



## The Validity of The Decree of The Regent of Selayar Islands Regarding the Determination of State Houses That Do Not Conform to the Type of State House

### Keabsahan Surat Keputusan Bupati Kepulauan Selayar Tentang Penetapan Rumah Negara Yang Tidak Sesuai Tipe Rumah Negara

Rachmad Aldiansyah<sup>1</sup>, Aan Eko Widiarto<sup>2</sup>, Shinta Hadiyantina<sup>3</sup>

<sup>1</sup>Corresponding author: [Rachmadaldi0612@student.ub.ac.id](mailto:Rachmadaldi0612@student.ub.ac.id)

<sup>123</sup>Faculty of Law, Brawijaya University Malang  
East Java-Indonesia – 65145

**Abstract:** The issuance of the Selayar Islands Regent's Decree regarding the placement of non-Echelon II Civil Servants (PNS) in Category III, Class B State Residences has triggered a vertical conflict of norms with legislation at the central government level. This study aims to analyse the administrative validity of this action and to map out its legal implications for local government and civil servants. The research method employed is a legal-normative approach utilising legislative, conceptual, and case-based methodologies. The findings indicate that the Regent's Decision is valid (*rechtmatic*) as it meets the parameters of authority, procedure, and substantive validity through the exercise of proportional discretion (*freies ermesen*). Following the enactment of Law No. 6 of 2023 on Job Creation, rigid restrictions on discretion have been reduced, meaning this decision effectively breaks administrative deadlock and safeguards state assets without falling foul of abuse of power. Internally, this decision provides legal certainty and protection for civil servants against arbitrariness (*willekeur*), whilst externally it optimises the collection of fees to enhance local fiscal capacity.

**Keywords:** Discretion of Regional Heads; Job Creation Law; Normative Antinomy; State Property; Validity of Decisions

DOI: 10.47006/ijlres.v10i2.30266

## INTRODUCTION

The existence of a Regional Head's decision as a legal instrument in the administration of regional government is subject to the principle of legality (*legaliteitsbeginsel*) and the hierarchy of laws and regulations (Tumuhulawa & Moonti, 2021, p. 51). The validity of an

administrative decision depends entirely on its compliance with higher legal norms, whether in terms of authority, procedure, or substance (Hadi, 2024, p. 204). The management of Regional Government Assets (BMD), particularly government housing, is normatively required to uphold the principles of legal certainty and proportionality in allocation, based on alignment between the physical classification of buildings and the job qualifications of employees (*das Sollen*). The national regulatory hierarchy mandates that the distribution and occupancy permit for government housing must be aligned with the echelon level or office grade to ensure the efficiency of function and accountability in the governance of public assets. However, at the empirical level (*das Sein*), significant legal discrepancies arise at the regional level when regional heads issue concrete, individual legal instruments in the form of Regent Decisions regarding the assignment of official residences owned by the Selayar Islands Regency Government.

In substance, this administrative decision adopts the ambiguity of contradictory internal regulations; the title of the decision refers to the designation of Category II official residences, yet the preamble and operative provisions of the decision diametrically establish the allocation of Category III, Class B official residences to be occupied by Civil Servants (PNS) holding positions equivalent to Head of Subdivision (Grade III/d), who are, in fact, not officials at the second-level (eselon II). This misalignment between the functional qualifications of the legal subject and the legal and physical classification of the building in question triggers a vertical antinomy of norms against higher-level central legislation. Consequently, this inconsistent local policy not only violates the General Principles of Good Governance (AUPB) but also directly undermines legal certainty, obscures accountability for asset utilization, and reduces the optimization of local revenue functions.

From a philosophical and legal standpoint, the management of government housing as part of local government property is, in fact, strictly regulated to support the effective performance of duties by officials or civil servants. Under Government Regulation No. 40 of 1994 on Government Housing, occupancy rights are based on a rigid classification system (Sudira et al., 2022, p. 557). The procedural provisions for this allocation are technically implemented through Minister of Home Affairs Regulation No. 7 of 2006 on the Standardization of Facilities and Infrastructure for Local Government Operations. This Ministerial Regulation explicitly stipulates that Category B Government Housing is strictly reserved for officials at the Echelon II level or civil servants in Grade IV/d and IV/e. The legal action taken by the Regent of Selayar Islands Regency in designating non-Echelon II civil servants to occupy Class B Grade III State Housing clearly breaches the substantive

boundaries outlined by the aforementioned ministerial regulation, thereby resulting in a substantive defect in the issuance of a *beschikking*.

Research on the governance and legal disputes surrounding state-owned housing has, in fact, been conducted by several previous researchers with diverse areas of focus. Pancaputri (2025) conducted a doctrinal study on the general factors causing legal disputes over state housing, concluding that the dominant disputes are triggered by uncertainty regarding the duration of occupancy, negligence in law enforcement, and a misunderstanding among residents who view state housing as an inheritable asset (Pancaputri, 2025, p. 486). Meanwhile, Kharisma and Susilowati (2020) focus their analysis on the ambiguity surrounding the rules governing the use of government housing, particularly regarding regulatory inconsistencies that lead to the misuse of official residences as unauthorized commercial spaces (Kharisma, 2020, p. 171). Focusing specifically on the administrative justice dimension, Azizah (2023) examines a dispute concerning the loss of the right to occupy government housing following the issuance of a Governor's Decree that altered the housing category status of a civil servant after retirement (Azizah, 2023, p. 61). The similarity between this study and the three previous studies lies in their shared subject matter, namely the examination of legal issues in the administration of state-owned housing facilities. However, there is a fundamental gap in the existing literature that has not yet been addressed. While previous studies have largely focused on disputes arising from retirement status, the misuse of commercial functions, and administrative documentation negligence, no study has specifically examined the validity of a regional head's (Regent's) intervention decision that clearly violates the structural qualification limits of the position (Echelon) and the physical classification of the building – which have been strictly defined by ministerial regulations at the central government level. Therefore, the novelty of this article lies in the originality of its legal-dogmatic analysis regarding the emergence of vertical normative antinomy resulting from the Regent's Decree that deviates from Ministry of Home Affairs Regulation No. 7 of 2006 on the Standardization of Facilities and Infrastructure for Local Government Operations, as well as the limits on the discretion of local heads in allocating regional assets to non-Echelon II officials.

Based on the academic and conceptual concerns outlined above, this study aims to conduct an in-depth analysis and examination of the validity of the Decree of the Regent of Selayar Islands Regency regarding the allocation of government housing that does not comply with position classifications as stipulated in Regulation of the Minister of Home Affairs No. 7 of 2006 on the Standardization of Facilities and Infrastructure for Local Government

Operations. Furthermore, this study aims to comprehensively describe and map the legal implications arising from the implementation of this policy, including implications for the Regent of Selayar Islands Regency as the official who issued the decision, as well as for the civil servants who received occupancy rights based on a legally flawed document.

This study employs a normative research method (*Normative Legal Research*). Normative research has a broad scope; it is not limited to legislation, but also covers its relationship to legal theory, legal principles, and legal policy (Irwansyah, 2022, p. 94). The legal sources used consist of three types: primary, secondary, and tertiary legal sources, which were collected through a literature review. The approaches used include the statutory approach, the conceptual approach, and the case approach (Nur Solikin, 2021, p. 94). These three research approaches were used to examine the validity of the Selayar Islands Regent's Decree regarding the allocation of government housing that is not based on the type of government housing.

## RESULT AND DISCUSSION

### **The Validity of the Decree of the Regent of the Selayar Islands Regarding the Designation of Government Housing**

The legal framework governing the actions of the Regent of Selayar Islands Regency in issuing a Decree designating government housing for Civil Servants (PNS) constitutes the issuance of an administrative decision (*beschikking*). Theoretically, Sjahan Basah defines an administrative decision as a written determination that contains specific and concrete legal norms and gives rise to binding legal consequences (Basah, 1985, p. 230). In this context, the Regent's Decree serves as the legal basis and justification for local government officials to take physical possession of the state-owned residence. However, the determination of the validity of this decision faces a normative conflict (*antinomy of norms*) when the substance of the decision permits civil servants below the structural qualification of Echelon II to occupy a Class III, Category B Government House an action that literally deviates from Ministry of Home Affairs Regulation No. 7 of 2006 on the Standardization of Facilities and Infrastructure for Local Government Operations. To test the legality (*rechtmatigheid*) of this administrative legal action, Philipus M. Hadjon formulated three cumulative parameters that were also adopted by Law No. 30 of 2014 on Government Administration, namely legality from the aspects of authority, procedure, and substance (Nuswardani, 2021, p. 84). If any of these elements is found to be inconsistent, the administrative decision in question is deemed legally defective.

The first test focuses on the competence or authority (*bestuursbevoegdheid*) of the official issuing the decision. As the head of an autonomous region and the representative of general government affairs, the regent has the legal authority to manage and regulate the region's internal affairs, including the governance of Regional Government Assets (BMD) (Mulyana, 2023, p. 74). Unlike power, which tends to be factual, authority is always based on legal rights and obligations derived from attribution, delegation, or mandate. The regent's authority in managing these regional assets constitutes a form of attributed authority derived directly from the law. Pursuant to Article 5 of Law No. 1 of 2004 on the State Treasury and operationalized technically through Minister of Home Affairs Regulation No. 7 of 2024 amending Minister of Home Affairs Regulation No. 19 of 2016 on Guidelines for the Management of Regional Assets, regional heads are granted an attributive mandate to establish policies regarding the management, use, utilization, and transfer of regional assets (Andika et al., 2026, p. 1004). In line with Indroharto's assertion that attribution involves the direct delegation of new governmental authority by the legislature, the Regent of Selayar Islands Regency *de jure* possesses a legitimate and well-defined basis of authority to determine the policy direction for the utilization of state-owned housing assets within his jurisdiction.

The second test examines the procedural dimension (*formal legality*) in the process of issuing such administrative legal instruments. Philipus M. Hadjon argues that the general principles of procedure in the field of administrative law must be supported by three main pillars: the rule of law principle for the protection of fundamental rights, the democratic principle for transparency and participation, and the instrumental principle oriented toward efficiency and effectiveness (Antoro, 2024, p. 120). Based on empirical data confirmed by the Property Treasurer of the Selayar Islands Regency Regional Secretariat, the mechanism for issuing the Decree on the allocation of government housing has followed operational steps that are consistent with the applicable Standard Operating Procedures (SOP). The administrative process begins with the submission of an official application by the relevant civil servant, followed by verification of the employee's qualifications, and culminates in the finalization of the draft decision. The principles of democracy and the rule of law are fulfilled through the provision of proactive public information channels regarding the progress of the applicant's documents, while the instrumental principle is realized through the efficiency of the bureaucratic structural SOP. Thus, the formal-procedural aspects of this decision have met the prerequisites of formal legality and contain no procedural defects.

The third test focuses on the dimension of substance (*material legality*), which, according to Philipus M. Hadjon, involves limiting substantive power through two fundamental questions: “what” is the content of the action, to detect arbitrariness (*willekeur*), and “for what purpose” is the action intended, to detect abuse of authority (*detournement de pouvoir*) (Philipus M. Hadjon, 2008, p. 84). Furthermore, the review must also focus on the substantive dimension (*material legality*). In contemporary administrative law doctrine, a substantive review requires a critical analysis of the rationality of the executive authority’s exercise of *freies Ermessen* (discretion). The parameters for determining whether an *abuse of power* exists in an administrative act involve applying the principle of proportionality and assessing the act’s susceptibility to *judicial review of discretion*.

Textually, the Decree of the Regent of the Selayar Islands grants an exemption for the use of Class B assets to civil servants who are not Echelon II officials. When evaluated in light of the *principle of proportionality*, this decision represents a rational balance between administrative deviation and the urgency of protecting regional assets. From the perspective of the “what” of the action’s content, this decision is proven not to contain elements of *willekeur* (arbitrariness) because it is grounded in objective rationality: saving the physical structure of a government-owned house that has long been vacant and at risk of severe damage. From the perspective of the “for what,” elements of *detournement de pouvoir* or *abuse of power* can be absolutely ruled out. This policy is not intended to enrich or benefit the private interests of officials, but rather aims to optimize Local Original Revenue through fees. In accordance with the General Principles of Good Governance (AAUPB), particularly the principles of utility and the public interest, this decision has successfully restored the socio-economic function of government buildings and reduced financial losses to the local government resulting from the maintenance costs of neglected buildings.

Although in sociological terms this decision brings benefits, formal conflicts still occur with the Regulation of the Minister of Home Affairs Number 7 of 2006 concerning the Standardization of Regional Government Work Facilities and Infrastructure. Faced with the limitations of this written regulation, the Regent utilized the instrument of discretion (*freies ermessen*) as a safety valve for administrative governance. Ridwan HR stated that discretion serves as a complement that corrects the rigidity of the principle of legality when written law is unable to keep pace with the dynamics of concrete issues on the ground (Ridwan HR, 2018, p. 179). It is important to emphasize that the legal discretion exercised by the Regent in issuing this decision was not intended to fill a legal vacuum. Hierarchically speaking, formal regulatory norms regarding the classification of state-owned housing have in fact existed and are strictly regulated. This exercise

of *freies Ermessen* is invoked solely as a tool to break a deadlock (governmental stagnation) when existing norms are overly rigid and fail to address the empirical realities regarding asset management at the local level. The validity of the use of *freies Ermessen* has found further legal grounding following the enactment of Law No. 6 of 2023 on Job Creation. The strict limitations on discretion have been reduced, expanding the scope for local governments to act adaptively in deviating from written law to the extent that such actions can be justified in the public interest.

In principle, Law No. 30 of 2014 permits the use of discretionary authority (*freies Ermessen*) as a safety valve to facilitate government administration, fill legal gaps or address legal deficiencies, and overcome administrative stagnation in specific circumstances in the public interest (Saputra et al., 2023, p. 1240). A significant development in the evolution of public law in Indonesia, following the enactment of Law No. 6 of 2023 on Job Creation, is that the scope of discretionary authority has been expanded because the restrictive clause “not contrary to the provisions of laws and regulations” has been removed from the administrative legal system (Pambudi, 2023, p. 1240). This positivist shift aligns with the *ratio decidendi* in administrative court jurisprudence, which consistently affirms that the legality of discretionary actions should not be rigidly assessed solely through the doctrine of *wetmatigheid van bestuur* (formal legality alone). A comparison of administrative rulings shows that actions of a *contra legem* nature (deviating from written law) through the discretion of a regional head may be deemed lawful (*rechtmatig*) to the extent that their orientation fulfills the element of *doelmatigheid* namely, to prevent greater damage to state assets, restore the socio-economic function of public buildings, and ensure the continuity of government services. Consequently, the parameters of the validity of discretion have now shifted to five new substantive requirements: alignment with the purpose of the discretion, compliance with the AAUPB, being based on objective reasons, not giving rise to a conflict of interest, and being exercised in good faith (Nurmayani, 2021, p. 12).

Through the analytical framework of the five substantive requirements under the post-amendment Job Creation Law, reinforced by the *ratio decidendi* of the relevant administrative case law, the discretionary action taken by the Regent of Selayar Islands Regency in issuing this occupancy permit meets the criteria for substantive validity. First, the action is consistent with the objective of facilitating government services and maintaining the physical utility of state assets to prevent them from falling into disuse. Second, it adheres to the principle prohibiting the abuse of authority (*detournement de pouvoir*) and the principle of proportionality, as this factual-temporal administrative deviation is balanced against the objective of preserving regional BMD assets. Third, this decision is grounded in objective reasons, namely addressing the housing

needs of government officials amidst the deteriorating condition of state facilities. Fourth, no conflict of private interest was found because the orientation is purely toward the effectiveness and optimization of BMD. Fifth, the element of good faith (*te goeder trouw*) is tangibly fulfilled because the decision provides legal certainty and legitimacy for civil servants to lawfully occupy state housing and establishes financial administrative order through the collection of accountable fees. Thus, through the expansion of the regime of discretion in contemporary administrative law in Indonesia and the substantive support of jurisprudence that prioritizes the preservation of public assets, the Regent's Decree is classified as a valid legal act possessing binding force (*bindende kracht*).

### **Implications of the Validity of the Selayar Islands Regent's Decree on the Designation of Government Housing Allocations**

The existence of contemporary governance no longer relies solely and rigidly on the positivism of written laws and regulations; rather, it also demands the state's adaptive capacity to respond effectively to social dynamics and concrete issues. The inherently general and abstract nature of regulations often reaches an impasse when addressing actual problems that arise in the practice of governance. To overcome this normative rigidity, the administrative law system legally recognizes the existence of a certain policy space for the government to take actions beyond rigid normative provisions, provided that such actions remain within legal boundaries and are directed toward protecting the public interest (Nurwahyuni et al., 2022, p. 228). Government policy instruments other than written laws and regulations take the form of discretionary actions, which are the authority held by public officials to make independent decisions based on objective and subjective considerations in response to specific concrete conditions or situations (Simorangkir et al., 2000, p. 38). From a normative perspective, the legal regime governing discretion in Indonesia has undergone a fundamental paradigm shift through changes in statutory requirements. Initially, Article 24 of Law No. 30 of 2014 on Government Administration established a restrictive limitation stipulating that the exercise of discretion must not conflict with laws and regulations. However, this rigid limitation was subsequently eliminated through the provisions of Article 175(2) of Law No. 6 of 2023 on Job Creation, which officially removed the requirement prohibiting conflict with laws and regulations. This legislative change is based on a legal assessment that the concept of discretion which was once seen as a dictatorial norm has actually limited the scope of action for government officials in optimally exercising their discretionary authority to resolve administrative deadlocks at the local level (Ashfiya, 2023, p. 59).



The shift in the paradigm of discretion following the Job Creation Law has significant and effective legal implications for the validity of the Decree of the Regent of Selayar Islands Regency regarding the allocation of government housing. The administrative decision allowing three civil servants to occupy state housing without relying on rigid building type classifications has proven effective in resolving real-world issues on the ground and maximizing the management of state housing utilization in Selayar Islands Regency. From a functional perspective, the discretion exercised through this Regent's Decree serves as a corrective instrument aimed at ensuring that the law does not merely remain at a passive, normative level, but can be effectively and responsively implemented in the practice of local government administration (Simarmata & Yusuf, 2024, p. 5200). Furthermore, this decision has significant legal implications for the three civil servants of Selayar Islands Regency who occupy these government-owned homes. The Regent's Decree serves as a solid guarantee of legal certainty, which is conceptually understood as a form of protection for legal entities against arbitrary actions (Moho, 2019, p. 7). Through the legal validity of this administrative decision, the three local government officials are guaranteed that their rights or interests regarding the lawful and accountable physical possession of official housing will be upheld.

More specifically, the external implications of the validity of this administrative decision directly target the physical preservation of regional assets and the enhancement of regional fiscal capacity. When restrictive regulations regarding the classification of official residences are set aside through lawful discretion, the pragmatic implication is the repurposing of buildings that were previously abandoned and had suffered severe damage due to prolonged vacancy. Through the placement of these three civil servants, the function of maintaining regional assets runs automatically, while simultaneously removing administrative bottlenecks that hinder the collection of state housing fees. Thus, the Regent's decision is not merely a formal legal document, but has tangible implications for the optimization of regional revenue and the efficiency of the regional budget in reducing the costs of renovating neglected assets.

On the other hand, the guarantee of legal certainty inherent in this Regent's Decree eliminates the potential for arbitrary action (*willekeur*) by both internal local authorities and third parties in the future. As a written decision of an *in concreto* nature, this decree provides an absolute basis of legitimacy for the three civil servants to retain their right of residence as long as the conditions of their employment are met. The implications of this legal protection close the door to non-procedural forced evictions and ensure that the rights of civil servants are protected by a valid legal framework. Ultimately, the conceptual implications of the continued validity of

this decision demonstrate that the principles of public interest and legal certainty can coexist to protect the legitimate legal interests of legal subjects within the administration of local government.

## CONCLUSION

The Decree of the Regent of Selayar Islands Regency regarding the allocation of Class B government housing to non-Echelon II civil servants is deemed lawful (*rechtmatig*) in terms of authority, procedure, and substance. This exercise of discretion (*freies ermessen*) complies with the principle of proportionality and is free from elements of abuse of power (*abuse of power*), in line with the paradigm shift following the enactment of Law No. 6 of 2023 on Job Creation, which prioritizes utility (*doelmatigheid*) over the rigidity of formal legality. The novelty of this study confirms that discretion functions effectively as a safety valve to break administrative stagnation without being vulnerable to annulment through judicial control of discretion. The validity of this decision gives rise to dual legal implications; internally, it guarantees absolute legal certainty and protection for public officials against the threat of arbitrary action (*willekeur*), and externally, it has a concrete impact on the physical preservation of neglected regional assets while simultaneously optimizing the collection of fees to enhance regional fiscal capacity.

## REFERENCE

- 1) Andika, Andika, Fitri Kurnianingsih, and Firman Firman. "Asset Governance Of The Regional Government Of Bintan Regency (Case Study Of Regional Financial Agencies And Assets)." *Interdisciplinary Journal of Global and Multidisciplinary* 2, no. 1 (2026): 1003–16. <https://jurnal-ijgam.or.id/index.php/IJGAM/article/view/183>.
- 2) Antoro, Bibianus Hengky Widhi. "Development of Democratization on Indonesia Through Administrative Court." *Konferensi Nasional Asosiasi Pengajar Hukum Tata Negara Dan Hukum Administrasi Negara* 2, no. 1 (2024): 101–22. <https://doi.org/10.55292/0xkdaz62>.
- 3) Ashfiya, Dzikry Gaosul. *Diskursus Pergeseran Konsep Diskresi Pasca Undang-Undang Cipta Kerja Dan Pengujiannya*. 6, no. 1 (2023). <https://doi.org/https://doi.org/10.25216/peratun.612023.57-88>.
- 4) Azizah, Laila. "Analisis Hukum Sengketa Surat Keputusan Gubernur Yang Mengakibatkan Hilangnya Hak Menghuni Atas Rumah Negara (Studi Kasus Putusan Mahkamah Agung Republik Indonesia Nomor 599 K/TUN/2019)." *Fakultas Magister Hukum, Universitas Islam Sumatera Utara*, 2023. <http://repository.uisu.ac.id/handle/123456789/2684>.
- 5) Basah, Sjachran. *Eksistensi dan tolok ukur badan peradilan administrasi di Indonesia*. Alumni, 1985. <https://books.google.co.id/books?id=NgGKAAAAMAAJ&hl=id&lr=&num=20>.
- 6) Hadi, Syofyan. "The Influence of Theorie Von Stufenbau Der Rechtsordnung in the Indonesian Legal System." *DiH: Jurnal Ilmu Hukum*, July 14, 2024, 202–10. <https://doi.org/10.30996/dih.v20i2.10989>.
- 7) Irwansyah. *Penelitian Hukum : Pilihan Metode & Praktik Penulisan Artikel*. Revisi cet. 5. Mitra Buana Media, 2022. [//lib-pasca.unpak.ac.id%2Findex.php%3Fp%3Dshow\\_detail%26id%3D17444%26keywords%3D](https://lib-pasca.unpak.ac.id%2Findex.php%3Fp%3Dshow_detail%26id%3D17444%26keywords%3D).
- 8) Kharisma, Muhammad. "Tinjauan Yuridis Terhadap Pengaturan Pemanfaatan Rumah Negara Selain Sebagai Tempat Tinggal Di Indonesia." *Novum: Jurnal Hukum* 7, no. 03 (2020). <https://doi.org/10.2674/novum.v7i3.32702>.

- 9) Moho, Hasaziduhu. "Penegakan Hukum Di Indonesia Menurut Aspek Kepastian Hukum, Keadilan Dan Kemanfaatan." *Warta Dharmawangsa* 13, no. 1 (2019). <https://doi.org/10.46576/wdw.v0i59.349>.
- 10) Mulyana, Yaya. "Evaluation of Local Government Property Administration Policies." *AKSELERASI: Jurnal Ilmiah Nasional* 5, no. 2 (2023): 73–81. <https://doi.org/10.54783/jin.v5i2.717>.
- 11) Nur Solikin. *Pengantar Metodologi Penelitian Hukum*. Qiara Media, 2021. <https://anyflip.com/ltkyo/yjgk/basic>.
- 12) Nurmayani, Nurmayani. "Problematisa Konsep Diskresi Dalam Penyelenggaraan Administrasi Pemerintahan Pasca Undang-Undang Cipta Kerja (The Problems of the Discretionary Concept in the Implementation of Government Administration after the Job Creation Law)." *Jurnal Ilmiah Hukum Dan Hak Asasi Manusia (Jihham)*, November 10, 2021. <http://repository.lppm.unila.ac.id/35679/>.
- 13) Nurwahyuni, Nurwahyuni, Siti Sumartini, and Saeful Kholik. "Kedudukan Hukum Dalam Perspektif Negara Hukum Modern." *Jurnal Suara Hukum* 4, no. 1 (2022): 224–42. <https://doi.org/10.26740/jsh.v4n1.p224-242>.
- 14) Nuswardani, Nunuk. *Sistem Pemerintahan Indonesia Konsep Dan Praksis Penyelenggaraannya*. Setara Press, 2021. <https://kubuku.id/detail/sistem-pemerintahan-indonesia---konsep-dan-praksis-penyelenggaraannya/52372>.
- 15) Pambudi, Lintang Ario. "Quo Vadis Pengaturan Diskresi Pemerintah Pasca Undang-Undang Cipta Kerja." *UNES Law Review* 5, no. 3 (2023): 1239–47. <https://doi.org/10.31933/unesrev.v5i3.422>.
- 16) Pancaputri, Faiza. "Analisis Faktor-Faktor Penyebab Sengketa Hukum Rumah Negara." *Indonesian Notary* 7, no. 3 (2025). <https://doi.org/10.21143/notary.vol7.no3.470>.
- 17) Philipus M. Hadjon. *Pengantar Hukum Administrasi Indonesia*. Translated by R. Sri Soemantri Martosoewignjo. Gadjah Mada University Press, 2008. <https://simpus.mkri.id/opac/detail-opac?id=10072>.
- 18) Ridwan HR. *Hukum Administrasi Negara*. Revisi, Cet. 13. Rajawali Pers, 2018. <https://simpus.mkri.id/opac/detail-opac?id=10367>.

- 19) Saputra, Rahmat, Zainal Muttaqin, Hernadi Affandi, and Adrian E. Rompis. "Discretion as a Government Policy Innovation in Indonesia." *Lex Localis - Journal of Local Self-Government* 21, no. 2 (2023): 441–69. [https://doi.org/10.4335/21.2.441-469\(2023\)](https://doi.org/10.4335/21.2.441-469(2023)).
- 20) Simarmata, Marusaha, and Hudi Yusuf. "Analisis Kebijakan Penanganan Tindak Pidana Ekonomi Khusus Di Indonesia: Studi Kasus Pada Kasus Korupsi Di Sektor Publik." *Jurnal Intelek Insan Cendikia* 1, no. 9 (2024): 5187–202. <https://jicnusantara.com/index.php/jiic/article/view/1435>.
- 21) Simorangkir, J. C. T., Rudy T. Erwin, and J. T. Prasetyo. *Kamus Hukum*. Sinar Grafika, 2000. <https://opac.ut.ac.id/detail-opac?id=31627>.
- 22) Sudira, Herman CS, Suhariningsih, Moh Fadli, and Iwan Permadi. "Legal Policy in the Regulations for the Sale of State Houses Class III (Idle State Property) Without Auction to Occupants/State Servants Reviewed From the Perspective of 'The Theory of Justice' From John Rawls." *Konfrontasi: Jurnal Kultural, Ekonomi Dan Perubahan Sosial* 9, no. 4 (2022): 554–64. <https://doi.org/10.33258/konfrontasi2.v9i4.254>.
- 23) Tumuhulawa, Arifin, and Roy Marthen Moonti. "The Authority of Government Officials in Delegating and Mandating." *Unnes Law Journal* 7, no. 1 (2021): 47–60. <https://doi.org/10.15294/ulj.v7i1.38705>.



Licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License  
<https://creativecommons.org/licenses/by-nc-sa/4.0/>