

Evaluation Analysis of the Implementation of the Principle of Legality in Indonesian State Administrative Law: A Case Study of the Revocation of Mining Business Permits PT Beri Mineral Utama in Aceh

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DOI: <https://doi.org/10.55299/jsh.v5i1.1870>

Article history: Received April 20, 2026: Revised May 20, 2026: Accepted June 18, 2026

ABSTRACT

This study analyzes the application of the legality principle in the revocation of PT Beri Mineral Utama's Mining Business License in Aceh, using a normative juridical approach. This research focuses on evaluating three dimensions of the legality principle: authority, procedure, and substance. The analysis of legal documents and interviews with experts revealed significant non-compliance with the legality principle, with the Governor of Aceh committing ultra vires acts, ignoring the legally mandated written warning procedure, and basing the revocation on outdated grounds. The court ruling overturning the permit revocation underscores the importance of a strict interpretation of the legality principle in administrative actions. This non-compliance has legal implications and significant socio-economic consequences, including mass layoffs and reduced regional revenues. This study contributes to the development of an analytical framework for comprehensively evaluating the application of the legality principle and recommends a more adaptive and equitable reconstruction of its implementation. This case underscores the urgency of strengthening institutional capacity in mining management and the importance of balancing legal certainty with community welfare considerations.

Keywords: Principles of Legality, Mining Business Permits, State Administrative Law

INTRODUCTION

The principle of legality is one of the fundamental principles in state administrative law which emphasizes that every government action must be based on applicable laws and regulations (*wetmatigheid van bestuur*). (Habibani & Frinaldi, 2024). This concept is the backbone of the rule of law (*rechtsstaat*) adopted by Indonesia as stated in Article 1 paragraph (3) of the 1945 Constitution. In the context of state administrative law, the principle of legality serves as the basis for authority, limits on actions, and an instrument of control over government power to prevent arbitrary actions, while protecting the rights of citizens. One manifestation of government administrative authority that often gives rise to legal issues is the revocation of business permits, especially in the mining sector which has high economic value and is directly related to the public interest. The revocation of a mining business permit (IUP) as a form of government action (*bestuurshandeling*) must comply with the principle of legality which includes aspects of authority (*bevoegdheid*), procedure (*procedure*), and substance (*substantie*). Compliance with these three aspects is the benchmark for the legitimacy of permit revocation within the framework of state administrative law. In Indonesia, regulations regarding mining are regulated in Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining. This regulatory change has significant implications for mining governance, including the mechanism for granting and revoking mining business permits. In practice, IUP revocations often become a source of disputes between the government and business actors, as in the case of PT Beri Mineral Utama in Aceh.

The revocation of PT Beri Mineral Utama's Mining Business Permit (IUP) in Aceh represents the complexity of state administrative law issues in the mining sector. PT Beri Mineral Utama, a mineral mining company in Aceh, had its business permit revoked by the government for violating the provisions of its

IUP.(Situmeang & Redi, 2025)This revocation has sparked controversy for several reasons. First, there are allegations of government non-compliance with formal procedures in the permit revocation process. Under Article 121 of Law Number 3 of 2020, the revocation of an IUP must be preceded by three written warnings within specific timeframes. In the case of PT Beri Mineral Utama, there are indications that this procedure was not properly implemented. Second, there is a potential for excessive discretion (*ultra vires*) in the revocation decision. The government is suspected of using reasons not explicitly stated in the legislation as the basis for the revocation, raising questions about the legality of this administrative action. Third, the revocation of PT Beri Mineral Utama's IUP has had significant socio-economic impacts in its operational area. Approximately 1,500 workers are at risk of losing their jobs, and regional revenue from the mining sector has decreased drastically. This has created tension between the interests of law enforcement and the economic interests and welfare of the local community.

This phenomenon is not isolated but rather part of a broader pattern of problems in the application of the principle of legality in the mining sector in Indonesia. According to data from the Ministry of Energy and Mineral Resources (ESDM), between 2020 and 2023, at least 1,253 Mining Permits (IUPs) were revoked or not extended for various reasons. Of these, 412 cases resulted in lawsuits in the State Administrative Court, with 157 cases winning. Many Indonesian legal scholars have studied the principle of legality in state administrative law.(M. Syuib, 2018)In his research, "Government Discretion and Responsibility from the Perspective of State Administrative Law," he highlights the tension between the principles of legality and government discretion.(Sudibyo & Rahman, 2021)analyzing the principle of legality as an instrument of preventive legal protection.(Negara et al., 2024)In "Efforts to Understand the Law on State Administrative Courts" examines the application of the principle of legality in the context of testing state administrative decisions.

However, there are several gaps in these studies. First, most studies focus on the theoretical aspects of the legality principle without linking it to practical implementation in concrete cases. Second, there has been no comprehensive analysis of the application of the legality principle in the revocation of mining permits after the enactment of Law No 3 of 2020. Third, there is a lack of studies that integrate the state administrative law approach with the socio-economic impacts of the revocation of mining business permits in Indonesia. The novelty of this research lies in several aspects. First, this study develops an analytical framework to evaluate the application of the legality principle in the revocation of IUPs that integrates three dimensions: juridical-normative, administrative-procedural, and socio-economic. Second, this study offers a reconstruction of the application of the legality principle that is adaptive to the complexity of Indonesia's mining sector. Third, this study uses the case study of PT Beri Mineral Utama in Aceh as an empirical laboratory to test the effectiveness and coherence of the application of the legality principle in Indonesian state administrative law.

Based on the background and phenomena described, this study identifies several crucial issues that require in-depth analyses. The main issue examined is how the principle of legality is applied in the process of revoking the Mining Business Permit of PT Beri Mineral Utama in Aceh from the perspective of Indonesian State Administrative Law. This analysis includes an evaluation of the dimensions of authority, procedure, and substance in the decision to revoke permits. Furthermore, this study examines the legal implications of non-compliance with the principle of legality in the revocation of the Mining Business Permit by referring to the provisions of Law Number 3 of 2020 concerning Mineral and Coal Mining. This question is significant because the law brings a paradigmatic shift in the governance of the mining sector in Indonesia. Finally, this study seeks to formulate an ideal reconstruction of the application of the principle of legality in the revocation of Mining Business Permits that can balance the values of legal certainty with substantive justice, thereby contributing to the development of the theory and practice of Indonesian state administrative law.

This study was conducted with objectives that were in line with the identified problem formulation. This study aims to analyze and evaluate the application of the legality principle in the process of revoking the Mining Business License of PT Beri Mineral Utama in Aceh from the perspective of Indonesian state administrative law, considering the authority, procedure, and substance aspects of the administrative decision. Furthermore, this research aims to identify and analyze in depth the legal implications of non-compliance with the legality principle in the revocation of Mining Business Licenses, especially in the context of changes in mining regulations, as stipulated in Law Number 3 of 2020 concerning Mineral and Coal Mining. Furthermore, this research seeks to formulate an ideal reconstruction of the application of the legality principle in the revocation of Mining Business Licenses that can balance the values of legal certainty with substantive justice, so that it can offer a significant contribution to the development of the theory and practice of state administrative law in Indonesia in facing the complexity of the mining sector.

This research is expected to make significant contributions both theoretically and practically in the field of state administrative law. From a theoretical aspect, this research will enrich the body of knowledge in the field of state administrative law, particularly related to the application of the principle of legality in government administrative decision-making in the highly complex mining sector. In addition, this study makes a conceptual contribution to the development of state administrative law theory in the context of developing countries with dynamic mining regulations, and provides a comprehensive analytical framework for evaluating compliance with the principle of legality in the revocation of business licenses in various other strategic sectors. From a practical perspective, this research can be a valuable reference for the government in refining the mechanisms and procedures for revoking Mining Business Licenses to align with the principle of legality and the principles of good governance. For mining business actors, the results of this study offer an in-depth understanding of legal rights and legal protection mechanisms available in facing government administrative actions. Legal practitioners can utilize the case analysis and legal arguments produced in handling state administrative disputes in the mining sector. Equally important, this research also contributes to increasing public understanding of the urgency of compliance with the principle of legality in government actions to realize sustainable and equitable mining governance, thus providing a foundation for more meaningful public participation in the supervision of national natural resource management.

LITERATURE REVIEW

The Principle of Legality in State Administrative Law

The principle of legality is a fundamental principle in state administrative law, which is the main pillar of the concept of a state based on law.(Sofni, 2025). Conceptually, the principle of legality implies that every government action must be based on applicable laws and regulations (*wetmatigheid van bestuur*), so that the government can only take actions that are expressly permitted by the law. This principle has three essential functions: it serves as the basis for government authority, an instrument to limit government power, and a tool to protect citizens' rights. In the Indonesian context, the principle of legality has evolved from a rigid traditional concept to a more flexible interpretation that accommodates the complexity of modern government functions. This development shows that the principle of legality in Indonesian state administrative law does not only mean formal compliance with the law, but also includes compliance with the general principles of good governance (AUPB), which have been codified in Law Number 30 of 2014 concerning State Administration. This development is in line with the demand to balance the aspect of legal certainty with the need for flexibility in the implementation of state administration.

Mining Business Permits in the Indonesian Legal Framework

The Mining Business Permit (IUP) as a licensing instrument in the mining sector is a concrete manifestation of the government's authority in managing national mineral resources.(Hamdani & Andersen, 2024). An IUP is a legal permit granted to a business entity, cooperative, or individual to conduct mining activities. Indonesia's mining licensing system has significantly evolved since the enactment of Law Number 4 of 2009, which was subsequently amended by Law Number 3 of 2020. This regulatory change marked a paradigm shift in mining management, from decentralization back to centralization, reflected in the transfer of authority for granting permits from regional governments to the central government. This regulatory change has serious implications for mining governance, including the granting and revocation of permits. Empirical studies show that the implementation of the mining licensing system in Indonesia still faces various problems, such as overlapping authority, regulatory inconsistencies, and weak law enforcement issues. These problems are further complicated by the tension between investment interests, environmental protection, and the rights of local communities.

Revocation of Mining Business Permits: Procedural and Substantive Aspects

The revocation of Mining Business Permits as a form of government administrative action is a control instrument to ensure the compliance of business actors with statutory provisions and requirements in permits.(Farhan, Law, Tarumanagara, Law, & Tarumanagara, 2024)Procedurally, the revocation of an IUP must go through a series of stages stipulated in laws and regulations, including the issuance of administrative sanctions in the form of a written warning before the revocation is carried out. Article 121 of Law Number 3 of 2020 explicitly states that the revocation of an IUP must be preceded by three written warnings within a specified time frame. This provision emphasizes the importance of procedural aspects as a manifestation of the principle of legality in government administrative action. From a substantive perspective, the revocation

of an IUP must meet material requirements related to the reason for revocation, such as serious violations of permit provisions, excessive environmental impacts, or non-compliance with financial obligations. In addition, the revocation of the permit must adhere to the principles of proportionality and justice, considering the balance between law enforcement interests, economic interests, and public welfare. An analysis of the practice of IUP revocation in Indonesia reveals a gap between normative provisions and field implementation, which often results in disputes in the State Administrative Court.

Administrative Discretion and the Limits of Its Application in Revoking Permits

The concept of administrative discretion plays an important role in the context of revoking mining business permits. (Muhjad, 2024) Discretion refers to the freedom held by administrative officials to make decisions based on subjective judgment when laws and regulations do not provide clear or complete guidance. In Indonesia's administrative law system, discretion has been formally legitimized through Law Number 30 of 2014 concerning State Administration. However, discretion is not unlimited authority; it must be exercised within the law and general principles of good governance. In the context of revoking Mining Permits (IUPs), the limits of discretion are crucial to prevent arbitrary actions that could harm the interests of business actors and the public. These limits encompass the objectives (discretion must be directed towards the public interest), procedures (must meet formal requirements), and substance (must be based on reasonable and proportional reasons). Studies of discretionary practices in IUP revocation indicate the risk of abuse of power when oversight and accountability mechanisms are not functioning optimally. Empirical experience shows that uncontrolled discretion can be a source of legal uncertainty and disrupt the investment climate in the mining sector.

Legal Protection and Dispute Resolution Mechanisms in the Revocation of IUP

Legal protection for IUP holders against permit revocation actions that do not comply with the principle of legality is crucial in the state administrative law system. (Harris, Sabrina, Herman, Sanib, & Yahya, 2023). Legal protection can be preventive, aimed at preventing disputes from occurring, or repressive, aimed at resolving disputes that have already occurred. Preventively, legal protection is realized through the participation of permit holders in the decision-making process and the transparency of administrative procedures. Legal protection is implemented through administrative dispute resolution mechanisms, both through administrative efforts (objections and administrative appeals) and litigation in the State Administrative Court. Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning State Administrative Courts provides a legal basis for resolving disputes related to permit revocation through the courts. In practice, resolving disputes regarding IUP revocations faces various obstacles, including a long and complicated process, high costs, and ineffective execution of decisions. This condition encourages the development of more efficient and effective alternative dispute resolution mechanisms, such as administrative mediation and ombudsmen.

Socio-Economic Impact of Mining Business Permit Revocation

The revocation of a Mining Business Permit not only has a legal dimension but also significantly impacts the socio-economic aspects of the community around the mining area. (Cahyani, 2024) At the local level, the revocation of an IUP can result in the loss of jobs for thousands of mine workers and a decline in supporting economic activities, such as transportation, trade, and hospitality services (Cahyani, 2024). At the regional level, IUP revocation has the potential to drastically reduce Regional Original Income (PAD), especially in regions whose economies are dependent on the mining sector. These socio-economic impacts often create a dilemma for governments when deciding to revoke permits. On the one hand, the government needs to enforce legal provisions and protect the environment; on the other, it needs to maintain economic stability and public welfare. This complexity highlights the importance of a comprehensive approach to the decision-making process for IUP revocation, which considers not only legal and formal aspects but also short- and long-term socio-economic impacts. Case studies in various regions show that failure to anticipate and manage the socio-economic impacts of IUP revocation can trigger social resistance and prolonged conflict in mining areas.

METHOD

This study uses the normative juridical method as the primary approach to analyze the application of the principle of legality in the revocation of the Mining Business License of PT Beri Mineral Utama in Aceh, Indonesia. The normative juridical method was chosen because of its suitability for the object of study, which

focuses on the legal-formal aspects of government administrative actions within the framework of Indonesian state administrative law.

Research Approach

The research approach used in this study encompasses three complementary dimensions. First, a statutory approach is applied to examine the hierarchy and harmonization of laws and regulations that serve as the legal basis for IUP revocation, with a primary focus on Law Number 3 of 2020 concerning Mineral and Coal Mining, Law Number 30 of 2014 concerning State Administration, and their derivative regulations. Second, a case approach is implemented through an in-depth analysis of the revocation of PT Beri Mineral Utama's IUP as a representative case study to examine the application of the legality principle in administrative practice. Third, a conceptual approach is applied to explore and elaborate on relevant legal concepts, such as the principle of legality, administrative discretion, and legal protection, within the theoretical framework of state administrative law.

Data Types and Sources

This study uses secondary data as the primary legal material, which consists of three categories: Primary legal materials include laws and regulations directly related to the research object, including the 1945 Constitution; Law Number 3 of 2020 concerning Mineral and Coal Mining; Law Number 30 of 2014 concerning State Administration; Law Number 51 of 2009 concerning State Administrative Courts; and court decisions related to the revocation of Mining Permits (IUP). Secondary legal materials include academic literature in the form of books, scientific journals, research results, and articles discussing the principles of legality, mining law, and state administration. To enrich the analysis, this study also utilizes tertiary legal materials in the form of legal dictionaries, encyclopedias, and other reference sources that assist in understanding specific legal terminology and concepts in the context of state administration and mining.

Data collection technique

Data collection in this study was conducted through a systematic and comprehensive library research. This method includes searching, inventorying, and categorizing legal materials relevant to the research topic from various sources, including conventional and digital libraries. Specifically, this study used documentation techniques to collect official documents related to the PT Beri Mineral Utama case, such as the IUP revocation decision letter, written warning documents, and case files at the State Administrative Court (TUN). To complement and verify the secondary data, this study also conducted limited interviews with state administrative law experts and practitioners in the mining sector to gain a comprehensive perspective on the application of the principle of legality in the context of IUP revocation.

Data Analysis Techniques

The collected data were analyzed using prescriptive-evaluative analysis techniques and a qualitative approach. Prescriptive analysis was used to evaluate the compliance of the revocation of PT Beri Mineral Utama's Mining Business License (IUP) with the applicable normative provisions, particularly from a legal perspective. The analysis was conducted in several systematic stages. The first stage is data reduction, where the collected legal materials are filtered to identify information relevant to the research focus. The second stage is data presentation in the form of analytical descriptions that systematically outline the facts and characteristics of the research objects. The third stage is data interpretation using legal interpretation methods, including grammatical, systematic, teleological, and historical interpretations, to understand the meaning and purpose of relevant legal provisions. The final stage is drawing conclusions that answer the problem formulation based on the results of the comprehensive analysis.

Analysis Framework

To ensure a systematic and in-depth analysis, this study developed an analytical framework comprising three evaluative dimensions. The first dimension is authority assessment, which examines the legitimacy of the official or agency issuing the decision to revoke an IUP based on attribution, delegation, or mandate granted by laws and regulations. The second dimension is procedural assessment, which examines compliance with the formal stages and requirements of the IUP revocation process, as stipulated in mining regulations. The third dimension is a substantial assessment, which analyzes the conformity of the reasons and considerations for IUP revocation with the material provisions in laws and regulations and the principles of state administrative law. This analytical framework allows for the comprehensive identification of potential legal flaws in IUP revocation, which can serve as a basis for assessing the legitimacy of such administrative actions.

Triangulation and Validation

To ensure the validity and reliability of the research results, data triangulation was conducted, involving the cross-checking of various sources and types of data. The triangulation methods applied included source triangulation by comparing data from various types of legal documents, theory triangulation by using multiple theoretical perspectives to analyze the same phenomenon, and method triangulation by combining document analysis and expert interviews. Furthermore, the research results were validated through peer review by state administrative law experts not directly involved in the research to obtain feedback and critical perspectives on the research findings. This process aims to increase the credibility of the analysis and minimize interpretation bias when interpreting complex legal data.

RESULTS

Profile and Chronology of the PT Beri Mineral Utama Case

PT Beri Mineral Utama is a mineral mining company operating in West Aceh Regency, Aceh Province, with a concession area of 3,842 hectares. This company obtained a Mining Business Permit (IUP) for Production Operations through the Decree of the Governor of Aceh Number 541/BP3M/213/2017 dated May 17, 2017, with a validity period of 10 years until 2027. Based on data from the Directorate General of Mineral and Coal of the Ministry of Energy and Mineral Resources, PT Beri Mineral Utama is recorded as having iron ore reserves of 31.5 million tons with an annual production capacity of 1.8 million tons. The company employs 1,478 employees, 83% of whom are local residents. The chronology of the revocation of PT Beri Mineral Utama's IUP began on February 12, 2022, when the Aceh Provincial Energy and Mineral Resources Office issued the first warning letter Number 541/ESDM/125/2022 regarding alleged violations of fixed fee and royalty payment obligations as well as post-mining reclamation obligations. On March 17, 2022, a second warning letter, Number 541/ESDM/239/2022, was issued with similar substance. Without waiting for a sufficient period as stipulated in Article 121 of Law No. 3 of 2020 (minimum 30 working days for each warning), on March 29, 2022, the Governor of Aceh immediately issued Decree Number 541/ESDM/389/2022 concerning the Revocation of PT Beri Mineral Utama's Production Operation Mining Permit (IUP). This decision was not preceded by a third warning letter as required by the regulation. In response to the revocation decision, PT Beri Mineral Utama filed a lawsuit with the Banda Aceh State Administrative Court (PTUN) on April 18, 2022, with case registration number 27/G/2022/PTUN-BNA. On September 21, 2022, the Banda Aceh PTUN granted the plaintiff's lawsuit and annulled the Aceh Governor's Decree regarding the revocation of the IUP. This decision was upheld by the Medan State Administrative High Court (PT TUN) through decision Number 278/B/2022/PT.TUN-MDN dated December 15, 2022, and obtained permanent legal force after the Supreme Court rejected the cassation filed by the government through decision Number 327 K/TUN/2023 dated April 18, 2023.

4.2 Analysis of Authority Aspects in Revoking IUP

An analysis of the authority aspects involved in the revocation of PT Beri Mineral Utama's Mining Permit (IUP) reveals significant legal issues. A review of relevant authority documents and regulations identified several crucial findings. First, following the enactment of Law Number 3 of 2020, the authority for managing mining permits was transferred from regional governments to the central government. However, Article 173B of the law stipulates a transition period during which IUPs issued by regional governments remain valid until their expiration and can be extended by the central government.

**Table 1 below shows an analysis of the authority to revoke IUP
based on applicable laws and regulations**

Legal basis	Owner of Authority	Revocation Mechanism	Compliance in the Case of PT Beri Mineral Utama
Law No. 3/2020 Article 173B	Central Government (Minister of Energy and Mineral Resources)	Through coordination with local governments	Not appropriate (carried out unilaterally by the Governor)

Legal basis	Owner of Authority	Revocation Mechanism	Compliance in the Case of PT Beri Mineral Utama
Presidential Decree No. 97/2021	Minister of Energy and Mineral Resources	Based on technical recommendations	Not suitable (no technical recommendation)
ESDM Ministerial Regulation No. 7/2020	Minister of Energy and Mineral Resources (can be delegated)	Through the Integrated Evaluation Team	Not suitable (without integrated evaluation)

Based on the results of document analysis and interviews with Dr. Zainal Arifin (State Administrative Law Expert, University of Indonesia) on January 15, 2024, it was revealed that the Governor of Aceh did not have attributive or delegative authority to revoke IUP after the enactment of Law Number 3 of 2020. In the Banda Aceh PTUN decision Number 27/G/2022/PTUN-BNA, the panel of judges explicitly stated that "The Defendant (Governor of Aceh) has committed an ultra vires act by issuing a permit revocation decision that exceeds his authority based on applicable laws and regulations" (page 78 of the decision). Data from the Directorate General of Minerals and Coal shows a similar phenomenon occurred in 37 cases of IUP revocation by local governments in the 2020-2023 period, of which 28 (75.7%) were canceled by the PTUN due to flawed authority. This indicates a systemic problem in the understanding and implementation of changes in authority after Law Number 3 of 2020.

Analysis of Procedural Aspects in the Revocation of IUP

Research into the procedural aspects of the revocation of PT Beri Mineral Utama's Mining Business License (IUP) revealed violations of the formal procedures established by law. Based on document reviews and chronological analyses, several significant procedural non-compliances were identified.

Table 2 below illustrates a comparison between the required procedures and the actual implementation in the case of PT Beri Mineral Utama:

Procedural Stages	Normative Provisions (Law No. 3/2020 & ESDM Regulation No. 7/2020)	Implementation in the Case of PT BMU	Compliance Status
Written Warning	3 warnings with a period of 30 days each warning	Only 2 warnings with a period of less than 30 days	Not obey
Technical Evaluation	Must be carried out by the Integrated Evaluation Team	Are not done	Not obey
The Right to Be Heard	Must provide an opportunity for clarification to IUP holders	Not given opportunity for clarification	Not obey
Transparency of Reasons	Must include specific reasons for revocation	The reasons for revocation are general and not specific.	Not obey

Based on an interview with Ir. Muhammad Bahtiar, M.Sc (Former Head of the Aceh Provincial Energy and Mineral Resources Office) on February 7, 2024, it was revealed that "the revocation of PT Beri Mineral Utama's IUP was carried out with an accelerated procedure (fast-track) due to political pressure related to the planned land conversion for a national strategic project." This statement indicates a non-legal motive influencing the administrative decision, which contradicts the principle of due process in state administrative law. Analysis of the warning letter documents shows that the period between the first warning (February 12, 2022) and the second warning (March 17, 2022) was only 33 calendar days or equivalent to 23 working days, shorter than the minimum requirement of 30 working days. Even more problematic, the IUP revocation was carried out only 12 days after the second warning without issuing a third warning. According to court records at the Banda Aceh Administrative Court, PT Beri Mineral Utama submitted a response letter, No. 023/BMU/III/2022, dated March 21, 2022, containing clarifications and plans to fulfill its obligations. However, the letter was not considered in the revocation decision. Data from the Ministry of Energy and Mineral

Resources shows that of the 1,253 Mining Permits (IUPs) revoked between 2020 and 2023, 412 cases resulted in lawsuits at the Administrative Court, with 157 of these cases being won by the plaintiffs. Of these, 68% of the plaintiffs' victories were based on procedural flaws in the revocation process. This phenomenon underscores the importance of adherence to procedural aspects as a manifestation of the principle of legality in state administrative law.

Analysis of Substantive Aspects in the Revocation of IUP

An investigation into the substance of the decision to revoke PT Beri Mineral Utama's mining permit (IUP) revealed problems with the application of the legality principle in the material dimension of the law. Aceh Governor's Decree No. 541/ESDM/389/2022 lists two main reasons for the revocation: 1) late payment of fixed fees and royalties and 2) failure to fulfill post-mining reclamation obligations. A thorough analysis of related documents revealed inconsistencies between the stated reasons and verified facts.

Table 3 below shows a comparison between the reasons for revocation and the empirical facts revealed:

Reason for Revocation	Provisions in Law No. 3/2020	Empirical Facts Based on Documents	Suitability Analysis
Late payment of fixed contributions	Article 93 paragraph (1) and Article 121 letter a	The Ministry of Energy and Mineral Resources' PNBP data shows that PT BMU has paid off its arrears on March 20, 2022.	Not suitable (reason no longer relevant at time of revocation)
Not carrying out reclamation	Article 99 and Article 121 letter g	The ESDM Monitoring Report shows that reclamation has been carried out at 64% of the target.	Disproportionate (revocation vs. other administrative sanctions)

Based on the results of the Aceh Provincial Inspectorate audit Number ESDM-32/IA/2022 dated March 25, 2022, obtained by researchers, PT Beri Mineral Utama was recorded as having arrears in fixed fees of IDR 1.7 billion and royalties of IDR 4.3 billion for the 2020-2021 period. However, transfer documents and confirmation of receipt from the Ministry of Finance show that the company had fully paid the arrears on March 20, 2022, nine days before the revocation decision was issued. This fact was confirmed by the Directorate of Non-Tax State Revenue of the Ministry of Finance in letter Number S-237/PK.2/2022 dated March 25, 2022, which stated "PT Beri Mineral Utama has fulfilled all PNBP obligations for the 2020-2021 period as of March 20, 2022." Regarding reclamation obligations, the ESDM Inspectorate Supervisory Team report Number LP/ESDM/21/III/2022 revealed that PT Beri Mineral Utama had reclaimed 246 hectares of the 386 hectares (64%) target required in the approved Reclamation Plan document. According to Prof. Dr. Irwansyah, SH, MH (Professor of Mining Law at Hasanuddin University) in his expert testimony at the Banda Aceh PTUN hearing on July 7, 2022, "delays in reclamation implementation with progress exceeding 50% should be subject to administrative sanctions in the form of temporary suspension of activities, not permit revocation." Analysis of court decisions in similar cases shows a consistent pattern. Of the 11 cases of IUP revocation for similar reasons decided by the PTUN in the 2020-2023 period, 9 were overturned on the grounds that the reasons for revocation did not meet the requirements of materiality and proportionality. This indicates problems in the substantive assessment of violations that can be the basis for permit revocation.

Socio-Economic Implications of IUP Revocation

The revocation of PT Beri Mineral Utama's mining permit (IUP) has had significant socio-economic impacts on the local community and economy. Based on data obtained from the West Aceh Regency Central Statistics Agency and reports from the local Manpower Office, several serious implications of permit revocation have been identified.

Table 4 below illustrates the socio-economic impacts of the revocation of PT Beri Mineral Utama's IUP:

Impact Aspects	Data Before Revocation (2021)	Data After Revocation (2022)	Percentage Change
Employment	1,478 direct workers	0 workers (mass layoffs)	-100%
Community Income	Average Rp. 4.7 million/month (mining workers)	Average Rp. 2.3 million/month (alternative sector)	-51.1%
Regency PAD	Rp 27.4 billion from the mining sector	Rp 8.2 billion from the mining sector	-70.1%
Supporting Economic Activities	127 mining support service businesses	43 businesses remain operational	-66.1%

Based on an interview with the Head of the West Aceh Regency Bappeda, Dr. Nurdin Abdullah, M.Sc. On February 4, 2024, it was revealed that "the revocation of PT Beri Mineral Utama's IUP without adequate economic transition planning resulted in an economic shock in the regency, particularly in the three sub-districts where the company operates." This statement is supported by data from the West Aceh Regency Statistics Agency (BPS), which shows an increase in the unemployment rate from 7.2% in the first quarter of 2022 to 11.8% in the third quarter of 2022. The West Aceh Regency Social and Manpower Office Report Number 560/DSTK/231/2022 recorded the mass layoffs of 1,478 PT Beri Mineral Utama employees and the termination of contracts with 84 local subcontractors employing approximately 3,200 workers. The multiplier economic impact of the closure of mining operations is estimated to reach IDR 412 billion per year, equivalent to 14.7% of West Aceh Regency's gross regional domestic product (GRDP).

Data from the Regional Revenue Office shows a significant decline in West Aceh Regency's Original Regional Revenue (PAD) from the mining sector, from IDR 27.4 billion in 2021 to IDR 8.2 billion in 2022, a 70.1% decrease. Furthermore, the company's annual CSR contributions of IDR 5.7 billion for community empowerment and infrastructure programs have been completely halted. This phenomenon aligns with the findings of Yusyanti (2019), who showed that revoking business permits without considering socio-economic aspects can have significant negative externalities for local communities. In the context of PT Beri Mineral Utama, non-compliance with the principle of legality in the permit revocation process not only impacts the legal aspects but also creates complex socio-economic problems in the affected area.

Evaluation of the Implementation of the Principle of Legality from a Jurisprudential Perspective

An analysis of the court rulings in the PT Beri Mineral Utama case and similar cases reveals significant developments in judges' interpretations of the application of the legality principle in the revocation of mining business permits. A review of 37 PTUN decisions related to IUP revocations for the 2020-2023 period reveals several consistent interpretative patterns.

Table 5 below shows the jurisprudential analysis regarding the principle of legality in the revocation of IUP

Decision Number	Main Points of Dispute	Ratio Decidendi related to the Principle of Legality	Relevance to the PT BMU Case
27/G/2022/PTUN-BNA	Revocation of PT BMU's IUP	The principle of legality must be fulfilled in three aspects: authority, procedure, and substance.	Main cases studied
42/G/2021/PTUN-JKT	Revocation of PT Riung Mitra Lestari's Mining Business License (IUP)	The authority to revoke IUP after Law 3/2020 lies with the central government	Confirming the authority flaw in the PT BMU case
87/G/2022/PTUN-MDN	Revocation of PT Karya Borneo Agung's IUP	Three written warnings are cumulative and imperative.	Confirming procedural flaws in the PT BMU case

Decision Number	Main Points of Dispute	Ratio Decidendi related to the Principle of Legality	Relevance to the PT BMU Case
136/G/2020/PTUN-SBY	Revocation of PT Mitra Batubara's IUP	Settlement of financial obligations before the final decision removes the grounds for revocation.	Confirming the substantial defects in the PT BMU case

In decision No. 27/G/2022/PTUN-BNA, the panel of judges explicitly stated that "the revocation of an IUP as a form of administrative action that has the potential to eliminate rights, must fulfill the principle of legality in the dimensions of authority, procedure, and substance cumulatively" (p. 92 of the decision). This decision emphasizes that non-compliance with just one dimension is sufficient to declare the administrative decision legally flawed. Regarding the aspect of authority, decision No. 42/G/2021/PTUN-JKT in the case of PT Riung Mitra Lestari provides an important precedent by stating that "the paradigm shift from decentralization to centralization in Law No. 3 of 2020 resulted in the transfer of authority to revoke IUPs from regional governments to the central government" (p. 76 of the decision). This interpretation is consistent with the judges' considerations in the case of PT Beri Mineral Utama. From a procedural perspective, Decision No. 87/G/2022/PTUN-MDN in the PT Karya Borneo Agung case emphasizes that "the provision for issuing three written warnings is cumulative and imperative, not an alternative" (p. 84 of the decision). This principle was also applied in the PT Beri Mineral Utama case, where the absence of a third warning was one of the grounds for revoking the permit.

Meanwhile, regarding the substantive aspect, Decision Number 136/G/2020/PTUN-SBY in the PT Mitra Batubara case stipulates the principle that "the settlement of financial obligations before the issuance of the final decision to revoke the permit eliminates the legal basis for such administrative action" (p. 97 of the decision). This principle is relevant to the case of PT Beri Mineral Utama, which settled its arrears before the revocation decision was issued. An analysis of this jurisprudential development shows the courts' tendency to strictly interpret the application of the principle of legality in the context of revoking mining business permits. This tendency reflects the courts' sensitivity to the economic and social impacts of business permit revocation, thus demanding a high standard of legality in burdensome administrative actions (*belastende beschikkingen*).

DISCUSSION

The application of the legality principle in the revocation of PT Beri Mineral Utama's Mining Business Permit (IUP) in Aceh reflects systemic problems in the implementation of Indonesian State Administrative Law. This study's findings indicate that IUP revocation contains legal flaws in three dimensions of the legality principle: authority, procedure, and substance. This phenomenon confirms the argument (Umar, 2023) that government administrative actions that do not meet the principle of legality tend to be arbitrary and potentially violate citizens' constitutional rights. From an authority perspective, the revocation of the Mining Permit (IUP) by the Governor of Aceh indicates a lack of understanding of the paradigm shift in Law No 3 of 2020. The research findings reveal a shift in authority over mining permit management from the regional to the central government. However, the Governor of Aceh continues to revoke the IUP without coordinating with the Ministry of Energy and Mineral Resources. This phenomenon reflects what is called (Ibrahim et al., 2025) as the "ultra vires doctrine" in state administrative law, where government actions that exceed their attributive or delegative authority automatically lose their legal legitimacy. (Pahlawan, Tambusai, & Leonardy, 2023) strengthens this argument by stating that "authority is a *conditio sine qua non* for the validity of government action in a modern constitutional state" (p. 76).

The issue of authority in this case does not stand alone, but rather reflects the tension between decentralization and centralization in Indonesian mining governance. As argued by (Aspan, 2021) The paradigm shift in Law Number 3 of 2020 reflects a recentralization trend that has not been accompanied by adequate socialization and capacity building at the implementation level. As a result, a "gray zone" of authority has emerged that is vulnerable to abuse or misinterpretation by regional officials. As stated (Eka Utami, 2023), "the unclear demarcation of authority between the central and regional governments following the new Minerba Law has become one of the main sources of normative conflict in the implementation of national mining policy" (p. 142). Procedural flaws in the revocation of PT Beri Mineral Utama's IUP, particularly the absence of a third warning and non-compliance with the minimum time period between warnings, confirm

this argument.(Eric & Anggraita, 2021)that administrative procedures function as "preventive legal protection instruments for the people." According to Hadjon, "a government that ignores formal procedures in its administrative actions not only violates the principle of legality but also reduces the democratic legitimacy of the decision" (p. 93). The research findings that revealed that the revocation of the IUP was carried out only 12 days after the second warning without issuing a third warning are in line with what is called(Gunawan, Yudanto, & Junaidi, 2023)as an incurable "fatal procedural defect".

In this context, administrative procedures should not be viewed as mere formalities but rather as manifestations of the principle of due process that guarantees transparency and accountability in public decision-making. As emphasized by Pulungan and ALW (2022), "administrative procedures function as checks and balances on executive discretion, while also ensuring legal certainty for parties affected by administrative decisions" (p. 215). In the case of PT Beri Mineral Utama, the disregard for formal procedures reflects what is called(Inrastuti & Polamolo, 2019)as "administrative expediency," where administrative efficiency is prioritized at the expense of fundamental legal principles. Findings related to the substantive aspects of IUP revocation demonstrate inconsistencies between the stated reasons and verified empirical facts. PT Beri Mineral Utama had paid off its outstanding fixed fees and royalties before the revocation decision was issued and had already completed 64% of the required reclamation. This phenomenon aligns with the argument(Ramadhani, Sembiring, Pa, Ibrahim, & Sosial, 2023)that "administrative measures that are disproportionate to the degree of the violation committed violate the material principle of the principle of legality" (p. 87). According to(Susanto, 2020), proportionality is "an internal limit on administrative discretion that ensures substantive justice in government action" (p. 123).

From a broader theoretical perspective, this case illustrates what is called(SUADI, 2018) the "paradox of the principle of legality" in the context of developing countries, where demands for compliance with formal rules clash with the need for administrative flexibility to respond to complex socio-economic dynamics. However, as emphasized(Wiranata, Tatar, & Sarna, 2025), "administrative flexibility should not be interpreted as the freedom to ignore procedural and substantive provisions explicitly stipulated in laws and regulations" (p. 156). In the context of the revocation of PT Beri Mineral Utama's IUP, non-compliance with normative provisions cannot be justified by arguments of discretion or administrative urgency. The socio-economic implications of the revocation of PT Beri Mineral Utama's IUP, which included mass layoffs of 1,478 direct workers and 3,200 indirect workers, as well as a 70.1% decrease in the Regency's PAD, confirm this.(Sri Rahayu, 2014)that "the principle of legality in administrative action has a consequentialist dimension that is often overlooked in formal-juridical analysis" (p. 178). As stated by(Surur, 2019), "the legitimacy of administrative action is determined not only by compliance with formal procedures, but also by the real impact it has on the welfare of society" (p. 92).

An analysis of the jurisprudence in similar cases shows that courts tend to apply a strict interpretation to the application of the principle of legality in revoking mining business permits. This tendency reflects what is known as(Gohardi, Kusumawati, Law, & Eleven, 2025)as "judicial activism in contemporary Indonesian administrative law" where the courts are actively developing stricter standards of review for administrative actions that significantly impact the economic rights of citizens. According to(Wibowo, 2023), "the development of PTUN jurisprudence in the last two decades shows a shift from a focus on formal legality to substantive justice in the evaluation of government actions" (p. 201). In a broader context, the PT Beri Mineral Utama case highlights the tension between legal certainty and administrative flexibility in the implementation of mining policy in Indonesia. As argued by(Noor Ilmi & Najib Imanullah, 2019), the implementation of Law Number 3 of 2020 faces significant challenges due to the "absence of vertical and horizontal harmonization in the national mining regulatory ecosystem" (p. 167). This condition is exacerbated by what is called(Basuki, 2021)as an "institutional capacity deficit" in translating regulatory paradigm shifts into administrative practices at the implementation level.

The ideal reconstruction of the application of the principle of legality in the revocation of IUP requires a more comprehensive approach that integrates legal-formal aspects with socio-economic considerations. As proposed by(Kennedy, Surya, Mustika, Xaverius, & Government, 2024), an "adaptive model for implementing the principle of legality" is needed that not only emphasizes compliance with formal procedures but is also responsive to sectoral dynamics and regional development needs. This approach is in line with what is called(Subadi, 2018)as "contextual legality," which recognizes that the application of the principle of legality must take into account the specific context in which the administrative action is carried out. The findings of this study also underscore the importance of transparency and accountability in the process of revoking

mining business permits. As argued by (Triningsih, 2016), "procedural transparency is a prerequisite for the validity of administrative actions in the context of a democratic rule of law" (p. 189). In the case of PT Beri Mineral Utama, the lack of transparency regarding the reasons for the revocation and the lack of adequate opportunity for clarification reflect an accountability deficit that needs to be addressed in the reform of mining licensing governance in Indonesia. Overall, the case of the revocation of PT Beri Mineral Utama's IUP represents the complexity of applying the principle of legality in the context of a strategic sector with broad economic and social implications. As stated by (Latifa, Frinaldi, & Roberia, 2024), "the main challenge for contemporary Indonesian administrative law is to find the optimal balance between legal certainty, substantive justice, and socio-economic benefits in government administrative actions" (p. 213). This study emphasizes that adherence to the principle of legality should not be seen as an obstacle to administrative efficiency, but rather as a fundamental prerequisite for the legitimacy of government actions within the framework of a democratic rule of law.

CONCLUSION

Based on a comprehensive analysis of the revocation of PT Beri Mineral Utama's Mining Business License in Aceh, this study reveals significant non-compliance with the principle of legality in its three fundamental dimensions: authority, procedure, and substance. From an authority perspective, the Governor of Aceh acted *ultra vires* by revoking the Mining Business License (IUP) even though this authority had been transferred to the central government following the enactment of Law Number 3 of 2020. Procedurally, the revocation process ignored the imperative provision of three written warnings with adequate timeframes as required by Article 121 of the Mining Law. From a substantive perspective, the reason for the revocation became irrelevant because the company had already fulfilled its obligations before the final decision was issued. This non-compliance with the principle of legality not only resulted in legal flaws that led to the decision being overturned through a court ruling, but also had significant socio-economic impacts, including mass layoffs, a decline in local revenue (PAD), and local economic decline. This study found that this phenomenon reflects a systemic problem in Indonesian mining administration, as demonstrated by the high number of IUP revocation decisions being overturned in court. The research findings underscore the urgency of reconstructing the application of legality principles in a more comprehensive and adaptive manner, emphasizing not only formal-procedural compliance but also considering economic impacts and community welfare. Practical implications of this study include the need to strengthen institutional capacity and legal understanding among policymakers, as well as the development of more effective oversight mechanisms to ensure equitable and sustainable mining governance.

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