

Implementation of Jurimetry in Determining Compensation in the Realm of State Administrative Court

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Eka N.A.M Sihombing¹  , **Cynthia Hadita²** , **Novita Sartika Elisabeth³**

¹ Faculty of Law, Universitas Muhammadiyah Sumatera Utara, Indonesia

² Faculty of Law, Universitas Muhammadiyah Sumatera Utara, Indonesia

³ Melbourne Law School, University of Melbourne, Australia

✉ ekahombing@umsu.ac.id

Abstract

The development of legal technology encourages the presence of a quantitative approach in judicial practice, one of which is through jurimetry. In the context of the State Administrative Court (PTUN), the determination of compensation often faces challenges due to the lack of standard standards and the disparity of decisions. This study aims to analyze the implementation of jurimetry in determining the amount of compensation in the PTUN as an effort to realize legal certainty and measurable justice. The method used is socio-legal research. The results of the study show that the application of jurimetry can be an effective instrument in minimizing the subjectivity of judges through the use of a database of previous decisions and quantitative variables such as the value of material losses, non-material impacts, and the level of official errors. However, the implementation of jurimetry is still limited due to the limitations of data infrastructure and resistance to quantitative approaches in judicial practice. This study concludes that strengthening regulations and digitizing PTUN decision data is needed to support jurimetry as a more transparent and consistent compensation determination mechanism.

Keywords: Urgency; Understanding; Jurimetry; Judge; Judiciary.



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1. INTRODUCTION

1.1. Background

The State Administrative Court (PTUN) is one of the main pillars in realizing a just state of law, especially in providing legal protection to the public from arbitrary government actions. One of the important issues in the PTUN is the determination of compensation submitted by the aggrieved party due to the decision or actions of state administrative officials. Practice in the field shows that there is inconsistency and disparity in the determination of the amount of compensation.

Currently, in the State Administrative Court, it is possible to have cases related to calculations such as in mathematics lessons, for example, the case of specific land compensation and the redetermination of compensation money in personnel disputes that have been decided by the Supreme Court. For the amount of compensation, since 2019 it has been agreed and formulated in the Plenary Meeting of the State Administrative Chamber as outlined in the Supreme Court Circular Letter Number 2 of 2019, in adjudicating disputes over government actions/unlawful acts by government agencies and/or officials, the maximum number of claims for damages is not limited as stipulated in Government Regulation Number 43 of 1991 concerning Compensation and Procedures for Its Implementation in the State Administrative Court. An example of a case that has permanent legal force is the case of specific land compensation. In this case, the defendant's action of the Minister of ATR/Head of BPN did not commit a concrete act in the form of not carrying out the payment of compensation in the form of money to the plaintiff contrary to the laws and regulations, contrary to the legal obligation (proximate omission) of the defendant himself and violated the plaintiff's subjective rights, then the act of not acting (omission) by the defendant was declared as an unlawful act by the agency and/or government officials. Thus, the petition "Requires the Defendant to take Government Action in the form of carrying out compensation payments in the form of money of Rp570,000,- (five hundred and seventy thousand rupiah) based on the Decree of the Minister of Agrarian Affairs of the Republic of Indonesia No. SK/19/Depag/64 dated August 26, 1964 which at that time was equivalent to 316.666667 grams of gold, if converted to the gold price on December 31, 2021 which is equivalent to Rp942,000 per gram, then multiplied by 316.666667 grams of gold obtained the result of Rp298,300,000,- (two hundred and ninety-eight million three hundred thousand rupiah) was granted by the Panel of Judges of the Jakarta State Administrative Court.¹

The unclear parameters and subjectivity of judges often create legal uncertainty, thereby weakening public trust in the judiciary. In its development, the concept of jurimetry is present as a quantitative approach that utilizes legal data to support more objective decision-making. Jurimetry not only uses statistical analysis of previous decisions, but also formulates variables that can be

¹ MARI NEWS, "Hakim PTUN Harus Jago Matematika," <https://marinews.mahkamahagung.go.id/artikel/hakim-ptun-harus-jago-matematika-0oX>, 2025.



measured rationally in determining the amount of compensation. The application of jurimetry is expected to reduce disparity in verdicts, create more transparent standards, and provide legal certainty for justice seekers in the State Administrative Court.

The implementation of jurimetry in Indonesia, especially in the realm of the State Administrative Court, still faces various challenges. The limitations of data infrastructure, the low understanding of legal practitioners of the quantitative approach, and the absence of regulations that explicitly support the use of jurimetry are obstacles that must be overcome. Therefore, an in-depth study is needed to understand the extent to which the application of jurimetry can be implemented and make a real contribution to the determination of compensation in PTUN cases. This research is expected to provide a strong basis for the development of a more modern, transparent, and accountable judicial system.

1.2. Research Problem

1. What is the authority of the State Administrative Court in determining compensation?
2. How is the implementation of jurimetry in the determination of compensation in the realm of the State Administrative Court?
3. Why is there an Urgency of Understanding Jurimetry for State Administrative Court Judges and how does it compare with Brazil and the United States?

1.3. Method

The type of research used is socio-legal. The analysis used is descriptive. S Wheeler and PA Thomas argue that socio-legal research is an interdisciplinary research that contains various scientific fields, not only legal science. As S Wheeler and PA Thomas argue:²

Law schools' desire to encourage multidisciplinary legal studies has been the primary driver of the growth of socio-legal studies in the UK, which serves as the backdrop for the topics in this chapter and the book's concluding part. Regardless of whether socio-legal studies is considered a methodological approach, a subdiscipline, or an emergent field, it is frequently evaluated in relation to and in contrast to law.

According to Sulistiyowati et al., the importance of cooperation in legal development (multidisciplinary) through a socio-legal approach to examine government performance: *good governance* or *bad governance*. What is required is humility, in-depth knowledge and involvement

² S Wheeler dan PA Thomas, 'Socio-Legal Studies' Dalam DJ Hayton, (Ed), *Law's Future(s) Libat Juga PA Thomas*, 'Socio-Legal Studies: The Case of Disappearing Fleas and Bustards' (Aldershot: Dartmouth, 1997). (Oxford: Hart Publishing, 2002).



measured over a span of years. It is also required, *last but not least*, to conduct a multidisciplinary study of the law and legal institutions.³

2. RESULT AND DISCUSSION

2.1. The Authority of the State Administrative Court in Determining Compensation

The existence of the State Administrative Court in the judicial system in Indonesia is a manifestation of the state's commitment to provide legal protection for individual rights and the rights of the community in general so as to achieve harmony, harmony, balance, as well as dynamism and harmonization of relations between citizens and the State.⁴

The existence of the State Administrative Court philosophically in the construction of the state of law is to provide legal protection for the rights of individuals and the rights of the general public so that harmony, harmony, balance, as well as the dynamism and harmonization of relations between citizens and the state, in this case State Administrative Officials, are achieved. The harmonization includes the existence of an equal position between the public and citizens, especially the guarantee of the value of justice in a State Administrative Decree (*beschikking*) issued by public officials to citizens. Basically, the existence of the State Administrative Court is a form of the exercise of judicial functions to control the running of executive functions in the form of testing a State Administrative Decision (hereinafter referred to as KTUN) issued by TUN officials to ensure that the TUN decision is in accordance with the provisions of the law and the general principles of good governance.⁵

The competence to adjudicate the previous PTUN was very narrow, only authorized to adjudicate state administrative decisions (*beschikking*) in a concrete, individual and final sense as stipulated in the PTUN Law.⁶ The object of dispute in the State Administrative Court according to the PTUN Law is the state administrative decision (*beschikking*) as stipulated in the provisions of Article 1 number 9 of the PTUN Law. Then in the provisions of Article 87 of the UUAP, the state administrative decree (*beschikking*) has been expanded.⁷ The addition or expansion itself must be understood in a limited way, that is, by still referring to the context that remains related to the object

³ Sulistyowati Irianto and Lim Sing Meij, *Memperkenalkan Studi Sociolegal Dan Implikasi Metodologisnya*, Sulistyowa (Jakarta: PT. Yayasan Pustaka Obor Indonesia, 2013).

⁴ Ismail Rumadan, "Problematika Eksekusi Putusan Pengadilan Tata Usaha Negara," *Jurnal Hukum Dan Peradilan* 1, no. 3 (2012): 435, <https://doi.org/10.25216/jhp.1.3.2012.435-462>.

⁵ R. Wiyono, *Hukum Acara Peradilan Tata Usaha Negara, Edisi Kedua* (Jakarta: Sinar Grafika, 2009).

⁶ Solechan, Asas-Asas Umum Pemerintahan yang Baik Dalam Pelayanan Publik. ||, *Administrative Law & Governance Journal*, Vol. 2, No. 3 (2019), hlm. 541-557.

⁷ Muhammad Adiguna Bimasakti, "Onrechtmatige Overheidsdaad Oleh Pemerintah Dari Sudut Pandang Undang-Undang Administrasi Pemerintahan," *Jurnal Hukum Peratun*, Vol. 1, No. 2 (2018).



mentioned earlier, so that KTUN has a new meaning not only seen from its form in the form of a written determination but also includes factual actions.⁸

Where the approach cannot be separated in the concept of administrative law, the power approach which is the domain of the government, the human rights approach that how broad the protection and fulfillment of the government in this aspect and the functionary approach regarding the implementation of government functions as an administrative body. Confusion regarding AUPB which is a principle, but is normed. Because principles are not norms, and regulations should formulate norms not principles. Similarly, Article 10 contains AUPB, but becomes ambiguous in Article 10 paragraph (2) which states: "Other general principles outside the AUPB as referred to in paragraph (1) can be applied as long as they are used as the basis for the judge's judgment contained in a court decision with permanent legal force".⁹

Administrative law can be defined as the legal control of government. Narrowly defined, administrative law consists of legal principles that define the powers and structure of administrative bodies, determine the procedures to be followed by those bodies that determine the validity of administrative decisions and determine the review role of courts and other government bodies in relation to administration.¹⁰

However, this is contrary to Article 47 jo. Article 1 point 10 of Law No. 51/2009, which, if understood, states that one of the competencies of the Administrative Court is the effect of the issuance of a KTUN. If interpreted an *sicht*, it is as if the government is actively acting (commission) to issue a KTUN, but it turns out that there are KTUN issued because the government does nothing or is passive (omission).¹¹

The absence of definite limits in determining ethical violations by judges is a problem in implementing judge supervision. Thus, in implementing judicial supervision, especially in examining alleged violations of ethics by judges, the absence of restrictions on technical judicial violations and ethical violations will cause uncertainty, and potential views differ in determining whether a violation by a judge constitutes an ethical violation. Furthermore, it also has the potential to cause disharmony between the Supreme Court and the Judicial Commission in supervising judges.¹²

⁸ M. Yusuf Leman, — Fungsi Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan Terhadap Kualitas Penyelenggaraan Pemerintahan Di Indonesia. *Pelita Jurnal Penelitian dan Karya Ilmiah*, Vol. 14, No. 1 (2019), hlm. 97-113.

⁹ Hendi Setiawan, Muklis Al'anam, and Wandri Munif, "Some Commentary Notes On Law Number 30 Of 2014 Concerning Government Administration," *Simbur Cahaya XXXI*, no. 30 (2025): 270–91, <https://doi.org/10.28946/sc.v31i2.3939>.

¹⁰ Stephen G. Breyer, *Administrative Law and Regulatory Policy* (Massachusetts: Aspen Publishing, 2022).

¹¹ Bagus Oktafian Abrianto, "Problematika Keputusan Tata Usaha Negara Yang Bersifat Fiktif Positif Setelah Undang-Undang Nomor 11 Tahun 2020," *Jurnal Arena Hukum* 16, no. 3 (2023).

¹² Fairuz Zahirah Zihni Hamdan, Dwi Rahayu Kristianti, and Vincentius Verdian, "Limitation of Misconduct of Judges: Increasing The Synergy of Supervision of Judges by The Judicial Commission and The Supreme Court," *Yuridika* 38, no. 2 (2023): 371–88, <https://doi.org/10.20473/ydk.v38i2.45472>.



The Court's Decision is a representation of legal considerations by the Judge which is recognized as "res judicata pro veritate habetur" which means that the judge's decision is considered to be correct and immediate. The reason is that the government is compelled to immediately make the implementing regulations as instructed by the Law on Peratun, and after three decades of the Peratun Law the implementing regulations have never been issued by the Government. The Supreme Court finally opened the way for the judges so that every lawsuit containing conditional demands included forced money, so that it was possible before the issuance of implementing regulations on forced efforts, the judge could apply dwangsom and administrative sanctions based on strong legal arguments as outlined in consideration of the decision.¹³

After the enactment of Law No. 30 of 2014 concerning Government Administration (UUAP), the competence to adjudicate the State Administrative Court has experienced a very significant expansion of absolute competence. The UUAP gives authority to the State Administrative Court to adjudicate the object of the dispute not only in the form of KTUN but also including the factual actions of government agencies and/or officials.¹⁴

On the one hand, it has a prominent role, namely as a control institution (supervisor) of the running of executive functions, more specifically the actions of TUN Officials so that they remain within the corridor of the rule of law. On the other hand, the TUN Judiciary is a forum to protect the rights of individuals and citizens from unlawful acts committed by TUN Officials.¹⁵

Since there are significant distinctions between onrechtmatige overheidsdaad and state administrative disputes in the form of factual actions, as well as because the dispute is a state administrative dispute but the relevant law is Article 1365 of the *Burgelijk Wetboek (BW)*, there will be a contradiction between the terms.¹⁶

Interest is one of the most important requirements if the plaintiff wants to file a lawsuit at the State Administrative Court, according to Indroharto, "interest" in administrative procedural law has two meanings, namely:¹⁷

1. Refers to the value that must be protected by law. This means that a value that is beneficial or detrimental that is caused or according to reason can be expected to arise from the issuance of a TUN decision or a decision to reject TUN. This kind of interest can be material or immaterial. These interests can also be individual or general (collective). This means that the interest is

¹³ Enrico SImanjuntak in Aries Saputro, "Payment of Compensation for Officials Who Did Not Implement the Decision of the State Administrative Court," *Yuridika* 35, no. 2 (2019): 231, <https://doi.org/10.20473/ydk.v35i2.15305>.

¹⁴ Fauzi and Erliyana, "Pejabat Pemerintahan (Onrechtmatige Overheidsdaad)," *UNES Law Review* 6, no.2 (2023).

¹⁵ Sjachran Basah, *Perlindungan Hukum Terhadap Sikap Tindak Tata Usaha Negara* (Bandung: Alumni, 1992).

¹⁶ Agus Budi Susilo, —Reformulasi Perbuatan Melanggar Hukum Oleh Badan Atau Pejabat Pemerintahan Dalam Konteks Kompetensi Absolut Peradilan Tata Usaha Negara, *Jurnal Hukum dan Peradilan*, Vol. 2, No.2, (2013), hlm. 292-304.

¹⁷ Indroharto, *Usaha Memahami Undang-Undang Tentang Peradilan Tata Usaha Negara, (Beberapa Pengertian Dasar Hukum Tata Usaha Negara* (Jakarta: Sinar Harapan, 2002).



attached to a person personally or in general in the sense that the interest is inherent in the surrounding community, then an interest in the form of values that must be protected by law is determined in relation to the Plaintiff himself and the factors related to the KTUN.

2. The importance of the process, meaning what is to be achieved by conducting a lawsuit process.

The application of quantitative approaches in legal analysis and decision-making is one of the three primary issues that Ronny Hanitijo said jurimetry, as a model in legal studies, is focused on. Jurimetry makes use of simulations, basic mathematical models, and statistics-based analysis tools in this kind of application.¹⁸

The State Administrative Court (PTUN) has the authority to examine, decide, and resolve state administrative disputes arising from the issuance of a State Administrative Decree (KTUN) by administrative officials. One of the inherent authorities is to determine compensation if the actions or decisions of the officials are proven to be against the law and detrimental to the plaintiff. This authority is regulated in Law Number 5 of 1986 concerning the State Administrative Court and its amendments, which affirms that in addition to canceling the disputed KTUN, the panel of judges can grant the claim for damages as long as the plaintiff can prove the existence of real losses suffered by him. The determination of the amount of compensation is carried out based on the facts of the trial, the value of material losses that can be calculated, and the consideration of immaterial losses in accordance with the principles of justice. Thus, the authority of the PTUN not only functions to restore the rights that are harmed through the cancellation of administrative decisions, but also provides compensation as a form of full recovery for the aggrieved party due to government actions that are not in accordance with the law.

2.2. Implementation of Jurimetry in the Determination of Compensation in the Realm of the State Administrative Court

Bryan A. Garner, in his book *A Dictionary of Modern Legal Usage*, defines jurimetrics as: “the social science that attempts to “measure” those aspects of justice that are of an empirical nature”.¹⁹

One of the areas of analysis in jurimetry is statistics. Statistics is a science that studies data in the form of records of the number of a population in a certain period of time. Statistics can also be understood as a way or method in collecting, processing, presenting, analyzing and interpreting data to make a decision. Statistics are divided into two types. First, descriptive statistics, which are statistics that discuss the collection, processing, delivery, and analysis of the values of a data to then be described in a table (matrix) or graph. Second, Inductive or Inferential Statistics, which are

¹⁸ Ronny Hanitijo, *Metode Penelitian Hukum Dan Jurimetri* (Jakarta: Ghalia Indonesia, 1990).

¹⁹ Bryan A. Garner, *A Dictionary of Modern Legal Usage* (Oxford: Oxford University Press, 2001).



statistics that study how decision-making is carried out and at the same time interpret the results of existing data processing.²⁰

As a method in legal analysis, there are several stages or steps in the implementation of jurimetry, namely:²¹

- a. Choose domain Choose domain is specifying the domain or subject of the problem to be analyzed. In the examination of the case, the Judge will identify the subject matter (*objectum litis*). For example, in a lawsuit for unlawful acts, the domain of jurimetric analysis is the amount of "proper" and "fair" compensation. Meanwhile, in a child support lawsuit, the domain of jurimetry is "the amount of eligible child support".
- b. Retrieve cases Retrieve cases are case tracing by studying facts related to the subject matter. When examining the case, this retrieve case can be analogous to the activity of collecting facts (events) postulated by the litigants
- c. Read cases Read cases is to study the facts that have been collected earlier and try to examine them one by one to then make an initial (introductory) description of the position, legal relationship, and legal consequences for the parties to the case. The results of this reading will later determine which things will be further analyzed.
- d. Define legal items After conducting an intensive reading of the case profile and a series of evidence, the next stage is to determine the legal issues to be tried. For example, in a lawsuit for unlawful acts, the legal issue (legal item) to be tried is the amount of "fair" and "deserved" damages.
- e. Build list of factors To determine the amount of "fair" and "decent" compensation, for example, there are several factors that need to be considered, namely who committed the act, how much real loss the victim (Plaintiff) is, and the financial ability of the perpetrator (Defendant). In a child support lawsuit, the factors that must be considered are the real needs of the child (education, health, clothing, food, and housing), the father's financial ability, the average level of needs per month in an area, and the rate of inflation.
- f. Process data The next stage is to process the data that has been obtained by associating it with the factors stated. This data is processed using statistical review models, both simple statistics and more complex statistics, depending on the case construction. The data that has been processed earlier is then analyzed quantitatively which is descriptive. The results of this analysis in some cases will be associated with more qualitative concepts, such as "fair" and "feasible". Tegasnya, dalam olah dan analisis data, ada suatu proses kuantifikasi konsep-konsep hukum yang subjektif nan abstrak seperti konsep "adil" dan "layak" ke dalam suatu susunan angka angka dengan maksud aktualisasi dari konsep-konsep tersebut.

²⁰ Danang Sunyoto, *Statistika Deskriptif Dan Probabilitas* (Yogyakarta: CAPS, 2016).

²¹ Pieter Kleve Kees van Noortwijk, Richard V. de Mulder, "New School Case Law Knowledge Management," in *Paper on '08 Stockholm Legal Conference*, 2008, 10–11.



The payment of compensation actually does not distinguish whether the government's actions have violated the law or not, in connection with the filing of an OOD lawsuit against factual actions that cause losses to the community or other parties, Ridwan stated "The government's factual actions are generally related to the implementation of public duties such as in the context of *bestuursdwang*, the provision and maintenance of public facilities and so on. When later in the practice of law enforcement the basis of the lawsuit, OOD, which is the concept of unlawful acts applied in the civil field, of course this raises the question: Is it appropriate to test the government's factual actions on the basis of OOD? In fact, when officials carry out public duties, the norms of public legal norms and the sanctions contained in them are applied to him. This question requires further study and research."²²

The authority of the TUN court is only limited to determining what administrative sanctions will be imposed on TUN officials who do not obey the ruling. So strictly speaking, the technical execution of decisions in the form of the application of administrative sanctions in practice must still be carried out by government officials/organs who have the authority to apply administrative sanctions in accordance with the application of laws in relation to the issue Indroharto, emphasized that, obtaining the power to carry out oneself at the expense of the government (the executed party) will be contrary to the principle of legality which says, that doing or deciding something based on public law can only be done by an authorized TUN agency or official or based on a provision of laws and regulations.²³

Jurimetry is a method of analyzing the law by using empirical (quantitative) data to produce an objective and tested analysis. The jurimetry method can be used by the Judge in deciding the case.²⁴

Jurimetry has presented a legal analysis based on empirical data that is considered more objective and tested. In decision-making by the panel of judges in handling cases, it encourages the creation of court decisions that are consistent, predictable, and represent justice in a balanced and measurable manner. The application of jurimetry in determining the distribution of common property is a concept that seeks to bring closer the differences in interpretations regarding the measure of justice that can be examined and concluded based on scientific investigation methods.²⁵

The implementation of jurimetry as a quantitative approach that utilizes legal data, statistics, and mathematical analysis to support more objective decision-making in court. In the context of the

²² Ridwan, *Diskresi Dan Tanggung Jawab Pemerintah* (Yogyakarta: FH UI Press, 2014).

²³ Indroharto, *Usaha Memahami Undang-Undang Tentang Peradilan Tata Usaha Negara, (Beberapa Pengertian Dasar Hukum Tata Usaha Negara*.

²⁴ M. Natsir Asnawi, "Implementasi Jurimetri Dalam Penentuan Jumlah Nafkah Anak Jurimetrics In Deciding Child Support Allowances 331 - 350," *Jurnal Hukum Dan Peradilan* 5, no. 3 (2016).

²⁵ M. Y. Khaerul Umam, Musakkir, and Marwah, "Implementasi Jurimetri Oleh Hakim Dalam Perkara Pembagian Harta Bersama," *El-Iqthisadi Jurnal Hukum Ekonomi Syariah Fakultas Syariah Dan Hukum* 5 (2023): 106–21, <https://doi.org/10.24252/el-iqthisady.vi.39438>.



State Administrative Court (PTUN), jurimetry can be applied as an instrument in determining the amount of compensation filed by the plaintiff due to losses arising from the unlawful State Administrative Decree (KTUN). This implementation is carried out by compiling a database of previous PTUN decisions that contain information on the pattern of determining compensation, factors that affect the value of compensation, as well as quantitative variables such as material losses, the level of official error, and the impact of immaterial losses suffered by the plaintiff. Through statistical analysis of the data, judges can obtain more consistent and transparent decision-making standards. For example, previous judgments can be used as a numerical reference to determine the average compensation in similar cases, thereby reducing the disparity in verdicts between judges. However, the implementation of jurimetry in the Indonesian Administrative Court still faces challenges such as the limitations of the digitization system of decisions, the lack of national data integration, and the resistance of some judges to the use of quantitative methods. Therefore, it is necessary to strengthen regulations, build legal database infrastructure, and increase the technical capacity of the judiciary so that jurimetry can be implemented optimally and be able to strengthen legal certainty in determining compensation in the realm of the PTUN.

2.3. The Urgency of Understanding Jurimetry for State Administrative Court Judges: A Comparison with Brazil and the United States

Lee Loevinger who originated the idea of using jurimetry in legal inquiry defines jurimetry as: "... a designation for the activities involving scientific investigation of legal problems". As the originator of the idea of jurimetry, Lee Loevinger realized that it was quite difficult to formulate a complete and precise definition of the scope of jurimetry. Ultimately, the definition of jurimetry given by some parties can differ depending on the background of the definition or their profession. However, looking at this definition, at least, according to Loevinger, jurimetry is a legal investigation activity that involves scientific methods. The use of scientific methods can include the use of mathematical methods such as mathematical logic, calculus, and others. It appears later that the jurimetry initiated by Loevinger seeks to combine hard science, social science, with the idea of justice. The merger of these three things is related to the purpose of jurimetry to present the law (science, judge's decision, the concept of justice) as a scientific and testable (testable, experimental) entity. Loevinger said: "These considerations suggest why we do not have are unlikely ever to have a jurisprudence that is 'experimental' or 'scientific.'"²⁶

²⁶ Lee Loevinger, "Jurimetrics: The Methodology of Legal Inquiry," *Law and Contemporary Problems*, 1963, 8.



Jurumetric formulation in the division of joint property is one of the strategies for dividing joint property in order to seek the realization of justice. The concept of jurumetry can be an option in the court.²⁷

In the Administrative Court Law, the absolute competence of the Administrative Court is the administrative disputes related with a dispute that appears in the administrative sphere between society or private bodies with administrative bodies or officials, as the cause by the issuing of an administrative decision following statutory law that stipulates in Article 1 Paragraph (4) the Administrative Court Law. Also, the meaning of administrative decision in this law as written enactment that issuing from administrative bodies or officials that contains administrative, legal action based on statutory law with concrete, individual and final characters that are causing legal effect for individual society or private law bodies as regulates in Article 1 Paragraph (3) the Administrative Court Law.²⁸

A number of important judgments have been pronounced in the past three years, and that has prompted the Department of Justice to prepare and publish the fourth edition of Judge Over Your Shoulder. Just like the third edition, this edition is publicly available on the Department of Justice's website. I encourage the legal sector and the general public to refer to it so as to understand and to be kept abreast of the latest development in case law in the realm of judicial review.²⁹

The determination of compensation in the realm of the State Administrative Court is closely tied to the problem of execution of decisions, especially when state officials fail to comply voluntarily. Jurimetry, understood as the application of quantitative and systematic methods in law, becomes relevant in establishing objective standards for calculating damages and forced money (dwangsom). In practice, Indonesian administrative law still faces uncertainty in this area, since regulations governing procedures, mechanisms, and criteria for determining compensation remain incomplete. The absence of precise guidelines often leaves judges with wide discretion, creating inconsistencies and legal uncertainty in compensation awards. Comparatively, foreign administrative jurisdictions (such as the Spanish Act on the Jurisdiction for Judicial Review) provide clearer frameworks, requiring courts to quantify the economic value of claims and, when necessary, defer the final specification of damages until sufficient proof is available. This model reflects the jurimetric approach, ensuring that compensation is not only equitable but also grounded in measurable criteria like economic loss, legal interest, and enforceability against state budgets.

²⁷ Khoirunnisa Khoirunnisa and Rahmi Hidayati, "The Jurimetri Formulation of Court Decisions in the Division of Joint Property," *SMART: Journal of Sharia, Traditon, and Modernity* 3, no. 1 (2023): 28, <https://doi.org/10.24042/smart.v3i1.16978>.

²⁸ Kadek Agus Sudiarawan, I Gusti Ngurah Wairocana, and Bagus Hermanto, "Are There Obstacles after the Administrative Court Absolute Competence Extension of Indonesia?," *Varia Justicia* 16, no. 2 (2020), <https://doi.org/10.31603/variajusticia.v16i2.3590>.

²⁹ Dawn Oliver, "The Judge over Your Shoulder," *Parliamentary Affairs* 42, no. 3 (1989): 302–16, <https://doi.org/10.1093/oxfordjournals.pa.a052200>.



Implementing such an approach in Indonesia could enhance the enforceability of State Administrative Court rulings, reduce officials' discretionary resistance, and strengthen public trust in the judiciary by making compensation determinations more predictable and scientifically grounded.³⁰

The implementation of State Administrative Court decisions in Indonesia remains weak due to the absence of a coercive institution or clear executorial mechanism. Although Article 116 of Law No. 5 of 1986 (as amended) provides for sanctions such as the payment of forced money (dwangsom), administrative penalties, and even publication in mass media, in practice these measures are rarely enforced. The lack of implementing regulations creates legal uncertainty, leaving the execution of binding court decisions dependent largely on the willingness of State Administrative Officials themselves. This creates a "floating execution" problem, undermining the authority of the judiciary and the principle of legal certainty, as many officials ignore rulings without facing real consequences. Dwangsom itself is designed as a personal liability imposed on officials who fail to execute a court decision, aligning with the jurisprudential theory that distinguishes between official errors (*faute de service*) borne by the state and personal errors (*faute personnelle*) borne by the individual. However, in reality, its application remains ineffective, as no detailed rules exist on how much compensation should be paid, to whom, and through what procedures. The situation is further complicated when court-ordered rehabilitation or compensation requires budgetary allocations that are often unavailable. Consequently, the absence of strict sanctions, regulatory clarity, and enforcement mechanisms has perpetuated a culture of legal disobedience within state administration, weakening public trust in the State Administrative Court as a guardian of citizens' rights.³¹

For the following reasons, the maximum number of claims for damages is not limited as specified in Government Regulation Number 43 of 1991 concerning Compensation and Procedures for Its Implementation in the State Administrative Court of Indonesia when it comes to resolving disputes over government actions or unlawful acts by government agencies and/or officials [Supreme Court Regulation Number 2 of 2019 concerning Guidelines for Dispute Resolution of Government Actions and the Authority to Adjudicate Unlawful Acts by Government Agencies and/or Officials (*Onrechtmatige Overheidsdaad*)].³²

- a. Because Government Regulation No. 43 of 1991 is restricted to disputes against written decisions from government agencies and/or officials (State Administrative Decree), the provisions of that

³⁰ Edward. Faulks, *The Independent Review of Administrative Law*, 2021.

³¹ Dezonda Rosiana Pattipawae et al., "Due To The Legal Non-Compliance of State Administrative Officers With The Implementation of Forced Money (Dwangsom) In The Execution of State Administrative Decisions," *Sasi* 28, no. 2 (2022): 182, <https://doi.org/10.47268/sasi.v28i2.730>.

³² Rumusan Hukum Kamar Tata Usaha Negara Dalam, "Surat Edaran Mahkamah Agung Nomor 2 Tahun 2019 Tentang Pemberlakuan Rumusan Hasil Rapat Pleno Kamar Mahkamah Agung Tahun 2019 Sebagai Pedoman Pelaksanaan Tugas Bagi Pengadilan," 2019.



regulation regarding compensation and procedures for its implementation in the State Administrative Court cannot be applied to disputes over the actions of government agencies and/or officials.

- b. The amount of the damages claim is determined by the actual losses incurred by the plaintiff, which must be stated in the suit *posita* in a clear and comprehensive manner. The *petitum* contains the amount and format of the claim.
- c. The trial's facts and the judge's discernment in resolving the disagreement determine how much compensation the State Administrative Court can award.

Article 24 Paragraph (1) of the 1945 Constitution Third Amendment, "Judicial power is an independent power to administer the judiciary to uphold law and justice". Judges must be neutral and act wisely, fairly and decisively without interference by anyone, either from the judicial body itself (from within), or from the extra-judicial body (from outside).³³

The State Administrative Court experienced a significant expansion of competence or absolute jurisdiction after the enactment of Law No. 30 of 2014 concerning Government Administration (hereinafter referred to as the UUAP). The UUAP provides a basis for the State Administrative Court to adjudicate disputes other than a written decision (*beschikking*), namely administrative actions (*bestuur handelingen*). The presence of the UUAP in the enforcement of administrative law can be said to be a material law, while the *Peratun* Law is a formal law (procedural law). The State Administrative Court as an administrative law enforcement institution must respond to the enactment of the UUAP, because it regulates competencies that were previously not regulated in the *Peratun* Law, The expansion of the competence of the State Administrative Court in the UUAP includes, among others:³⁴

1. The State Administrative Court is given the authority to examine and adjudicate administrative actions (*bestuurhandelingen*) carried out by TUN Officials.
2. The State Administrative Court is given the authority based on Article 21 of the UUAP to determine whether there is an abuse of authority by an agency or administrative official based on the request of the agency or an administrative official, which was subsequently issued by Supreme Court Regulation Number 4 of 2015 concerning Procedural Guidelines in the Assessment of Elements of Abuse of Authority.
3. The absolute competence of the State Administrative Court based on the UUAP concerns administrative efforts. Article 76 Paragraph (3) of the UUAP regulates, "In the event that the community does not accept the settlement of the appeal by the Superior Official, the community

³³ Sjahran Basah, *Hukum Acara Pengadilan Dalam Lingkungan Peradilan Administrasi* (Jakarta: Rajawali Press, 1989).

³⁴ Dewi Asimah, "Implementasi Perluasan Kompetensi Ptun Dalam Mengadili Tindakan Faktual (Onrechtmatige Overheidsdaad/Ood)," *Acta Diurnal Jurnal Ilmu Hukum Kenotariatan Fakultas Hukum Unpad* 4, no. 1 (2020).



may file a lawsuit with the State Administrative Court", thus after going through administrative efforts it becomes the competence of the State Administrative Court to adjudicate it.

It becomes evident that Loevinger wanted to introduce the scientific and experimental aspects of the legal sciences by putting out the concept of jurimetry. In this context, Kees van Noortwijk and Richard de Mulder provide the following definition of jurimetrics: "Jurimetrics is the empirical study of the law in its broadest sense, including its form and pragmatic aspects as well as its meaning (semantics)." Here, "law" refers to the directives and permits given by state agencies.³⁵

Understanding jurimetry is very important for judges of the State Administrative Court (PTUN) because it can support the creation of more consistent, objective, and data-based decisions. In practice, the determination of compensation in the PTUN often faces challenges in the form of disparity in decisions due to the absence of clear standards. Jurimetry, with a statistical analysis approach to previous decisions and related quantitative variables, allows judges to have a measurable reference in determining the amount of appropriate compensation. In addition, a good understanding of jurimetry will help judges improve the efficiency of the case examination process by utilizing digital technology and a comprehensive legal database. This is in line with the principle of legal certainty and the principle of justice that must be upheld in the implementation of administrative justice. Not only that, understanding jurimetry can also strengthen the accountability of judges' decisions because every decision is supported by rational considerations based on data. Therefore, improving jurimetric literacy for PTUN judges through continuing education and technical training is a strategic step to strengthen the integrity and quality of the administrative justice system in Indonesia.

The urgency of understanding the concept of jurimetry for PTUN judges is not only useful in calculating the amount of compensation, but can also be applied to various other types of disputes in the realm of state administrative justice. Here are some examples:

1. Licensing disputes, jurimetry can be used to analyze the pattern of decisions related to the revocation or refusal of permits. Data from previous decisions can show consistent parameters in assessing the feasibility of permits and the level of administrative errors committed by officials.
2. Personnel Disputes (State Administration) In cases such as dismissal of civil servants or transfer of positions, jurimetry can help judges see patterns of violations of administrative procedures and calculate potential career losses experienced by the plaintiff.
3. Disputes over the Procurement of Government Goods and Services, jurimetry can be used to identify patterns of administrative violations in the auction or direct appointment process. Analysis of this data can help the judge assess the degree of negligence or intentional deviation of the procedure.

³⁵ Kees van Noortwijk dan Richard de Mulder, "A Quantitative Analysis of Legal Word Use," in *Annual Conference Hertfordshire, 16 - 17 April, 2007*.



4. Tax and Levy Disputes (in the context of administrative objections) Data from similar judgments can be analyzed to find more objective parameters in assessing the validity of the determination of taxes or administrative sanctions imposed.
5. Environmental Disputes related to Administrative Decisions In cases such as the issuance of environmental permits, jurimetry can help judges assess the consistency of the application of regulations, including in determining the administrative impact on the aggrieved party.

Comparisons with Brazil's integration of jurimetrics in the Administrative Court have seen progress in utilizing jurimetrics, particularly through the Brazilian Jurimetrics Association in collaboration with the National Council of Justice (CNJ) to analyze legal data and influence policy formulation.³⁶ Technical methods such as process mining have been applied to identify obstacles and patterns in handling business cases in Court.³⁷ Indonesia's main challenges face difficulties such as the heterogeneity of the court system, the lack of open standards, and the technical challenges of structuring unstructured legal text data. It takes cross-disciplinary cooperation between law, statistics, and IT to address this.³⁸ Overall, Brazil is at the forefront of the application of judicial data-driven jurimetrics, with great potential to improve the determination of compensation through statistical patterns and process efficiency mapping.

Comparison with the United States by conducting extensive Litigation Analytics and Prediction of Use Decisions in the legal sector. In the U.S., jurimetrics are more commonly used by private law firms and legal analytics institutions to predict the outcome of litigation, including in understanding the pattern of judges' decisions or the odds of winning an appeal. Concrete cases such as risk assessment algorithms Applicative examples such as the compass system to assist decision-making in criminal judges (e.g. in the determination of bail or sentences), although focusing more on criminal justice, provide an idea of how quantitative information analysis can guide legal decisions.³⁹ The direct application of jurimetrics in the context of state administrative justice in the U.S. has not developed as clearly as in Brazil. However, the data-driven design approach still provides inspiration to build similar systems.

The function of judicial strategy and ideology in the United States, as well as forecasting judicial behavior. The essay examines typical mistakes made when performing and consuming empirical research and offers some remedies, such as methodological adjustments and strategies for

³⁶ News and Publications, "Using Empirical Research to Understand Brazilian IP Practice," <https://www.daniel-ip.com/en/blog/using-empirical-research-to-understand-brazilian-ip-practice>, 2022.

³⁷ Coditech, "Process Mining-Enabled Jurimetrics: Analysis of a Brazilian Court's Judicial Performance in the Business Law Processing," <https://moot.lawgorithm.com.br/schedule/process-mining-enabled-jurimetrics-analysis-of-a-brazilian-courts-judicial-performance-in-the-business-law-processing/> n.d.

³⁸ Vinicius Miana Bruna Armonas Colombo, Pedro Buck, "Challenges When Using Jurimetrics in Brazil—A Survey of Courts," *Future Internet* 9, no. 4 (2017): doi:10.3390/fi9040068 www.mdpi.com/journal/futurein.

³⁹ Refonge Learning, "Understanding Jurimetrics in Plain Terms in US," <https://www.refontelearning.com/blog/top-skills-needed-to-succeed-in-jurimetrics-and-ai-law-careers?>, 2025.



utilizing substantive experience. It seeks to make it clear to the non-technical reader when to question surprising results and when resistance is more indicative of the reader's preconceptions than of the work's possible flaws. Additionally, it serves as a reminder to empirical practitioners and technical readers that theory is a fundamental component of all empirical tests and should be treated with seriousness.⁴⁰

The paper, which focuses on empirical legal research on the topic of expert testimony, first looks at research methodology before expanding the analysis to take into account how proposals for legal change relate to the gathering, interpreting, and presenting of empirical data. This entails evaluating a wide range of theoretical and methodological concerns with ramifications that go well beyond the specific survey. Finally, the investigators' main reform suggestion will be used to assess the empirical study on expert testimony. This exercise will show the practical constraints of the specific approach to expertise and indicate methodological issues that plague the survey.⁴¹

The term 'jurimetrics' was coined by Lee Loevinger, an American. He emphasized the value of statistical and scientific tools for attorneys. He recognized several legal applications for these applications. Loevinger argued that observation, as opposed to conjecture, might yield knowledge about the law. "Jurimetrics promises to cut doors so that people outside can enter the house of law and to cut windows so that people inside can see out."⁴²

Based on the author's summary of the comparison of jurimetric concepts in the judicial system in Brazil and the United States, it is as follows:

Aspects	Brazil	United States
Implementation Focus	Analysis of administrative effectiveness, prediction of decisions, process efficiency	Litigation analytics, case outcome prediction, judicial system risk
Data and Technology	<i>Process mining</i> , decision statistics; digitization of PT	Machine learning & risk modeling, big data in law firms
Challenges on the ground	System fragmentation, unstructured data, need for interdisciplinary collaboration	Algorithmic ethics, model transparency, third-party data access
Relevance to PTUN	High, because it goes straight to the claim of damages	Potential as an analytical model even though it is not in the PTUN

⁴⁰ Tonja Jacobi, The Role Of Theory In Empirical Legal Studies, *Elgar Online Page Range: 222–243*, Volume 1: Issue 2 Published: 22 Dec 2023 DOI: <https://doi.org/10.4337/ccs.2023.0002>.

⁴¹ Gary Edmond,udging Surveys: Experts, Empirical Evidence and Law Reform, *Federal Law Review Cambridge University Press*, Volume 33 , Issue 1 , March 2005 , pp. 95 - 139 DOI: <https://doi.org/10.22145/flr.33.1.4>.

⁴² "Richard De Mulder, Kees van Noortwijk, and Lia Combrink-Kuiters, De Mulder R., van Noortwijk K., & Combrink-Kuiters, "Jurimetrics Please", in *European Journal of Law and Technology*, Vol 1, Issue 1, 2010.Pleith,+demulder," n.d.



3. CONCLUSION

The implementation of jurimetry in determining compensation in the realm of the PTUN is an important step to realize legal certainty, transparency, and consistency of decisions. The results of the study show that jurimetry is able to minimize the subjectivity of judges through the use of previous decision data and measurable quantitative variables. However, its implementation is still constrained by limited data infrastructure, lack of technical understanding among practitioners, and the absence of clear supporting regulations. As compared to Brazil, the Brazilian Jurimetrics Association collaborates with the National Council of Justice (CNJ) to analyze legal data and influence policy formulation and also practices in the United States that conduct Litigation, Analytics and Prediction of Decisions for Broad Use in the legal sector and make jurimetrics a compass for the fulfillment of the rights of citizens who are aggrieved by the Government.

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