from the word "can" to "mandatory" related to administrative efforts from the UU PTUN to the UU AP has legal consequences that administrative efforts are mandatory in state administrative disputes. That is based on a legal principle that asserts that "*lex posterior derogate legi priori*" which means a new rule with the same substance,

[19] Kadek Agus Sudiarawan and Bagus Hermanto, "Rekonstruksi Pergeseran Paradigma Upaya Administratif Dalam Penyelesaian Sengketa Prapemilihan Kepala Daerah," *Legislasi Indonesia* 16, no. 3 (2019): 325–43.
[20] Helen Xanthaki, "Legislative Drafting:A New Sub-Discipline of Law Is Born," *IALS Student Law Review* 1, no. 1 (2017): 57–62.
[21] Misnar Syam et al., "Consumer Protection Enforcement Law Characteristics on Civil Law Aspects in Indonesia," *Linguistics and Culture Review* 5, no. S2 (2021): 1471–81, https://doi.org/10.21744/lingcure.v5ns2.1976.
[22] Raden Ajeng Cendikia Aurelie Maharani, "Akta Penegasan Perjanjian Perkawinan Kaitannya Dengan Pemenuhan Prinsip Publisitas," *Notaire* 4, no. 2 (2021): 285, https://doi.org/10.20473/ntr.v4i2.27168.

erases the validity of the previous rule.[23] That implies that the difference in the formulation in the UU PTUN to the UU AP from the word "can" to the word "mandatory" actually confirms the orientation of the word "mandatory" contained in the UU AP.

In addition, the change in the formulation has also changed the conception of administrative efforts which were previously *avullend recht* to become *dwingend recht*. Referring to these differences in nature, the author argues that three things need to be considered regarding why administrative efforts should be *dwingend recht* as formulated in the UU AP. *First*, the coercive characteristic of dwingend recht shows that the rule of law needs to be coercive because it substantially has the essence of a norm. The norm's essence is a moral radiance crystallized in legal principles. The legal principles, according to J.J. Bruggink[24] are one of the determining factors for the applicability of a rule and legal norm. This indicates that without legal principles, norms and rules of law are only official orders of the rulers without any moral essence. This is what actually cannot be called a law. Every rule is not necessarily a law and so is that law is not just a written rule.[25] Consequently, the rule of law which is not reflected in the legal principle in its substance cannot be called a law. The urgency for a rule to base the law is at least based on the legal adage which states that "*mihi lex esse von videtur, quae justa non fuerit*" meaning something in which there is no substance to realize justice, then it cannot be categorized as law. Regarding the obligatory administrative measures in the UU AP, this is based on the legal principle, "*discretion est scire per legem quid sit justum*" which means that every decision should be a manifestation of justice and law. This legal principle deeply means that every decision concerning the relationship of two or more people should be based on law and justice. That reinforces the idea of Satjipto Rahardjo, which emphasizes the existence of *justice in many rooms*.[26] Satjipto Raharjo's idea emphasizes that legal practice does not always have to be linear with legal institutions; who can carry out legal practice outside of legal institutions as long as the values of law and justice are upheld in legal practice.[27] Thus, in practice, the administrative measures required by the UU AP are the concretization of the legal principle of "*discretion est scire per legem*

[23] Nurfaqih Irfani, "Asas Lex Superior, Lex Specialis, Dan Lex Pesterior: Pemaknaan, Problematika, Dan Penggunaannya Dalam Penalaran Dan Argumentasi Hukum," *Jurnal Legislasi Indonesia* 17, no. 3 (2020): 305, https://doi.org/10.54629/jli.v17i3.711.

[24] Nasikhin et al., "Analysis of Compliance Companies in Paying BPJS Employment Contributions," *Bertuah : Journal of Shariah and Islamic Economics* 3, no. 1 (2022): 11–36.

[25] Gunawan Nachrawi and I Gusti Agung Ngurah Agung, *Teori Hukum* (Bandung: CV Cendekia Press, 2020).

[26] Dicky Eko Prasetio Adam Ilyas Felix Ferdin Bakker, "Membangun Moralitas Dan Hukum Sebagai Integrative Mechanism Di Masyarakat Dalam Perspektif Hukum Progresif," *Mimbar Keadilan* 14, no. 2 (2021): 128–38.

[27] Jennifer Barton-Crosby, "The Nature and Role of Morality in Situational Action Theory," *European Journal of Criminology* 1, no. 1 (2020): 1–17, https://doi.org/10.1177/1477370820977099.

quid sit justum" which is then outlined in the UU AP.

Second, the mandatory administrative measures in the UU AP are an effort to seek the implementation of justice outside the formal justice mechanism; who can understand that the formal-judicial process has a long period, is highly procedural, and is not uncommon for the gap to appear convoluted.[28] Of course, the disputing parties are more wasteful in terms of time, effort, and cost. That is different from out-of-court dispute resolution, which emphasizes the compromise of the disputing parties. Of course, that can save more time, energy, and costs. Alternative dispute resolution out of court (non-litigation) is oriented towards resolving legal issues out of court.[29] Suppose it is related to effectiveness and efficiency, of course. In that case, dispute resolution out of court (non-litigation) fulfills the aspect of effectiveness and efficiency more than dispute resolution in court. In the context of state administrative disputes, from the point of view of the administrative court, it is a means or forum to 'test whether' the issued State Administrative Decisions have fulfilled the principles of law and justice through legal means according to the applicable laws and regulations.[30] Therefore, the birth of a State Administrative dispute is not something extraordinary but a matter that must resolve. A solution is sought through the means provided by the applicable laws and regulations. Moreover, state administration organs also take care of public affairs so that a protracted dispute can interfere with public service rights for a public right obtained from the services of state administration officials. Thus, the obligatory administrative efforts in the UU AP are aimed at maintaining the implementation of public services for the community while at the same time prioritizing aspects of effectiveness and efficiency in dispute resolution. *Third,* the mandatory administrative effort in the UU AP is an effort to explore and apply the noble values and personality of the nation.[31] From the various ideas of founding leaders in the BPUPKI and The Preparatory Committee for Indonesian Independence (PPKI) sessions, several ideas show the identity and personality of the nation, such as the importance of religious values as a frame of state life, as mentioned by several Islamic-Nationalist figures in the BPUPKI session and Supomo's idea which stole the attention of meeting participants with the idea

[28] Ni Made Intan Maharani, Anak Agung Sagung Laksmi Dewi, and Luh Putu Suryani, "Penyelesaian Sengketa Para Pihak Yang Telah Terikat Dalam Perjanjian Arbitrase (Studi Kasus Di Pengadilan Negeri Denpasar)," *Jurnal Analogi Hukum* 2, no. 1 (2020): 119–23, https://doi.org/10.22225/ah.2.1.1615.119-123.

[29] Sudjana, "Penerapan Sistem Hukum Menurut Lawrence W Friedman Terhadap Efektivitas Perlindungan Desain Tata Letak Sirkuit Terpadu Berdasarkan Undang-Undang Nomor 32 Tahun 2000," *AL Amwal* 2, no. 1 (2019): 82.

[30] Efraim Jordi Kastanya Fitriani Ahlan Sjarif, "Surat Edaran Sebagai Instrumen Administrasi Negara Di Masa Pandemi Covid-19," *Hukum & Pembangunan* 51, no. 3 (2021): 791.

[31] Sandryones Palinggi and Irsyad Ridwany, "Peran Nilai-Nilai Moral Pancasila Dalam Kemajuan Teknologi Di Era Milenium," in *Seminar Nasional (SEMNAS) Bela Negara*, 2020, 48–53.

integralistic state.[32] In brief, Supomo emphasized the idea of an integralistic state as a state based on *kinship*.[33]

In this 'family state' or *negara kekeluargaan*, every citizen is a brother and even the state government as the executor of the state should be referred to as a "*manager*" whose orientation is not only to work but to work and serve the community as a noble goal.[34] In the idea of an integralistic state, every dispute is seen as a *sunatullah* that must be faced and resolved in a familial way. That's, of course, emphasizes the existence of moral supremacy that must be placed higher than just legal supremacy (the rule of law). Although officially, the idea of Supomo's integralistic state is not part of the basis and identity of the Indonesian state, it does not mean that the idea of Supomo's integralistic state is something that is "not accepted" and even rejected by the Indonesian people. Implicitly, Supomo's idea of an integralistic state becomes the "*guiding spirit*" of the Indonesian nation and is also a reflection of the spirit of Pancasila.[35] That is, of course, based on Sukarno's view that one of the main characteristics of Pancasila is cooperation, and in Supomo's concept of an integralistic state, *gotong royong* occupies the most important aspect.[36] Suppose it is related to the obligatory administrative efforts in the UU AP; in that case, the above phenomenon should be an effort to implement the values and character of the nation in the form of deliberation for consensus and the character of cooperation which puts forward informal steps in dispute resolution which are all related to the idea of an integralistic state as proclaimed by Supomo. In connection with the three arguments, who can conclude that the mandatory administrative measures in the UU AP are a progressive step to optimize the informal dispute resolution process as part of formal dispute resolution through the courts; in this case, the Administrative Court or PTUN. The urgent administrative efforts in promoting dispute resolution outside the courts are an effort to concretize legal principles as a force for legal principles, increase effectiveness and efficiency by prioritizing informal processes outside the court and explore values and national treasures, especially the value of deliberation and cooperation.

[32] RM. A.B. Kusuma, *Lahirnya Undang-Undang Dasar: Memuat Salinan Dokumen Otentik Oentoek Menyelidiki Oesaha-Oesaha Persiapan Kemerdekaan*, 1st ed. (Jakarta: Badan Penerbit Fakultas Hukum Universitas Indonesia, 2004).
[33] Muhammad Noupal and Erina Pane, "Paradigma Integralistik Dan Toleransi Umat Beragama Di Kota Palembang," *Intizar* 23, no. 1 (2017): 73, https://doi.org/10.19109/intizar.v23i1.1278.
[34] Danang Prasetyo and Hastangka, "Upaya Meningkatkan Pemahaman Epistemologis Pancasila Di Perguruan Tinggi," *Integralistik* 32, no. 2 (2020): 61–69.
[35] Desi Apriani Nur Hidayat, "Hukum Pancasila Dengan Metode Penalaran Ideologi Pancasila," *Negara Hukum* 12, no. 1 (2021): 146.
[36] Ir. Soekarno, *Filsafat Pancasila Menurut Bung Karno*, 1st ed. (Yogyakarta: Media Pressindo, 2006).

3.2. The Reconstruction of Administrative Efforts in the Perspective of an Integralistic State

The transformation in the pattern of administrative dispute resolution that places the Court as a 'last resort' (*primum remedium*) and places government officials as the main and first pillar (*ultimum remedium*) in responding to public complaints automatically encourages the government system to improve.[37] This pattern encourages government officials to be required to carry out strengthening in various capacities. *First*, in formulating a decision or policy, government officials should strengthen their planning capacity from a juridical and non-juridical perspective. Thus, accountability is certain and not allowed to drag on. Administrative efforts to place responsibility for a policy will be resolved first by the respective internal governments. Administrative efforts can also be interpreted as part of supervision for government officials. This is essentially a means of internal control and legal protection provided by agencies or institutions within the government itself. Further strengthening is the capacity of government officials to prepare Objection and Appeal instruments for people who want to take administrative measures against a policy that is considered detrimental to them. As mandated by the UU AP, instruments or procedures for making objections and appeals must be prepared immediately by issuing internal provisions to each bureaucracy.[38] This is to show the seriousness and seriousness of the government bureaucracy in implementing the administrative effort system as a legal effort for the community to seek justice

Administrative objections and appeals are part of legal remedies against government decisions. In addition, to avoid the impression that the administrative effort is only a formal stage before proceeding to the Court. The readiness of the instrument is also to show that every government decision or policy is always ready to be accounted for if there are parties who question it. This readiness can be seen in the system for resolving objections and appeals as outlined in a rule set by the leadership of a government agency. It is emphasized that an administrative effort to resolve a State Administrative dispute carried out within the government includes an objection procedure and an administrative appeal procedure. Administrative efforts are a means of legal protection for citizens (individuals / civil legal entities) affected by State Administrative Decisions *(beschikking*) that harm them through the State Administration Agency / Official within the government itself before being submitted to the judiciary. After the substance of the UU AP, which requires administrative efforts, there must be a paradigm shift that administrative efforts are not just fulfilling procedural aspects but are substantial aspects. This confirms that there is a need to establish procedures and

[37] Anna Erliyana Chandra Syafrijal Latief, "Penerapan Penyelesaian Sengketa Tata Usaha Negara Melalui Upaya Administrasi: Perbandingan Indonesia, Australia Dan Belanda," *Judicial Review* 22, no. 2 (2022): 216.

[38] Robinsar Marbun, "Transformasi Upaya Administratif Dalam Penyelesaian Sengketa Kepegawaian," *Jurnal Yuridis* 4, no. 2 (2018): 205, https://doi.org/10.35586/.v4i2.252.

mechanisms in every government agency along with the stages of administrative efforts. Furthermore, related to the idea of an integralistic state presented by Supomo,[39] at least the notion of an integralistic state rests on three aspects.

First, the nature of an integralistic state; *secondly*, the character of each individual in an integralistic country; and *thirdly*, the quality of a leader in an integralistic country. Before further explaining these three aspects, the author needs to emphasize that the importance of the idea of an integralistic state conveyed by Supomo is related to administrative efforts because the idea of an integralistic state was a style of government and character of Indonesia during the kingdom era and before independence related to the relationship between the leader and his people. That is in line with the parties in state administrative law that there is a relationship between the leader as the maker of the KTUN (*beschikking*) and the community as the recipient of the impact of the enactment of a KTUN (*beschikking*). That strengthens the idea of an integralistic state in discussing administrative efforts as part of the study of state administrative law. In relation to the three aspects of the integralistic state ideology as conveyed by Supomo, it is necessary to elaborate on several aspects. *First*, related to the nature of the integralistic state, the state has a *Verbandseinheit* or unified bond with its people. Supomo emphasizes that the union of bonds is "*de neighing al het bestaande voor zich op te eisen, in zich op te nemen*" which means to make everything that exists a part of one's self. In short, the nature of the integralistic state is that between the state and the individual is a single entity. Individuals are like children, while the state is a family gathered together in the same 'house' (country). Thus, in relation to disputes, the nature of the integralistic state emphasizes informal (kinship) settlements. Dispute resolution amicably must be interpreted based on the process and family values; who cannot reduce that all problems can be resolved amicably, which means that those in a position below must always understand the decisions made by their superiors. The integralistic state initiated by Supomo does not promote such a character. But make family values a guide for dispute resolution. Therefore, the integralistic state in principle emphasizes the "value" of kinship, not "in the name of the family" but instead injures family values.

Second, related to the character of each individual in an integralistic state, it emphasizes that each individual is part of another individual, so cooperation is a social relation between individuals. If it is associated with social theory, the character of each individual in this integralistic state is seen as an association with strong spiritual bonds. That confirms that any interindividual problems should be resolved by these individuals, of course, based on kinship relations (*volkgemeenschap*). This confirms that between individuals as "one body" which means that when a dispute occurs the parties are a single entity, not parties that

[39] Maria Farida Indrati, ed., *A. Hamid S. Attamimi: Gesetzgebungwissenschaft Sebagai Salah Satu Upaya Menanggulangi Hutan Belantara Peraturan Perundang-Undangan*, 1st ed. (Jakarta: Badan Penerbit Fakultas Hukum Universitas Indonesia, 2021).

stand alone as plaintiffs-defendant, applicant-respondent, complainant-complainant, and so on. Thus, in an integralistic country, equality of position becomes the most important aspect while implementing internal institutional values in resolving disputes.*Third*, related to the quality of leaders in an integralistic country, they should be *primum inter pares* or individuals with advantages who always revive and give form (*gestaltung*) to unwritten societal norms. In this case, obedience, obedience, and leadership expertise in implementing every value that develops in society are the keys to an integralistic state. In this case, obedience, obedience, and leadership expertise in implementing every value that develops in society are the keys to an integralistic state. In the concept of leadership, an integralistic state views the leader and the community as "*manunggaling kawula gusti*" which means there is a "feel" connected between the leader and the community. The leader must realize that he exists because the community is also the other way around; the community must realize that the community must always remind and correct the wrong decisions of leaders through informal approaches. Leaders must always hear, see, and explore social values that grow and develop. In this case, the quality and spirituality of leaders are needed in an integralistic country.

When associated with administrative efforts in the perspective of an integralistic state, the three main aspects of an integralistic state find their relevance. *First*, like *Verbandseinheit* or the unity of bonds with the community, the spirit of brotherhood becomes important so that who should avoid litigation efforts with a "face to face" orientation. That is what emphasizes the importance of administrative efforts. *Second*, based on kinship relations (*volkgemeenschap*), administrative efforts can be referred to as a medium of "dialogue" between individuals. That is an important thing in administrative efforts. *Third*, the quality of leaders in an integralistic country is certainly related to the character of the leadership of government institutions to always understand every problem and broaden the horizon of understanding various cases. That makes the leadership of government institutions the "first problem solver." Based on the description above, the main novelty of this research is to explain the idea of administrative effort as a manifestation of the idea of a family-based integralistic state. The reconstruction of administrative efforts in the idea of an integralistic state needs to carry out several further efforts such as: making rules or internal institutional guidelines related to administrative efforts, providing understanding for the parties and communities who are disadvantaged over a KTUN accompanied by an understanding of how to make efforts administrative activities, as well as providing special and periodic training for the leaders of government agencies to be sensitive and to be the first problem solver in the process of administrative efforts.

4. Conclusion

The urgency of administrative efforts in promoting dispute resolution outside the courts is an effort to concretize legal principles as a force for legal principles, in addition to increasing effectiveness and efficiency by prioritizing informal processes outside the court, as well as an effort to explore values and national treasures, especially the value of deliberation to reach consensus and cooperation. Reconstruction of administrative efforts in the idea of an integralistic state needs to make several further efforts such as: making rules or internal institutional guidelines related to administrative efforts, providing understanding for parties and communities who are disadvantaged over a KTUN accompanied by an understanding of how to carry out administrative efforts, as well as providing specialized training and periodically for the leadership of government agencies to be sensitive and to be the first problem solver in the process of administrative efforts

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