

The Reformulation of Administrative Discretion in the Management of Marine Areas by the Regional Government of Maluku Province

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Abstract. This study examines governance challenges in Maluku Province as an archipelagic region with vast marine areas, particularly following the enactment of Law Number 23 of 2014 on Regional Government. This law significantly shifted authority over marine management from regency and municipal governments to provincial and central levels, resulting in the loss of local control over waters up to four nautical miles. Consequently, several issues have emerged, including reduced regional revenue, weakened supervision, and delayed responses to conflicts in marine spatial use. In practice, local governments have relied on administrative discretion to address regulatory gaps and maintain public service effectiveness in the marine sector. Discretion, rooted in the principle of *Freies Ermessen*, allows government officials to act in situations where legal norms are unclear or incomplete. The legal basis for discretion was formally strengthened through Law Number 30 of 2014 on Government Administration. However, the introduction of Law Number 11 of 2020 on Job Creation expanded the scope of discretion by removing the requirement that such actions must not contradict existing laws, raising concerns over potential misuse of authority. This research adopts a normative conceptual approach supported by empirical data to analyze the legal framework and implementation of discretion in marine governance in Maluku. It also proposes an ideal reformulation model to ensure discretion remains adaptive, accountable, and aligned with sustainable marine resource management in archipelagic regions.

Keywords: reformulation; discretion; local government; marine area

INTRODUCTION

Article 25A of the 1945 Constitution of the Republic of Indonesia stipulates that “The Unitary State of the Republic of Indonesia is an archipelagic state with the characteristics of a Nusantara (archipelago), whose territory and the boundaries and rights thereof are established by law.” This provision establishes three core principles: the affirmation of Indonesia’s sovereign legal territory; the requirement that territorial boundaries and associated rights be determined exclusively by law; and the obligation that such determination conform to international legal norms (Ibrahim, 2006; The 1945 Constitution of the Republic of Indonesia, 1945; Marzuki, 2017).

As an archipelagic unitary state, Indonesia adopts decentralization as a constitutional principle, granting regions authority to regulate and manage domestic affairs through regional autonomy (Adhuri, 2001; Asshiddiqie, 2010; Basah, 1987; Hadjon, 2011). Although certain powers are devolved, sovereignty remains indivisible and vested in the Central Government (Huda, 2014). This vertical and hierarchical relationship between central and regional governments is constitutionally affirmed in Article 18 paragraph (1) of the 1945 Constitution, which provides that Indonesia is divided into provinces and regencies/cities, each governed by law (Indroharto, 2000; Lukman, 2014; Manan, 1992; Merry, 1988).

The phrase “divided into” reflects the unitary character of the state and distinguishes it from federal or confederal arrangements. Within this framework, regions (*regions/gebiedsdeel*) are understood as integral components of a single territorial entity. (Mustamu, 2025; Rahardjo, 2014; Ridwan, 2018; Sidharta, 2009) Accordingly, the distribution of governmental authority

may take the form of territorial deconcentrating, territorial autonomy, or federalism. For an archipelagic unitary state such as Indonesia, territorial autonomy represents the most appropriate model, as it enables the legal designation of regional affairs, the delegation and recognition of concurrent powers, and the accommodation of functions traditionally managed at the local level (Law of the Republic of Indonesia No. 30 of 2014 on Government Administration, 2014; Law of the Republic of Indonesia No. 11 of 2020 on Job Creation, 2020; Soekanto, 2010; Sri Djatmiati, 2009).

Maluku Province exemplifies the complexities of archipelagic governance. Approximately 90 percent of its territory consists of marine areas, rendering the sea the primary economic and strategic resource. Fisheries, marine tourism, and marine based resources therefore constitute central pillars of regional development (Law of the Republic of Indonesia No. 23 of 2014 on Regional Government, 2014). However, marine governance is inseparable from the legal allocation of authority among levels of government.

A significant restructuring occurred with the enactment of Law Number 23 of 2014 concerning Regional Government, which fundamentally altered the distribution of authority over marine areas. Under Law Number 32 of 2004, regencies and cities exercised authority up to four nautical miles from the coastline. This authority has since been abolished, with marine governance now divided exclusively between the Central Government and Provincial Governments. Provincial authority extends up to twelve nautical miles, while areas beyond that limit fall under central jurisdiction.

Under this legal regime, the Central Government exercises authority over marine areas beyond twelve nautical miles, natural resources within the Exclusive Economic Zone and continental shelf, enforcement related to national sovereignty and security, and the formulation of national marine policies. Provincial Governments are authorized to manage marine resources within twelve nautical miles, regulate marine spatial utilization, issue relevant licenses, and enforce regional regulations. Regencies and cities, by contrast, no longer possess authority over marine areas. While this reallocation has been justified as a means of strengthening coordination, it has also been criticized for diminishing local control over coastal and marine resources.

For regencies whose territories are predominantly maritime, the withdrawal of marine authority has generated significant administrative and economic consequences. These include reduced locally generated revenue, limited access to marine based levies and taxes, constrained local resource management due to centralized licensing mechanisms, and weakened supervision and law enforcement. In archipelagic regions such as Maluku, these impacts are particularly acute, resulting in slower decision making and reduced responsiveness to illegal fishing, marine pollution, and spatialise conflicts. In response to these constraints, the use of discretion by regional government officials has increasingly emerged as a practical instrument to address policy stagnation and maintain the continuity of public services in the marine sector.

In administrative law, discretion denotes the authority of a Government Administrative Body or Official to make decisions or take actions based on independent judgment when statutory regulations are absent, ambiguous, or inadequate. Discretion functions as a corrective mechanism to the principle of legality and is conceptually grounded in the doctrine of *Freies Ermessen*, which legitimizes governmental intervention for the public interest. Within the welfare state paradigm explicitly articulated in the Preamble to the 1945 Constitution the

government bears an affirmative obligation to provide public services and may not refuse to act solely due to regulatory absence, a principle recognized as *ius nosse imperium*.

Nevertheless, exclusive reliance on the principle of legality entails structural limitations. Statutory regulations, as written law, are inherently static and frequently lag behind dynamic social, economic, and technological developments. Moreover, administrative law norms are dispersed across multiple hierarchical regulatory instruments, complicating interpretation and application. Discretion therefore operates as an essential governance tool, enabling administrative responsiveness in complex and rapidly evolving contexts.

Normatively, discretion is regulated by Law Number 30 of 2014 concerning Government Administration, which delineates its scope and limitations. However, the enactment of Law Number 11 of 2020 concerning Job Creation introduced a notable conceptual shift by modifying the requirements governing the exercise of discretion. In particular, the removal of the requirement that discretionary actions must not conflict with statutory regulations has been widely interpreted as expanding the scope of discretion, thereby raising concerns regarding legal certainty, accountability, and the potential for abuse of authority.

Against this normative and practical background, a clear research gap emerges. While discretion has been extensively examined in administrative law literature, limited scholarly attention has been devoted to its application in archipelagic regions following the reconfiguration of marine authority under Law Number 23 of 2014. The distinctive governance challenges faced by Maluku Province necessitate a contextual and regionspecific reassessment of discretion in sea area management. Accordingly, this research aims to examine the reformulation of discretion in marine governance by the Regional Government of Maluku Province.

Based on this framework, the legal issues addressed in this research are formulated as follows: 1) How is discretion regulated within the prevailing statutory framework of government administration. 2) How is discretion implemented in sea area management by the Regional Government of Maluku Province. 3) What constitutes an ideal reformulation of discretion for sea area management by the Regional Government of Maluku Province.

This research adopts a statute approach and a conceptual approach, supplemented by interviews where necessary to enhance contextual accuracy. The statute approach involves a systematic examination of laws and regulations governing discretion and marine authority, positioning this study within normative legal research. The conceptual approach engages legal doctrines and scholarly perspectives to assess the coherence of existing regulations with foundational principles of administrative law.

The problem solving strategy comprises: Normative inventory and analysis of relevant statutory provisions; Conceptual testing against established legal principles and doctrines; Empirical validation of normative findings through field data; Formulation of an ideal model for the exercise of discretion that balances administrative flexibility with legal certainty and accountability.

Existing scholarship on discretion in government administration predominantly addresses its general function within the rule of law framework, emphasizing its role in addressing normative gaps and urgent administrative needs. However, such studies largely neglect the specific governance challenges of archipelagic regions. The reallocation of marine authority under Law Number 23 of 2014 has introduced distinctive legal and administrative

complexities that remain insufficiently examined.

The novelty of this research lies in its focus on reformulating discretion within the governance of archipelagic regions, with Maluku Province as the empirical locus. By integrating normative–conceptual analysis with empirical insights, this research advances a contextual and adaptive model of discretion that balances administrative flexibility with legal certainty, accountability, and effective public service delivery. As such, this study contributes both theoretically and practically to administrative law scholarship, particularly in relation to regional government authority in sea area management in Indonesia.

METHODS

Type of Research

This research employed a normative–juridical (doctrinal) legal research method, supported by limited empirical inputs. Normative legal research is primarily concerned with the systematic analysis of legal norms, principles, and doctrines as reflected in statutory regulations and authoritative legal sources, with the objective of formulating prescriptive conclusions (*das sollen*). In this study, law is examined as a normative system through the interpretation and evaluation of positive law governing regional authority and administrative discretion.

At the same time, this research incorporates empirical elements as supporting data (*das sein*) to contextualize and validate the normative analysis. Empirical inputs are not treated as independent sociolegal findings but function to illuminate how discretion is exercised in practice within the framework of existing regulations. Accordingly, this research remains doctrinal in nature, while empirically informed, particularly in relation to the implementation of discretion in sea area management in archipelagic regions.

The empirical component consists of qualitative field data obtained through interviews, conducted in two regions serving as the research locus, selected based on their archipelagic characteristics and relevance to marine governance issues. This comparative element is used solely to enrich doctrinal analysis and does not alter the normative orientation of the study.

Legal Materials

In accordance with the normative legal research method, this study utilizes three categories of legal materials:

a. Primary Legal Materials

Primary legal materials consist of binding legal sources that form the core of doctrinal analysis, including statutory regulations and constitutional provisions, namely: 1) The 1945 Constitution of the Republic of Indonesia; 2) Law Number 23 of 2014 concerning Regional Government; 3) Law Number 30 of 2014 concerning Government Administration (UUAP).

b. Secondary Legal Materials

Secondary legal materials comprise scholarly works that explain, interpret, and critique primary legal materials. These include legal doctrines, academic books, peer reviewed journal articles, and relevant scholarly publications accessed through print and electronic media. Secondary materials are used to construct analytical frameworks and support conceptual interpretation.

c. Tertiary Legal Materials

Tertiary legal materials function as supporting references that facilitate understanding of primary and secondary materials, including legal dictionaries, encyclopaedias, and other reference tools.

d. Empirical Data

Empirical data are obtained through semi structured interviews with selected informants, including: 1) Officials of provincial and regency level government agencies involved in marine affairs and regional administration; 2) Legal practitioners or academics with expertise in administrative law and regional autonomy in Maluku.

Informants are selected using purposive sampling, based on their institutional roles, expertise, and direct involvement in marine governance or administrative decision-making. Interviews were conducted within a defined research period and guided by an interview protocol focusing on the use of discretion, coordination challenges, and the practical impacts of the redistribution of marine authority. Ethical considerations were observed by obtaining informed consent from all participants and ensuring the confidentiality of their responses. The empirical data are not treated as independent findings but are integrated into the normative analysis to strengthen contextual validity.

Data Collection Procedures

The collection of legal materials is conducted through library based research, involving systematic identification, classification, and organization of primary, secondary, and tertiary legal materials relevant to the formulated legal issues. These materials are subsequently examined through qualitative analysis.

To complement the doctrinal study, empirical data are obtained through semi structured interviews. Interviewees consist of regional government officials and relevant stakeholders involved in sea area management, selected using purposive sampling based on their institutional roles and direct involvement in the exercise of administrative discretion. The interviews were conducted within the research period to obtain contextual insights into the practical use of discretion following the reallocation of marine authority under Law Number 23 of 2014.

Interview guidelines were prepared to ensure consistency across respondents, focusing on the implementation, challenges, and justification of discretionary actions. Ethical considerations were observed by obtaining prior consent from interviewees and ensuring that the data were used solely for academic purposes.

Processing and Analysis of Legal Materials

The processing and analysis of legal materials involve organizing legal norms, doctrines, and empirical inputs into coherent categories and analytical patterns. This research applies qualitative descriptive analysis, whereby statutory provisions and legal doctrines are interpreted systematically and critically to answer the research questions.

Normative analysis constitutes the core method, focusing on the coherence, adequacy, and implications of existing legal regulations governing discretion and marine authority. Empirical inputs are analytically integrated to illustrate how these norms operate in practice and to identify gaps between normative expectations and administrative realities. The final outcome of the analysis is prescriptive in nature, offering recommendations for an ideal

reformulation of discretion in sea area management by regional governments, particularly in archipelagic regions such as Maluku Province.

Research Road Map

1. Research Road Map

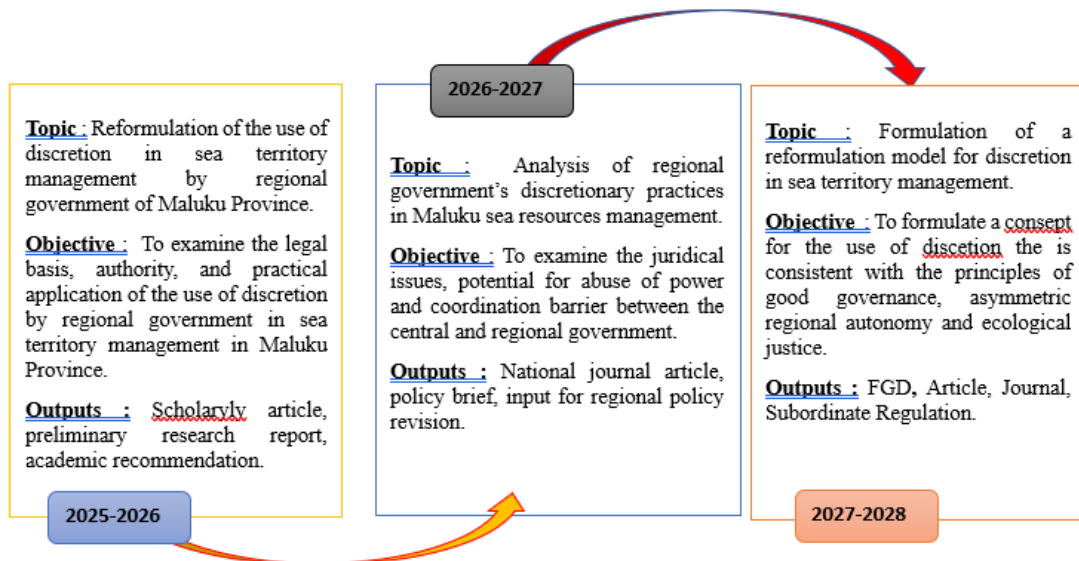


Figure 1. Research Road Map

2. Research Flowchart

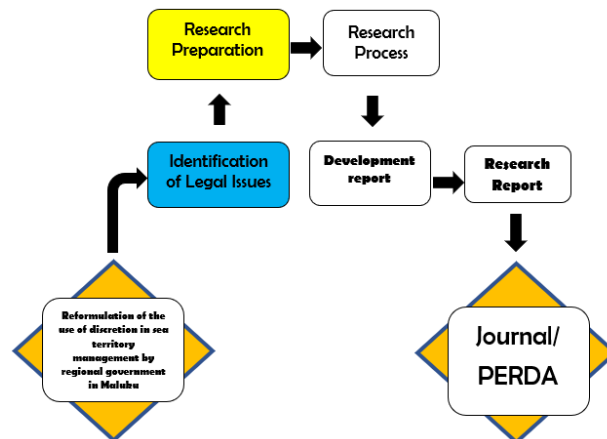


Figure 1. Research Flowchart

RESULTS AND DISCUSSION

1. The Normative Design of Discretion under Law No. 30 of 2014 and Its Accountability Logic

Law Number 30 of 2014 concerning Government Administration (UUAP) represents the first comprehensive statutory framework governing administrative discretion in Indonesia. Prior to its enactment, discretion was largely confined to doctrinal discourse within administrative law and lacked explicit normative force.

The UUAP conceptualizes discretion as an exceptional administrative mechanism intended to resolve concrete governmental problems arising from legal vacuums, unclear norms, or policy deadlock. Crucially, discretion is not designed to substitute clear statutory

commands but to operate within narrowly defined objectives related to administrative effectiveness and the public interest.

The accountability architecture of discretion under the UUAP is constructed through cumulative requirements, including conformity with statutory objectives, alignment with the General Principles of Good Governance (AUPB), objectivity, absence of conflicts of interest, and good faith. These requirements function as legal safeguards to prevent the transformation of discretion into abuse of authority (*détournement de pouvoir*).

Generally, government action based on Ermessen or discretion, if put into written form, will give rise to policy regulations. From a doctrinal perspective, the UUAP embeds discretion within the logic of the rule of law by ensuring that discretionary actions remain reviewable, particularly through administrative judicial mechanisms (PTUN), where legality (*rechtmatigheid*) rather than policy expediency (*doelmatigheid*) constitutes the standard of review. This design reflects the principle *geen bevoegdheid zonder verantwoordelijkheid* (no authority without responsibility), positioning discretion as a controlled legal competence rather than unfettered freedom.

2. Discretion in Archipelagic Marine Governance: Empirical Illustrations from Maluku Province

Maluku Province, with more than 90% of its territory consisting of marine areas, represents an extreme case of archipelagic governance. The transfer of marine management authority from regencies/cities to provincial and central governments has produced significant administrative and economic consequences, including reduced local revenue, weakened supervision capacity, and slower policy responses to urgent marine issues. In this governance context, discretion emerges as a functional necessity rather than a mere administrative option.

a. Sea Sasi Policy Discourse as a Discretion Response

The Sea Sasi discourse articulated by the Governor of Maluku in 2024 constitutes an illustrative example of discretionary reasoning, rather than a formal administrative act. Public statements responding to the national fisheries moratorium highlighted adverse regional impacts, including labour exclusion and economic leakage from Maluku waters.

Analytical status: This case is treated as policy discourse evidence, not as a finalized legal decision. Its relevance lies in demonstrating how regional executives invoke discretionary logic to justify protective measures when national policies generate localized harm.

Although Sasi is a customary law institution and cannot be formally enacted as a governmental instrument, its substantive logic—temporary prohibition for ecological recovery mirrors administrative regulatory tools. Within the discretionary framework of the UUAP, the Governor cannot annul national policy but may adopt proportional protective measures within provincial authority, provided the legal requirements of discretion are satisfied. This illustrates discretion as a mediating mechanism between state law and customary norms in archipelagic governance.

b. The Wetar Barge Incident (26 August 2025) and Environmental Discretion

The sinking of a barge carrying approximately 10,100 tons of copper ore in Wetar waters on 26 August 2025 constitutes a materially verifiable incident, supported by findings of the Maluku Provincial Environmental Agency indicating exceedances of copper (Cu) and zinc (Zn) quality standards.

Analytical status: This case functions as empirical incident evidence demonstrating administrative inaction under conditions warranting discretionary intervention. Despite the severity of environmental risk and community impact, governmental responses remained limited to dialogue and investigation. From an administrative law perspective, discretion could have been exercised to impose temporary suspension measures on marine operations or mining related loading activities as a precautionary action.

Such discretionary acts would not constitute regulatory annulment but emergency administrative protection aligned with the public interest and environmental safeguarding obligations. This case exposes a structural hesitation among regional officials to exercise discretion due to legal uncertainty and fear of post hoc accountability, reinforcing the need for clearer operational criteria and institutional safeguards.

3. Conceptual Shift from UUAP to UUCK and Its Implications

The enactment of Article 175 paragraph (2) of Law Number 11 of 2020 concerning Job Creation (UUCK) marks a substantial conceptual shift in the regulation of administrative discretion in Indonesia. This provision effectively amends Article 24 of Law Number 30 of 2014 concerning Government Administration (UUAP) by removing the explicit requirement that discretionary decisions and/or actions must not conflict with statutory regulations. Under the original UUAP framework, this requirement functioned as a central normative safeguard, ensuring that discretion remained exceptional, subsidiary, and corrective in nature rather than substitutive of formal legislation.

From a doctrinal standpoint, the original formulation of discretion under the UUAP reflected a carefully calibrated balance between *doelmatigheid* (effectiveness) and *rechtmatigheid* (legality). Discretion was permitted only insofar as it operated within the boundaries of statutory law, the General Principles of Good Governance (AUPB), and objective justification, thereby preserving the supremacy of law within the administrative state. The removal of the “non-conflict” requirement under the UUCK fundamentally alters this balance by allowing discretionary action even when it potentially contradicts existing statutory norms. Just as a judge is required not to refuse a case submitted to them on the grounds that there is no law, the government also cannot refuse to take action in carrying out its governmental function on the grounds that there is no rule governing the matter. This condition leads the government to use the principle of *ermessen* or freedom to act for officials (discretion).

This liberalization reflects a legislative intent to enhance administrative responsiveness and reduce bureaucratic rigidity, particularly in the context of accelerating development and investment. However, such intent carries significant constitutional and administrative law implications. By loosening the normative constraints on discretion, the UUCK risks repositioning discretionary authority as a quasi legislative competence exercised by administrative officials. In effect, discretion may no longer function merely as a mechanism to fill legal vacuums or address exceptional circumstances, but as an alternative normative source capable of overriding statutory arrangements.

From a rule of law perspective, this shift raises serious concerns regarding legal certainty, predictability, and accountability. In administrative adjudication before the State Administrative Court (PTUN), judicial review traditionally focuses on the legality

(*rechtmatigheid*) of administrative acts rather than their policy merits (*doelmatigheid*). When discretion is no longer clearly tethered to statutory conformity, the parameters for judicial review become blurred, potentially limiting the court's ability to assess whether an administrative act constitutes lawful discretion or unlawful abuse of authority.

Moreover, the conceptual shift increases the risk of maladministration, particularly in sectors characterized by overlapping authority and regulatory fragmentation, such as sea area management. Without a clear statutory anchor, discretionary actions may be justified *ex post facto* on broad public interest grounds, thereby weakening *ex ante* accountability mechanisms. This condition is especially problematic in archipelagic regions like Maluku, where administrative discretion often intersects with environmental protection, indigenous rights, and local livelihoods.

Accordingly, while the UUCK seeks to strengthen administrative effectiveness, its reformulation of discretion inadvertently undermines the accountability framework embedded in the UUAP. The absence of explicit statutory conformity requirements necessitates a renewed interpretative and institutional effort to prevent discretion from devolving into unchecked administrative power.

4. Reformulation Model: Integrating Findings into an Operational Framework

Building on the normative analysis and empirical illustrations presented in the preceding sections, this research finds that discretion in sea area management cannot be left to *ad hoc* interpretation or individual administrative judgment. Instead, a structured and multidimensional reformulation is required to ensure that discretion remains both functional and accountable within the complex governance context of archipelagic regions such as Maluku Province.

First, normative reformulation is necessary to restore clarity regarding the limits and purposes of discretion following the conceptual shift introduced by the UUCK. While discretion must remain flexible, its exercise should be guided by explicit regional technical guidelines that translate abstract statutory norms into operational criteria. Such guidelines would serve as an internal legal framework, reducing uncertainty among officials and providing a reference point for accountability.

Second, institutional reformulation is required to address the concentration of discretionary power in individual officials. The establishment of a consultative and evaluative forum comprising government representatives, legal experts, indigenous community leaders, and internal oversight bodies would function as a collective safeguard. This mechanism aligns with the principle that broad discretionary authority implies heightened institutional responsibility rather than individualized discretion.

Third, procedural reformulation is essential to ensure transparency and traceability. Every discretionary decision in the marine sector should be accompanied by formal documentation outlining its legal basis, objectives, risk assessment, and public interest justification. Such documentation not only facilitates internal supervision but also strengthens the evidentiary foundation for potential judicial review before the PTUN.

Fourth, substantive reformulation must integrate ecological sustainability and customary marine governance into administrative reasoning. In Maluku, traditional practices such as Sea Sasi and recognition of customary marine territories (*petuanan laut*) constitute living

normative systems that coexist with state law. Discretion, when properly structured, can function as a bridge between statutory regulation and customary norms, ensuring that administrative decisions reflect local socioecological realities rather than purely formal legal considerations.

Finally, participatory reformulation is indispensable for enhancing social legitimacy. Discretionary decisions that directly affect coastal and indigenous communities should involve meaningful consultation processes, including customary deliberation mechanisms (*musyawarah adat*). Participation not only mitigates conflict but also reinforces accountability by subjecting discretionary authority to public scrutiny.

Taken together, this reformulation model positions discretion as a governed flexibility an administrative instrument that enables responsiveness without sacrificing legality, accountability, and justice. In the context of Maluku's archipelagic marine governance, such reformulation is not merely a technical adjustment but a structural necessity to ensure that discretion serves as a *solution oriented* tool rather than a source of legal and administrative risk.

CONCLUSION

Based on the discussion above, the conclusions of this research are as follows: The regulation of discretion under the Law on Government Administration establishes discretion as a lawful administrative instrument intended to address legal vacuums and governmental stagnation in the public interest. At the same time, the law imposes strict normative constraints, particularly the requirements of legality, compliance with the General Principles of Good Governance, objectivity, absence of conflicts of interest, and good faith. These requirements ensure that discretion operates within an accountability framework and does not develop into abuse of authority. The implementation of discretion in sea area management in Maluku Province reflects the structural challenges arising from the reallocation of marine authority. Increased coordination complexity, slower decision making, weakened supervision of marine activities, and reduced local fiscal capacity have created conditions in which discretion becomes an administrative necessity to sustain public services and respond to urgent marine governance issues.

However, the practical use of discretion remains limited due to legal uncertainty and the absence of clear operational guidance for regional officials. The reformulation of discretion in sea area management by the Regional Government of Maluku Province is both necessary and normatively justified. The reformulation model consists of five interconnected components. These include normative reformulation through the establishment of regional technical guidelines on marine discretion, institutional reformulation through the creation of a marine discretion evaluation forum, procedural reformulation through standardized documentation and review mechanisms, substantive reformulation through the integration of customary marine practices and ecological considerations, and participatory reformulation through the involvement of coastal and indigenous communities.

Taken together, these components form a coherent model that reconciles administrative flexibility with legal certainty, accountability, and social legitimacy in archipelagic marine governance. Based on these conclusions, this research recommends that the Regional Government of Maluku Province adopt the proposed reformulation model as a concrete form of administrative innovation in sea area management. In situations characterized by legal

vacuums or governmental stagnation, discretion should be exercised within a clearly structured normative, institutional, procedural, substantive, and participatory framework. The implementation of this model is expected to enable regional officials to act decisively in the public interest while maintaining legal accountability, environmental responsibility, and respect for local customary values.

REFERENCES

- Adhuri, D. S. (2001). Traditional marine resource management in Maluku. *Marine Policy*, 25(1).
- Asshiddiqie, J. (2010). *Pengantar ilmu hukum tata negara*. Rajawali Pers.
- Basah, S. (1987). *Perlindungan hukum terhadap sikap tindak administrasi negara*. Alumni.
- Hadjon, P. M. (2011). *Hukum administrasi dan tindak pidana korupsi*. Gadjah Mada University Press.
- Huda, N. (2014). *Hukum pemerintahan daerah*. Nusa Media.
- Ibrahim, J. (2006). Teori dan metodologi penelitian hukum normatif. *Malang: Bayumedia Publishing*, 57(11).
- The 1945 Constitution of the Republic of Indonesia, (1945).
- Law of the Republic of Indonesia No. 23 of 2014 on Regional Government, (2014).
- Law of the Republic of Indonesia No. 30 of 2014 on Government Administration, (2014).
- Law of the Republic of Indonesia No. 11 of 2020 on Job Creation, (2020).
- Indroharto. (2000). *Usaha memahami undang-undang tentang peradilan tata usaha negara*. Pustaka Sinar Harapan.
- Lukman, M. (2014). *Kewenangan diskresi pemerintah*. Refika Aditama.
- Manan, B. (1992). *Dasar-dasar perundang-undangan Indonesia*. Ind Hill Co.
- Marzuki, P. M. (2017). *Penelitian hukum*. Kencana.
- Merry, S. E. (1988). Legal pluralism. *Law & Society Review*, 22(5), 869–896. <https://doi.org/10.2307/3053638>
- Mustamu, J. (2025). *Diskresi dalam pemerintahan: Hak, batas, dan konsekuensi hukumnya*. Widina Media Utama.
- Rahardjo, S. (2014). *Ilmu hukum*. Citra Aditya Bakti.
- Ridwan, H. R. (2018). *Hukum administrasi negara*. RajaGrafindo Persada.
- Sidharta, B. A. (2009). *Refleksi tentang struktur ilmu hukum*. Mandar Maju.
- Soekanto, S. (2010). *Pengantar penelitian hukum*. UI Press.
- Sri Djatmiati, T. (2009). Judicial review of administrative discretion. *Jurnal Hukum Dan Pembangunan*, 39(2).



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