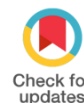


State Accountability and the Problem of Citizen Lawsuit Execution



Triwanto¹✉ , Imam Al Ghozali Hide Wulakada² 

^{1,2} Faculty of Law, Universitas Slamet Riyadi, Indonesia

Corresponding: trihfiy@gmail.com

Received: 2025-10-08 | Accepted: 2026-04-22 | Published: 2026-05-03

Abstract

This article examines state accountability and the weak execution of Citizen Lawsuit decisions in Indonesia's public service context. Using a normative juridical method with statutory, conceptual, and comparative approaches, the study analyzes constitutional and legislative obligations regarding public services and road infrastructure, as well as their enforcement through Citizen Lawsuits. The findings show structural and normative problems: ambiguity of legal forum (civil or administrative courts), absence of clear execution norms, and predominantly declaratory judgments without coercive mechanisms. These weaknesses create a gap between formal recognition of state negligence and the actual restoration of citizens' rights. Comparative insights from the United States, India, and theoretical discussions on the rule of law and anti-corruption indicate that effective enforcement design is crucial to strengthening public trust and accountability. The article proposes reform of legal norms, procedures, and institutional coordination to ensure that Citizen Lawsuit decisions are executable and provide substantive protection.

Keywords: Administrative Law; Citizen Lawsuit; Public Services

I. Introduction

In Indonesian legal practice, citizen lawsuits or often called Citizen Lawsuits are present as an important instrument to carry out public control over the state's negligence in carrying out its constitutional obligations. This concept allows citizens to demand accountability from state administrators who neglect to fulfill public rights, especially in public services or infrastructure implementation. However, in its implementation, there are significant obstacles, namely uncertainty in procedural law: starting from the legal standing of citizens to the mechanism of execution of judgments which are often declarative without coercion.¹ This creates a real distance between the rights guaranteed by the constitution and the effectiveness of court decisions.

State accountability for the negligence of the organizers, especially in the context of roads and public infrastructure, has a multidisciplinary dimension: not only civil law when citizens' rights to traffic access and safety are violated; but also state administrative law because such negligence is a form of policy maladministration; even criminal in dimension when the negligence of the organizers causes great casualties or material losses.² Thus, Citizen Lawsuit

¹ Kaunang, A. C. N., Koloay, R. N., and Muaja, H. S., "Citizen Lawsuit in a Positive Legal Perspective in Indonesia," *Lex Privatum Journal* 10, no. 3 (2022): 1-12. <https://share.google/QZrkB8TcdNxUKsZXk>; S. Ismantara, "Citizen Lawsuit," *Equitable Journal* 8, no. 2 (2022): 298. <https://doi.org/10.37859/jeq.v8i2.4984>

² Sufriadi, "Responsibilities of Positions and Personal Responsibilities in the Implementation of Government in Indonesia," *Juridical Journal* 1, No. 1 (June 2014): 57-72.

provides a claim space that goes beyond traditional civil boundaries alone becoming a more comprehensive means of state accountability. However, in the Indonesian legal system, the integration between the civil, administrative, and criminal realms in lawsuits like this is still not optimal.

In court practice, the norms used by judges in deciding Citizen Lawsuit cases generally rely on constitutional and legislative foundations. Article 28H paragraphs (2) and (3) of The Constitution of the Republic of Indonesia of 1945, affirms the right of citizens to fair public services and legal protection. In addition, laws such as Law Number 38 of 2004 concerning Roads Indonesia Law Number 25 of 2009 on Public Services are references in the assessment of the negligence of the organizers. In the international realm, the principle of state responsibility in international law is also a reference.³ But the main obstacle lies in the implementation of the judgments: many judgments are declarative without a coercive enforcement mechanism, so citizens often obtain only formal recognition without any real restoration of rights. The unclear mechanism for the execution of the Citizen Lawsuit decision raises the problem of legal certainty and substantive justice. Because the verdict is only an acknowledgment that the state has been negligent, without any sanctions or concrete restorative orders, public trust in the effectiveness of the courts in enforcing government accountability is eroded. Different interpretations of the applicable norms between judges also cause inconsistencies in the decision, adding to the burden of uncertainty for the plaintiff. In the long run, this condition can cause public frustration and weaken legal instruments as a means of public control. Thus, Citizen Lawsuits in Indonesia currently face structural challenges stemming from procedural weaknesses, limited enforcement instruments, and lack of integration between civil, administrative, either criminal law.

As an illustration of international comparison in the United States, Citizen Lawsuit instrument has a stronger enforcement power because it is accommodated in the rules of civil procedure such as the Federal Rules of Civil Procedure and is widely practiced in environmental and public service cases. Meanwhile, in India, the Public Interest Litigation (PIL) mechanism is used effectively to control government negligence, including road infrastructure, with judgments that are mandatory orders.⁴ This condition is inversely proportional to Indonesia, where Citizen Lawsuit decisions often stop in the declarative realm without adequate execution instruments. This comparison shows that the effectiveness of legal politics depends not only on substantive norms, but also on the design of clear and adequate enforcement mechanisms. In other hand, Zhang finds out in correlations between anti-corruption campaign and lawsuit,⁵ that anti-corruption promotes a better judicial environment, not only improves the quality of judicial decisions, but also boosts public confidence in the judicial system, and encourages firms to settle conflicts through court. Finally, we explore the campaign's broader economic influences and find that after the campaign, cities with initially poorly functioning judiciaries gained more investment, employed more labor, produced more output, and attracted more new firms, particularly in those industries with high contract intensity. Overall, the anti-corruption campaign significantly improved the judicial and economic environment in China. Another research by Fattah⁶ conducting that the purpose of the state law (rule of law) is to protect the rights and freedoms of human citizens to realize the general welfare, of the actions that an arbitrary ruler. It required strict regulation in order to protect citizens from becoming victims of arbitrariness state officials or authorities. A mechanism to protect the citizen right from abuse of power by government is through citizen lawsuit. However currently literature of citizen lawsuit

³ Neni Ruhaeni, "The Development of the Principle of Liability (Bases of Liability) in International Law and Its Implications for Space Activities" *Ius Quila Iustum Legal Jurnal* 21, no. 3 (July 2014): 335-55, <https://doi.org/10.20885/iustum.vol21.iss3.art1>.

⁴ Gauri, Varun., *Public interest litigation in India : overreaching or underachieving? (English)*, Policy Research working paper WPS 5109 (Washington, DC: World Bank, 2009), 12, <http://documents.worldbank.org/curated/en/675001468042007347>; Holladay, Z., "Public Interest Litigation in India as a Paradigm for Developing Nations," *Indiana Journal of Global Legal Studies* 19, no. 2 (2012): 555-73.

⁵ Peng Zhang, "Anti-Corruption Campaign, Political Connections, and Court Bias: Evidence from Chinese Corporate Lawsuits," *Journal of Public Economics* 222 (Juni 2023): 104861, <https://doi.org/10.1016/j.jpubeco.2023.104861>.

⁶ Abdul Fatah, "Gugatan Warga negara Sebagai mekanisme Pemenuhan Hak Asasi manusia dan Hak Konstitusional Warga Negara." *Yuridika* 28, no. 3 (September 2013), <https://doi.org/10.20473/ydk.v28i3.347>.

is a weak in Indonesia, hence there should have been writing that discussion issues of citizen lawsuit from theory side.

Indonesian explained that the inequality between legal theory and the practice of Citizen Lawsuit execution poses serious problems for the protection of citizens' rights and the accountability of state administrators. Although many court decisions acknowledge the negligence of state administrators, the absence of a firm execution instrument makes citizens' rights not optimally protected. As a result, the principles of accountability and legal certainty are limited, and substantive justice is difficult to realize. This research intends to examine state accountability and the problem of execution of Citizen Lawsuit, focusing on the negligence of state administrators in the context of civil, administrative, and criminal law, as well as identifying legal solutions that can strengthen the execution mechanism and improve the protection of citizens' rights as a whole.

Therefore, this paper aims to explain and identify the legal basis and form of state accountability for the negligence of organizers in Citizen Lawsuit, as well as formulate legal methods or steps that can strengthen the execution mechanism so that citizens' rights are protected in a real way.

II. Research Problems

This research defines in the formulation of the problem, namely:

1. What is the legal basis of state responsibility for the negligence of the organizer in the Citizen Lawsuit in Indonesia?
2. Why does Citizen Lawsuit judgments are ineffective enforceable?
3. How to strengthen the execution of Citizen Lawsuits to protecting citizens' rights?

III. Research Methods

This research method uses a type of normative juridical research that emphasizes the study of legal norms as the basis for analysis. The research approach includes three dimensions: first, the statute approach by Indonesia Law Number 38 of 2004 concerning Roads, also Indonesia Law Number 25 of 2009 on Public Services, and other related titled regulations that regulate state obligations and liabilities; second, a conceptual approach to understand the theory and concept of state accountability and the effectiveness of Citizen Lawsuit as an instrument of public control; and third, a comparative approach that examines the practice of lawsuits by citizens in other countries such as the United States and India to obtain a comparative perspective. The analysis is carried out in a qualitative deductive manner by interpreting the rule of law, comparing international practices, and drawing evaluative and recommendatory conclusions that are applicable to the national legal system.

In this paper, the author uses an analytical knife, namely the Theory of State Liability / Constitutional Tort, which refers to the responsibility of the state for losses suffered by individuals due to the actions or negligence of state administrators that violate constitutional rights or state public obligations. In its legal context, this means that when the state or public officials fail to carry out their legal or constitutional obligations, such as maintaining safe public facilities, the state may be liable for damages to the aggrieved citizens. In EU literature, for example, it is stated that:

"Theories developed to explain constitutional torts ... one of them an economic theory ... the other a noninstrumental theory based on corrective justice".⁷

One of the figures often associated with the theory of corrective justice is Ernest J. Weinrib, who in his work *The Idea of Private Law* and other writings developed the idea that tort law should be seen as a correction for the losses that one party incurs to another, based on the principle of equality of rights. For example, it has been argued that "corrective justice explains the liability system as the law's articulation of the moral requirement that wrongdoers make good

⁷ Ian B. Lee, "In Search of a Theory of State Liability in the European Union," Jean Monnet Working Paper 9/99, December 1, 1999.

the losses caused by their wrongdoing".⁸ Meanwhile, in the realm of economics/externalities, works such as Eric A. Posner and Alan O. Sykes relate state responsibility as an instrument to ensure that external costs arising from public policies can be internalized by state administrators.⁹

In addition to this theory, there is also a theory of public administration related to the concept of state accountability that emphasizes that the failure of public administration, especially those of a procedural or administrative nature (*ultra vires*, maladministration), is the basis of state responsibility. For example, according to Sunaryati Hartono:

"Maladministration ... is unnatural behavior (including delays in providing services), disrespectful and indifferent to the problems that befall a person".¹⁰

This theory is relevant because it shows that it is not only technical errors that give rise to liability, but systemic governance failures.

In the context of citizen lawsuits, the theory of administrative accountability explains that citizens have the right to file supervision or lawsuits for the state's failure to meet service standards. As stated by Gerald E. Caiden in his article "What Really is Public Maladministration?" which states that:

"The whole gamut of public maladministration ... be attributed to bureaucratic corruption, inefficiency or carelessness".¹¹

Regulatively, this theoretical framework is also related to administrative law norms such as Indonesia Law Number 30 of 2014 on Government Administration which regulates the general rules of good governance and the responsibilities of public administrators. In this case, the theory of maladministration explains that state liability arises not only due to material losses but also due to procedural violations, abuse of authority, or neglect of administrative duties. Thus, this theory can be applied to analyze cases of damaged road infrastructure that causes accidents, not only due to physical damage but due to administrative failures that show defective processes and do not meet the set standards.

Finally, the theory of public administration & maladministration helps explain the obligation of the state to bear the consequences of the losses suffered by citizens due to the failure of public facilities to be maintained. By seeing that state administrators have procedural and material obligations, their negligence opens up a space for accountability. Within this framework, citizens can demand not only civil compensation, but the establishment of administrative accountability. This theory also underlines that the mechanism of administrative sanctions and judicial review of public services is an important instrument. However, in Indonesia, there is often criticism that "there is a lack of special procedural law rules for citizens lawsuits". In other hands, we used Law Theory by Friedmann that helps us explained three law components of state law, from structure, substance, and culture of law itself.¹²

IV. Result and Discussion

We used provincial road in Central Java, a traffic accident occurred due to damaged and potholed road conditions.¹³ The victim suffered injuries and damage to the vehicle, and then there was the right to sue the road operator (state/local government) for negligence in maintaining the road infrastructure.¹⁴ Although there is a lawsuit mechanism, for example, based on Indonesia Law Number 22 of 2009 on Road Traffic and Transportation, Article 273 which regulates the

⁸ *Ibid*

⁹ Oliphant, Ken, *The Liability of Public Authorities in Comparative Perspective. of Principles of European Tort Law*, Principles of European Tort Law (United Kingdom: Intersentia, 2016).

¹⁰ Harton, *Maladministration in Public Service* (Jakarta: Pradnya Paramita, 2009), pg.45.

¹¹ Gerald E. Caiden, "Getting at the Essence of the Administrative State," *Indian Journal of Public Administration* 37, no. 2 (April 1991): 147-61, <https://doi.org/10.1177/0019556119910201>.

¹² Friedmann, cited by Imron Rosyadi, Helmy Ziaul Fuad, dan Ashlaha Baladina Zaimuddin, "Criminalization of Unregistered Marriage in Indonesia: A Legal System Analysis Based on Friedman's Theory," *Al-'Adalah* 22, no. 1 (Juni 2025): 147-80, <https://doi.org/10.24042/adalah.v22i1.22779>.

¹³ IC Senjaya, "Victims of accidents due to damaged roads can sue the government," Antara News, February 28, 2017, <https://www.antaranews.com/berita/615090/korban-kecelakaan-karena-jalan-rusak-bisa-tuntut-pemerintah>.

¹⁴ Danar, "Can Residents With Accidents Due to Damaged Roads Sue the State?," *krjogja.com*, March 1, 2017, <https://www.krjogja.com/semarang/1242624996/warga-kecelakaan-akibat-jalan-rusak-bisa-gugat-negara>.

responsibility of negligent road operators.¹⁵ However, in practice, there is no standard measure or consistent national system for how much compensation must be paid by the state/road operator in the case of road damage that causes an accident that is often a "declaratory judgment" or just a confession of negligence without full recovery of the victim's losses.

The reported case is one of many traffic accidents that occurred due to the unsuitability of highway facilities. This condition reflects the weak responsibility of road operators in ensuring public safety. Technically, there are a number of main factors that cause accidents on the highway, including damage to road surfaces such as potholes and cracks, absence or damage to traffic signs and road markings, inadequate road lighting, especially at night, poor drainage systems that cause waterlogging, and the absence of safety support facilities such as road dividers, Corner mirrors, and sidewalks for pedestrians that serve to protect road users from the risk of fatal accidents.

In the qualitative deductive approach, the analysis begins with the observation of the consequences that occur, namely accidents on the highway as an empirical fact. After that, a search was carried out to find the cause of the accident and the party responsible for the occurrence of the incident as a legal act. The next step is to conduct normative verification to test whether the actions or omissions of the party concerned are included in the provisions of the applicable laws and regulations, in order to ensure the principle of legality. Through these stages, an ideal form of legal accountability can be formulated, so that a balance between legal certainty, justice, and benefits for victims can be achieved as well as the realization of the accountability of state administrators in public services

1. Indonesia's Legal Basis of State Liability in Citizen Lawsuit

The Constitution of the Republic of Indonesia the Indonesia Constitution of 1945 provides a normative basis that the state is obliged to guarantee, protect, and fulfill the public rights of every citizen. Article 28H paragraph (1) of the The Indonesia Constitution of 1945 states that "everyone has the right to live a prosperous life in birth and mind, to live, and to have a good and healthy living environment and to have the right to receive health services." Furthermore, Article 34 paragraph (3) affirms that "the state is responsible for the provision of decent public service facilities." These two constitutional norms show that the implementation of public services, including safe and usable highways, is part of the state's obligations.

Indonesia Law Number 25 of 2009 on Public Services emphasizes in Article 4 that public service providers are obliged to fulfill the public's rights to services according to the standards that have been set. Furthermore, Article 10 emphasizes that the form of state responsibility is inherent and cannot be transferred to other parties. In the context of highways, public services do not only mean the provision of physical facilities, but also maintenance, supervision, and ensuring the safety of road users. If the government is negligent so that an accident occurs due to road damage, then the negligence is a form of maladministration and violation of constitutional obligations.

The state's obligations to highway conditions are explicitly regulated in Indonesia Law Number 38 of 2004 concerning Roads, especially Article 24 paragraphs (1) and (2), which require road operators to maintain roads to function according to their intended purpose and ensure the safety of road users. This provision is strengthened by Indonesia Law Number 22 of 2009 on Road Traffic and Transportation. Article 273 of the Law expressly states that any official who neglects to repair road damage to the point of causing casualties can be subject to criminal penalties. This means that the state's negligence in road maintenance not only gives birth to administrative liability, but also has the potential to give rise to criminal and civil liability.

In the context of Citizen Lawsuit, these norms provide legitimacy for citizens to sue the state for negligence in fulfilling their obligations. The Citizen Lawsuit mechanism is an instrument of substantive justice because it allows citizens to uphold public rights without having

¹⁵ Newswire, "bisnis.com," Are You a Victim of a Damaged Road Accident? These Are Officials Who Can Be Prosecuted, February 28, 2017, <https://kabar24.bisnis.com/read/20170228/16/632633/anda-korban-kecelakaan-jalan-rusak-ini-pejabat-yang-bisa-dituntut>.

to prove individual losses alone. Based on the principles of access to justice and rule of law, settlement through Citizen Lawsuit contains three main normative values, namely legal certainty (because it is based on the constitution and laws), justice (because it protects the collective interests of citizens), and usefulness (because it encourages the improvement of the public service system).

2. Assessment of Anti-Corruption Frameworks

One of the main material obstacles in the execution of the Citizen Lawsuit decision is the vacuum of norms that clearly regulates the mechanism for the execution of judgments that are injunctive to state administrators. As stated in the article by Sapto Hermawan & Rahmat, "there is no special arrangement as a legal basis or institutionalization of Citizen Lawsuit ... causing condemnatory court decisions to be difficult to implement".¹⁶ Without adequate norms of execution, a victory in court is only a victory on paper, not a real protection for citizens.

Formally, there are obstacles in the procedure of the event that result in the execution being hampered. For example, notification procedures, court competence, and the determination of execution authority are not uniform in Indonesia. In a study by R. Susmayanti, it was found that even though the Central Jakarta District Court's decision stated that the Government was negligent, then PT. DKI canceled the decision on the grounds of the formality of the court's authority.¹⁷ This reflects a dilemma in formal implementation. This condition makes the Citizen Lawsuit decision vulnerable to ignore because the formal aspect is not yet solid.

From the policy aspect, obstacles to execution arise due to weak supervision and lack of binding implementation instruments on state administrators. As explained in the article "The Dilemma of Citizen Law Suit Decision Execution..."¹⁸ that the biggest obstacle is that decisions are often declarative without coercive mechanisms so that citizens' rights are not substantially protected. In addition, the synergy between law enforcement agencies and local governments is not optimal, the budget for the implementation of decisions is often unavailable or not allocated on time, so the effectiveness of formal policies is limited.

In conclusion, the obstacles to the execution of Citizen Lawsuit are multifactorial: from a material perspective, namely the absence of clear execution norms; From the formal side, namely legal procedures that are not consistent; and in terms of policy, namely the lack of implementation instruments and institutional synergy. Without a comprehensive improvement in these three aspects, the Citizen Lawsuit mechanism will still face a high risk of becoming a purely symbolic instrument, not a guarantee of effective protection of citizens' rights. Therefore, a comprehensive reform of the system is needed so that court decisions can be translated into real actions by state administrators.

3. Further Implications and Future Recommendations

The In an effort to strengthen the execution of Citizen Lawsuit decisions, one of the schemes is to choose the civil or state administration (TUN) realm, although the criminal space remains open. When viewed from the civil realm, a lawsuit against the negligence of state administrators can be categorized as Unlawful Acts (*Perbuatan Melawan Hukum*) where state administrators unlawfully ignore obligations that cause losses to citizens (see Article 1365 of The Indonesian Civil Code).¹⁹ In the realm of TUN, lawsuits can be directed at administrative decisions or policies that violate citizens' rights, for example applications for the annulment of the decision of state administrators (*actio popularis*). So, the determination of the legal realm is important as the foundation of the execution scheme.

¹⁶ Edra Satniadji [et. all], *Citizen LawSuit in Indonesia Review of Substance, Procedure and Execution* (Jakarta: Indonesian Center for Environmental Law (ICEL), 2022). pg. 148.

¹⁷ R. Susmayanti, "Analysis of the Decision on Citizen Lawsuit, Against Social Security by the Government," *Journal of the Legal Arena, Universitas Brawijaya*, 2019, 8.

¹⁸ *Ibid.*

¹⁹ Markus Suryoutomo, "Legal Reasoning of Judges in Deciding Cases of Unlawful Acts," *Syntax Literate; Indonesian Scientific Journal* 8, no. 1 (2023), <https://doi.org/10.36418/syntax-literate.v8i1.11107>.

In terms of the form of the judgment, if the civil lawsuit is successful, the judgment can be condemnatory/executory (for example, an order to pay compensation or improve the condition) so that it has the force of enforcement. The label "executorial" is different from declarative (merely declaring rights) or constitutive (changing legal status). In the context of Citizen Lawsuit, in order to achieve certainty and justice for citizens, the ultimate goal is for the verdict to be not only a formal recognition, but actually executed, for example the organizer repairs the road, pays compensation or restores the rights of road users. Thus, the execution scheme must be directed so that the verdict becomes "implemented" in real terms, not just "pronounced".

The most appropriate legal subject as a plaintiff in the Citizen Lawsuit civil scheme is a citizen or group of citizens who are significantly affected by the negligence of state administrators. The defendant is a state administrator (central/regional government, technical agency). An example of an analogy with the case of land rights: the state does not pay compensation for the unlawful release of land rights, then, a lawsuit as an Unlawful Acts (*Perbuatan Melawan Hukum*), an executory judgment (payment of compensation) is made. So, in the case of a highway accident due to infrastructure damage, the elements are similar: the state administrator fails to maintain the road (negligence), the road user is harmed, so the lawsuit as an Unlawful Acts (*Perbuatan Melawan Hukum*) and the executory decision become logical. This confirms similar material and formal aspects between realms, even though the objects of loss are different.

The elements of Unlawful Acts (*Perbuatan Melawan Hukum*) according to classical doctrine as stated by Pitlo consist of four main elements, namely: the existence of the act, the act is unlawful, the fault of the perpetrator, and the existence of the loss caused as well as the causal relationship between the act and the loss.²⁰ In the development of jurisprudence, the Supreme Court through Decision No. 31 K/Sip/1969 expanded the meaning of unlawful not only to violations of the law, but also to the principles of propriety, precision, and prudence in public relations. Thus, the element of Unlawful Acts (*Perbuatan Melawan Hukum*) is no longer formally limited, but includes violations of social, moral, and ethical norms that live in society.

Damage to roads, bridges, or public infrastructure due to government negligence in maintenance is not an individual unlawful act, but an institutional negligence that causes collective losses. In the context of Citizen Lawsuit, the damages reflect a violation of the state's obligation to provide decent public services as mandated by Article 34 paragraph (3) of the Indonesia Constitution of 1945. According to Ridwan, government negligence that causes the non-fulfillment of citizens basic rights can be categorized as unlawful actions by the ruler (*onrechtmatige overheidsdaad*).²¹

Friedman's Theory views that law as a system consisting of three interacting components, separated by the structure, the substance, also the culture of law itself. Structure refers to law enforcement institutions and their roles, the substance includes norms and decisions that regulate behavior, while legal culture describes the attitudes, values, and perceptions of the community and law enforcement officials. This framework is relevant for analyzing the effectiveness of Citizen Lawsuit in Indonesia because the main problem that arises is not only the absence of written rules, but also the institutional design and legal culture that influences the implementation of judgments.

If we analyzed with Friedman's theory, the problem of Citizen Lawsuit execution in Indonesia shows an imbalance of the three components of the legal system. At the structural level, the court examining Citizen Lawsuit has not been supported by special procedural procedures and a clear execution mechanism, so the verdict is declaratory and difficult to enforce on government agencies/officials. Another one is substance, there is a normative vacuum regarding the explicit legal basis of the Lawsuit, also its execution procedures, so judges tend to rely on the

²⁰ Haibin Hu, "A Modern Approach to Comparative Law. By Peter de Cruz. Deventer/Boston: Kluwer Law and Taxation Publishers, 1993. pp. ix, 350.," *International Journal of Legal Information* 22, no. 1 (1994): 101-2, <https://doi.org/10.1017/S0731126500024707>.

²¹ Ridwan HR, *State Administrative Law* (Jakarta: Rajagrafindo Persada, 2018). pg. 142

general construction of Article 1365 The Indonesian Civil Code (*perbuatan melawan hukum*) without adequate executory instruments. Meanwhile, in terms of legal culture, that has low awareness of citizens to sue the state and bureaucratic resistance to public accountability weaken social pressure on the implementation of decisions.

The causal relationship between the act and the loss is an important element in determining the legal responsibility of the state. If it can be proven that public losses arise due to negligence or actions of the state that do not fulfill its constitutional obligations, then the basis for state liability becomes legally valid. According to Satjipto Rahardjo, this causal relationship is not only physical, but also moral and social, because law must be seen as an instrument of substantive justice.²² Therefore, in the Citizen Lawsuit case, proving the causal relationship between state policies and public losses is the key to upholding public legal justice.

V. Conclusion

Based on the above, we can conclude this topic into several preferences. The legal basis of state accountability in Citizen Lawsuit is rooted in the constitution and laws that require the state to guarantee decent public services and protect citizens rights as a whole. Therefore, it is recommended that the government needs to strengthen public service standards through derivative regulations and strengthen the mechanism of legal responsibility for the negligence of state administrators. The execution of Citizen Lawsuit judgments is hampered by the absence of norms, weaknesses in legal procedures, and weak implementation policies that make it difficult to implement judgments effectively. Therefore, it is recommended that it is necessary to establish special regulations on the implementation of Citizen Lawsuit decisions and increase coordination between institutions so that law enforcement is operational and coercive.

Strengthening the execution mechanism of Citizen Lawsuit must be directed to the civil and administrative courts realms so that judgments are executory and provide substantive protection for citizens. Therefore, it is recommended that the reformulation of the lawsuit procedure and the proof of the Citizen Lawsuit need to be carried out, so that every decision has legal coercive force and has a real impact on the fulfillment of public rights.

It is necessary to strengthen citizens legal awareness and internalize the value of accountability among the bureaucracy so that citizens lawsuits are no longer seen as a threat, but rather as a democratic corrective mechanism for the provision of public services.

References

- Caiden, Gerald E. "Getting at the Essence of the Administrative State." *Indian Journal of Public Administration* 37, no. 2 (April 1991). <https://doi.org/10.1177/0019556119910201>.
- Danar. "Warga Kecelakaan Akibat Jalan Rusak Bisa Gugat Negara?" *krjogja.com*, 1 Maret 2017. <https://www.krjogja.com/semarang/1242624996/warga-kecelakaan-akibat-jalan-rusak-bisa-gugat-negara>.
- Edra Satniadji [et. all]. *Citizen LawSuit Di Indonesia Tinjauan Terhadap Substansi, Prosedur Serta Eksekusi*. (Jakarta: Indonesian Center for Environmental Law (ICEL), 2022).
- Fatah, Abdul. "Gugatan Warga negara Sebagai mekanisme Pemenuhan Hak Asasi manusia dan Hak Konstitusional Warga Negara." *Yuridika* 28, no. 3 (September 2013). <https://doi.org/10.20473/ydk.v28i3.347>.
- Gauri, Varun. *Public interest litigation in India : overreaching or underachieving ? (English)*. Policy Research working paper WPS 5109. Washington, DC: World Bank, 2009. <http://documents.worldbank.org/curated/en/675001468042007347>.
- Hartono. *Tindakan Maladministrasi dalam Pelayanan Publik*. (Jakarta: Pradnya Paramita, 2009).

²² Satjipto Rahardjo, *Law and Society* (Jakarta: Angkasa, 2002), pg. 85.

- Holladay, Z. "Public Interest Litigation in India as a Paradigm for Developing Nations." *Indiana Journal of Global Legal Studies* 19, no. 2 (2012). <https://doi.org/10.2979/indjglolegstu.19.2.555>.
- Hu, Haibin. "A Modern Approach to Comparative Law. By Peter de Cruz. Deventer/Boston: Kluwer Law and Taxation Publishers, 1993. Pp. Ix, 350." *International Journal of Legal Information* 22, no. 1 (1994): 101-2. <https://doi.org/10.1017/S0731126500024707>.
- Ian B. Lee. "In Search of a Theory of State Liability in the European Union." Jean Monnet Working Paper 9/99, 1 Desember 1999.
- IC Senjaya. "Korban kecelakaan karena jalan rusak bisa tuntutan pemerintah." *Antara News*, 28 Februari 2017. <https://www.antaraneews.com/berita/615090/korban-kecelakaan-karena-jalan-rusak-bisa-tuntut-pemerintah>.
- Kaunang, A. C. N., Koloay, R. N., dan Muaja, H. S. "Citizen Lawsuit dalam Perspektif Hukum Positif di Indonesia." *Jurnal Lex Privatum* 10, no. 3 (2022). <https://share.google/QZrkB8TcdNxUKsZXk>
- Markus Suryoutomo. "Penalaran Hukum Hakim Dalam Memutus Perkara Perbuatan Melanggar Hukum." *Syntax Literate; Jurnal Ilmiah Indonesia* 8, no. 1 (2023). <https://doi.org/10.36418/syntax-literate.v8i1.11107>.
- newswire. "bisnis.com." Anda Korban Kecelakaan Jalan Rusak? Ini Pejabat yang Bisa Dituntut, 28 Februari 2017. <https://kabar24.bisnis.com/read/20170228/16/632633/anda-korban-kecelakaan-jalan-rusak-ini-pejabat-yang-bisa-dituntut>.
- Oliphant, Ken. *The Liability of Public Authorities in Comparative Perspective. of Principles of European Tort Law*. Principles of European Tort Law. (United Kingdom: Intersentia, 2016).
- R. Susmayanti. "Analisis Putusan tentang Gugatan Citizen Lawsuit, Terhadap Jaminan Sosial oleh Pemerintah." *Jurnal Arena Hukum, Universitas Brawijaya*, 2019, 8. <https://doi.org/10.21776/ub.arenahukum.2017.01003.7>
- Ridwan HR. *Hukum Administrasi Negara*. (Jakarta: Rajagrafindo Persada, 2018).
- Rosyadi, Imron, Helmy Ziaul Fuad, dan Ashlaha Baladina Zaimuddin. "Criminalization of Unregistered Marriage in Indonesia: A Legal System Analysis Based on Friedman's Theory." *Al-'Adalah* 22, no. 1 (Juni 2025). <https://doi.org/10.24042/adalah.v22i.22779>.
- Ruhaeni, Neni. "The Development of the Principle of Liability (Bases of Liability) in International Law and Its Implications for Space Activities" *Jurnal Hukum Ius Quila Iustum* 21, no. 3 (Juli 2014). <https://doi.org/10.20885/iustum.vol21.iss3.art1>.
- Satjipto Rahardjo. *Hukum dan Masyarakat*. Jakarta: Angkasa, 2002.
- S. Ismantara. "Citizen Lawsuit." *Jurnal Equitable* 8, no. 2 (2022). <https://doi.org/10.37859/jeq.v8i2.4984>
- Sufriadi. "Tanggung Jawab Jabatan Dan Tanggung Jawab Pribadi Dalam Penyelenggaraan Pemerintahan Di Indonesia." *Jurnal Yuridis* 1, no. 1 (Juni 2014). DOI: <https://doi.org/10.35586/.v1i1.141>
- Zhang, Peng. "Anti-Corruption Campaign, Political Connections, and Court Bias: Evidence from Chinese Corporate Lawsuits." *Journal of Public Economics* 222 (Juni 2023). <https://doi.org/10.1016/j.jpubeco.2023.104861>.