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Implementation of the Doelmatigheld Principle in Resolving Village Apparatus Selection Disputes in Klaten Regency

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### Abstract

The screening selection mechanism for providing village officials in Klaten Regency is regulated in Klaten Regency Regent Regulation Number 30 of 2022 concerning Guidelines and Procedures for Appointing and Dismissing Village Officials. The regulation does not provide a detailed explanation to provide a solution. Seeing the various potential problems that may occur in the field, the legal basis for implementing the screening process in the form of Guidelines and Procedures for the Appointment and Dismissal of Village Officials should regulate the methods and techniques for resolving disputes if they occur. This research aims to determine the application of the Doelmatigheld Principle in resolving disputes resulting from observing of village officials based on local wisdom in Klaten Regency. This research is empirical legal research using normative juridical methods. Apart from that, the author also uses a field study approach. The results of this research indicate that the benefit principle is more relevant in decision making and local wisdom in Klaten Regency. This principle can also provide answers in resolving disputes resulting from examinations of local wisdom-based village officials in Klaten Regency that can be accounted for the law.

Keywords: Implementation, Local Wisdom, Benefits

### Abstrak

Mekanisme seleksi penyaringan pengisian perangkat desa Kabupaten Klaten diatur dalam Peraturan Bupati Kabupaten Klaten Nomor 30 Tahun 2022 tentang Pedoman dan Tata Cara Pengangkatan dan Pemberhentian Perangkat Desa. Perbup tersebut tidak menjelaskan secara terperinci tentang solusi untuk dijadikan jalan keluar. Melihat berbagai potensi permasalahan yang terjadi di lapangan sudah seharusnya dasar hukum pelaksanaan seleksi Pedoman dan Tata Cara Pengangkatan dan Pemberhentian Perangkat Desa mengatur metode dan teknis penyelesaian apabila terjadi sengketa. Tujuan penelitian ini, ingin mendiskripsikan implementasi asas *Doelmatigheld* dalam penyelesaian sengketa hasil ujian perangkat desa berbasis kearifan lokal di Kabupaten Klaten. Penelitian ini merupakan penelitian hukum empiris dengan metode yuridis normatif. Di samping itu penulis juga memakai pendekatan studi lapangan. Hasil penelitian ini menemukan bahwa asas kemanfaatan lebih relevan diterapkan dalam pengambilan keputusan serta kearifan lokal di Kabupaten Klaten. Asas tersebut

juga dapat memberikan jawaban guna penyelesaian sengketa hasil ujian perangkat desa berbasis kearifan lokal di Kabupaten Klaten dapat dipertanggung jawabkan dihadapan hukum.

Kata Kunci : Implementasi, Kearifan lokal, Kemanfaatan

#### INTRODUCTION

Regional autonomy in Indonesia has given opportunity for regional governments to manage their own government affairs, including in appointing of village officials. As the frontline of public services at the grassroots level, village officials have a crucial role in implementing government policies and serving the community. Therefore, the selection process for village officials is very important to ensure the selection of individuals who are competent and have integrity by referring to the principle of equality in the law (Utrecht 1996) page: 13. The application of the law can take place well and normally, but violations of the law itself can also occur, therefore laws that are violated or not properly obeyed must be enforced, which are in the form of a justice system called *Gerechtigkeit*, law certainty (*Rechtssicherheit*) and expediency (Zweckmabigkeit) (Hasaziduhu Moho, 2019: 2).

In Klaten Regency, the selection process for village officials is regulated through Klaten Regency Regent Regulation Number 30 of 2022 concerning Guidelines and Procedures for Appointing and Dismissing Village Apparatus. This regulation is intended to provide a clear legal framework for implementing the selection of village officials. However, the implementation of these regulations in reality does not always run smoothly and often results in disputes. These guidelines aim to safeguard all village assets and uphold the professionalism of the work of each village chief and all his staff (Joko Setyoko, 2022: 14).

In 2022, the implementation of the village apparatus selection exam in Klaten Regency faced various challenges and conflicts. Some of the emerging cases were: 1. In Sembung Village, Wedi District, there was a demonstration by residents who questioned the results of the examination. They considered that recruitment of village officials based on Regent Regulation no. 30 of 2022 was legally flawed. 2. In Bayat District, residents protested regarding allegations of fraud in the selection process, which even resulted in a report at the police report. 3. In Gumul Village, Karangnongko District, there was a discrepancy in the implementation of the Socio-Cultural Assessment exam with applicable regulations, of where the village chief was unable to carry out his duties due to illness.

These problems indicate that Regent Regulation Number 30 of 2022 has not been able to anticipate and provide adequate solutions for various situations that arise in the field. As a result, dispute resolution often has to rely on local wisdom and considerations of the principle of expediency (Doelmatigheld). The Doelmatigheld principle, which emphasizes the aspect of expediency in the application of law, becomes relevant in this context (Geeraets, 2022: 32). This principle recommends that in implementing the law, it is necessary to consider not only formal legal aspects, but also the benefits and goals to be achieved (van den Berk, M., van Dalfsen, M. & Dankers, 2021: 13). In the case of disputes over village officials' exam results in Klaten Regency, the application of this principle has the potential to provide a more contextual and beneficial solution for the community. On the other hand, local wisdom as the values and practices that are deeply rooted in local society, also has an important role in resolving disputes. A local wisdom-based approach can help create resolutions that are more acceptable to the community and in accordance with the local socio-cultural context.

Previous research on research entitled "Purifikasi Konsep Diskresi dalam Undang-Undang Cipta Kerja (Purification of the Concept of Discretion in the Job Creation Law)" by Agil Mahasin in 2022. The discretionary arrangements contained in the UU Cipta Kerja (Job Creation Law) are a form of purification of the concept of discretion, namely replacing discretion as an instrument that pivots on the Doelmatigheid dimension and does not conflict with the legal that pivots on the Wetmatigheid dimension (Larasati, 2022: 73). This is very necessary to reactivate the concept and function of discretion in fulfilling the state's function as organizer of public welfare (Mahasin, 2024: 143). Widha Sinulingga's next research is entitled "Tinjauan Yuridis Diskresi Pejabat Publik Dalam Penyelenggaraan Pemerintahan (Juridical Review of Public Officials' Discretion in Government Administration)". Widha's research explains that the legal position of discretion in government administration is an "exception" from the principle of legality (*wet matigheid van bestuur*), which means that the state administration is given the freedom to and on its own initiative to carry out actions to resolve certain pressing problems. In addition, in case of the settlement regulations have not existed yet, that is, they have not been made by the institution which is entrusted with the task of formally making laws (Sinulingga, 2018: 88). The next research was conducted by Moh Ansori with the title "Penyelesaian Sengketa Pemilihan umum di Indonesia (General Election Dispute Resolution in Indonesia)". Ansori's research explains that the resolution of general election disputes in Indonesia can be resolved by the Badan Pengawas Pemilu (Election Supervisory Body), Peradilan Tata Usaha Negara (the State Administrative Court) and Mahkamah Konstitusi (the Constitutional Court). If there is a dispute over the general election process it can be resolved by the Election Supervisory Body and the State Administrative Court, however if the

disputes is over the results of the general election it can be resolved by the Constitutional Court (Ansori, 2019: 93).

This research aims to examine the implementation of the Doelmatigheld principle in resolving disputes over village officials' exam results in Klaten Regency, as well as the role of local wisdom in this process. Through this research, it is hoped that a deeper understanding can be gained about how the principles of legal expediency and local wisdom can be synergized to achieve dispute resolution that is fair, effective and acceptable to all parties. It is hoped that the results of this research can provide an important contribution to the development of village apparatus dispute resolution policies, not only in Klaten Regency, but also become a reference for other regions in dealing with similar problems. Furthermore, this research can also enrich academic discussions about the interaction between formal law, the principle of expediency, and local wisdom in the context of dispute resolution at the village level.

#### METHOD

This research can be categorized as normative legal research with a doctrinal juridical approach. This approach focuses on analyzing legal norms related to the principle of doelmatigheid and its application in resolving disputes resulting from examinations of village officials in Klaten Regency. The main data sources for this research are statutory regulations, such as: Law Number 32 of 2004 concerning Regional Government, Government Regulation Number 43 of 2014 concerning Villages, Klaten Regent Regulation Number 30 of 2022 concerning Guidelines and Procedures for Appointing and Dismissing Village Officials. Secondary legal materials are from books, journals, and scientific articles discussing the principles of Doelmatigheid, dispute resolution and village governance. Primary data of the research are taken from the interviews with relevant officials in the Klaten Regency Government, such as the Badan Pemberdayaan Masyarakat Desa (Village Community Empowerment Agency) and Satuan Polisi Pamong Praja (the Civil Service Police Unit), and some case studies of disputes over village officials' inspection results in Klaten Regency. The data collection technique used in this research is literature study by collecting data from statutory regulations, secondary legal materials and other related literature, interviews with relevant officials in the Klaten Regency Government to obtain information about the application of the Doelmatigheid principle in dispute resolution, village apparatus inspection results. Then, there is also a case study by analyzing regarding disputes over village apparatus inspection results in Klaten Regency to understand how the principle of Doelmatigheid is applied in practice. The data analysis technique used in this research is qualitative

analysis by organizing and categorizing data collected from various sources, descriptive analysis by explaining and describing the application of the Doelmatigheid principle in resolving disputes resulting from inspections of village officials in Klaten Regency. Normative analysis by analyzing legal norms related to the Doelmatigheid principle and its application in resolving disputes resulting from examinations of village officials in Klaten Regency.

### **RESULT AND DISCUSSION**

The Doelmatigheid principle is a legal product that is made without any legal basis, higher statutory regulations in the hierarchy of regulations (Warringa, 2021: 32). The basis for applying this principle comes from the legal theory "discretionare principle" or what is generally called freedom of action (Monsma, J., Monsma, A. 2017: 83). In general, the principle of Doelmatigheld comes from the term state administration law. In its implementation, Doelamtigheld is used as a consideration in efforts to form a legal rule or judicial decision (van den Berg, B., Lukkien, D., de Charro, F., Snellen, M., Beelen, A., & Bouwens, 2024: 35). Doelmatigheid is usefulness, expediency, and purpose or usually with the term "*Behalve de rechmatigmeid moet ook de- in aanmerking worden genomen*" which means that apart from juridical considerations, considerations of benefit and purpose must also be taken into account. (Bleijswijk, 2017).

1. Implementation of the Doelmatigheld Principle in Dispute Resolution

The Doelmatigheld principle, which emphasizes the aspect of expediency in the application of the law, has an important role in resolving disputes over village officials' examination results in Klaten Regency. The implementation of this principle can be seen in several aspects of dispute resolution that occur (Baaij, C. J. W., & Castermans, 2022: 79). As Doelmatigheid's values lie at the level of usefulness, expediency, benefit and purpose; be part of the *rechtmatigheid moet and de-in aanmerking worden genomen* which, apart from considering juridical values, must also pay attention to considerations of benefits and objectives. (Marjanne Termorshuizen, 1999: 103)

1.1 Flexibility in Regulatory Interpretation

In the case in Sembung Village, Wedi District, where there was a demonstration by residents who questioned the results of the examination, the application of the Doelmatigheld principle was seen from the authorities' efforts to interpret Regent Regulation no. 30 of 2022 more flexibly. Even though residents considered the recruitment of village officials to be legally flawed, the authorities

chose not to immediately cancel the exam results, but instead carried out a re-evaluation by considering aspects of benefit to the wider community. (Indah, D. R., Abdullah, S., Junita, A., & Fahlevi , 2017: 631). This is in line with research by Rahardjo (2018) which states that applying laws that are too rigid can lead to injustice and public dissatisfaction. Flexibility in legal interpretation, while taking into account the main objectives of the regulations, can produce decisions that are more useful and accepted by society. The same thing happened in the case of implementing the village apparatus exam in Klaten Regency. Although there were several errors, such as what happened in at least 13 (thirteen) villages, there were errors in the input of scores which resulted in shifts or changes in participant rankings, but here the stance taken by both parties prioritize harmony, togetherness and benefit, so that exams and results can still be accounted for (Wilayah, 2021: 1).

Norms or laws are a set of rules or principles that need to be established to regulate human behavior in line with legal objectives and without conflicting with justice. Laws and norms, similar to science, are established with the aim of benefit in order to achieve justice. Justice can be achieved through dialogue or mutual agreement, and not just relying on court decisions (Sumarta, 2024: 53). The purpose of making laws is to uphold justice.

Therefore, the law must be obeyed even if the product, norm, or law is considered unfair. This explanation has answered the situation even though Regent Regulation Number 30 of 2022 does not regulate and provide solutions regarding decision making for the Socio-Cultural Assessment exam, especially since there are no examiners from the Chief of the Hall. In the village, exams still have to be carried out. Norms or laws may be inappropriate, but as long as the law is still implemented or enforced, then the law must be upheld and above all obeyed. Of course society cannot produce legal regulations that are 'considered unfair or inappropriate'. That is better than ruining the pre-existing legal order or rule. Anything that includes into the category of violating the law, devalues the dignity, or value of these laws and regulations. The public certainly needs to pay close attention to the intended purpose of the legal benefits, this is due to the fact that essentially everyone expects benefits in implementing and enforcing the law. Apart from that, it is also hoped that the public will not be left behind in enforcing laws and regulations which will actually cause unrest in their lives. Considering the debate on legislative regulations usually tends to only focus on the context of statutory regulations, even though sometimes these regulations are

not perfect and can still accommodate aspirations in people's lives. (Wilayah 2021)

1.2 Priority on Social Harmony

In Bayat District, where residents protested regarding allegations of fraud in the selection process, the implementation of the Doelmatigheld principle can be seen from the resolution efforts that prioritize social harmony. Instead of immediately taking this case to the formal law, the authorities chose to carry out mediation and dialogue with the various parties involved. This approach is in line with research by Susanti (2019) which found that dispute resolution that prioritizes dialogue and mediation tends to produce more sustainable resolutions and minimizes the potential for future conflict. (Efendi, A., Susanti, D. O., & Tektona, 2019: 86). In the context of village officials, social harmony is very important considering the role of those who are directly in contact with the community. This is in line with the prevailing values of justice.

Justice is an expectation that must be fulfilled for the purpose of law enforcement (Agiyanto, 2018: 132). Based on its characteristics or traits, justice is subjective, individualistic and cannot be equated or generalized. If a law enforcer prioritizes or emphasizes the values of justice while the values of benefit and legal certainty are put aside or eliminated, then of course the law will not work well or perfectly as expected. Likewise, if the emphasis is only on the value of benefit while legal certainty and justice are put aside or even eliminated, then it is certain that the law or norm will not work. (Rumadan, 2017: 74). Therefore, ideally, in carrying out law enforcement, one must pay attention to the basic values or goals of justice, which are the basic values of philosophy and the basic values of usefulness, which together form one unit related to the sociological system, as well as basic values. expediency. fundamental values of legal certainty which are legally required to be implemented or applied in a balanced manner in the law enforcement system.

1.3 Adaptation to Local Conditions

The case in Gumul Village, Karangnongko District, where there was a discrepancy in the implementation of the Socio-Cultural Assessment exam with the applicable regulations because the Village Chief was unable to carry out his duties, shows the application of the Doelmatigheld principle in the form of adaptation to local conditions. The exam organizers chose to continue the exam process with adjustments, instead of canceling or postponing the exam which could be detrimental to many parties. Pratama (2023) in his research emphasized the importance of adaptability in implementing public policies, especially at the village level which has unique characteristics. Adaptation to local conditions, as long as it does not violate basic legal principles, can result in more effective and beneficial policy implementation (Utami, 2023: 7).

Benefits in law enforcement are a feature that is apart from measuring the success of law enforcement in Indonesia. According to the Utilitarianism school of thought, law enforcement presents a goal that is based on certain benefits (known as benefit theory or the goal theory), and not just to repay the actions of criminals, or to carry out detrimental actions, punish people who commit criminal acts, but must also have certain useful goals. Benefits in this context are defined as satisfaction or happiness. A good law is a law that provides satisfaction for many people. (Hasaziduhu Moho, 2019: 76)

2. The Role of Local Wisdom in Dispute Resolution

Local wisdom has a significant role in the process of resolving disputes over village officials' exam results in Klaten Regency. Local wisdom refers to the knowledge, values and practices that have developed from generation to generation in a particular community. It includes traditional ways of solving problems, customs, and norms respected by local communities (Simanjuntak, 2021: 28). Several aspects of local wisdom that play a role in resolving disputes include:

#### 2.1 Deliberation

The principle of deliberation and consensus, which is one of the strong local wisdoms in Javanese society, appears dominant in the dispute resolution process in various villages in Klaten Regency. In Sembung Village, for example, before the residents' demonstration led to a larger conflict, community leaders took the initiative to hold a deliberation involving various parties. Wibowo's research (2021) shows that applying the principle of deliberation and consensus in resolving disputes at the village level can increase the level of community acceptance of decision results. The deliberation process allows all parties to feel heard and involved in decision making (Wibowo, S. N., Pujiwati, Y., & Rubiati, 2021: 203).

This decision or attitude cannot be denied. If the decision maker does not just look at or apply textual concepts, moreover if only be guided by the interests of justice, but becomes a wiser law enforcer who in his decision-making process also focuses on all existing aspects. The benefits are especially in the interests of the parties to the lawsuit, as well as the interests of society in general. Here it can also be interpreted as an examiner or law enforcer in applying the law, it is best to also consider the final result, whether the resulting decision will bring goodness, benefit or benefit to all parties or not. Likewise, a judge should have it instilled in him if he applies existing laws and regulations based on the objectives or benefits expected for the litigants or the wider community as a whole. (Pagar M. Wantu, 2012: 485)

Local wisdom often involves all community members in the dispute resolution process. This ensures that the taken decisions are reflecting the collective will and increases acceptance and compliance with those decisions. Local wisdom-based approaches tend to be more flexible and able to adapt to the specific context of each dispute. This allows for more precise and relevant solutions.

# 2.2 The Role of Traditional and Religious Figures

In several villages in Klaten Regency, traditional and religious leaders play an important role in the mediation and dispute resolution process. They are considered a neutral party who has wisdom and can provide fair considerations. This is in line with the findings of Nugroho (2022) who highlighted the importance of the role of informal figures in resolving conflicts at the village level. The social legitimacy of traditional and religious leaders is often more effective in reducing conflict than a purely formal-legalistic approach (Kusnadi, E. W., Nugroho, L., & Utami, 2022: 1657). In the context of disputes over village officials' exam results in Klaten Regency, local wisdom can play an important role in ensuring a dispute resolution process that is effective and acceptable to all parties by involving respected traditional figures or community leaders to facilitate the mediation process.

# 2.3 The Principle of 'Tepo Seliro' (Tolerance)

The principle of 'tepo seliro' or tolerance, which is one of the values of local Javanese wisdom, can be seen in the dispute resolution process in several villages. This principle encourages all parties to consider the feelings and interests of other parties in the dispute resolution process. Widodo's research (2023) shows that the application of the 'tepo seliro' principle in dispute resolution can increase empathy between parties in conflict and facilitate the achievement of a solution that is acceptable to all parties. (Rachmadani, W. S., & Widodo, 2023).

# 3. Synergy of Doelmatigheld Principles and Local Wisdom

The development of legal needs and a sense of justice in society is necessary to demonstrate legal certainty that can provide legal certainty. The Doelmatigheld principle synergized with local wisdom in resolving disputes over village officials' exam results in Klaten Regency has shown several positive results:

3.1 Effectiveness of Dispute Resolution

The combination of an approach that emphasizes benefits (Doelmatigheld) with local wisdom values has proven effective in resolving disputes. In Sembung Village, for instance, a deliberation process guided by traditional leaders taking into account aspects of benefit to the wider community succeeded in reaching an agreement that was accepted by all parties. This is in line with research by Pramono (2020) which found that dispute resolution approaches that combine formal and informal aspects tend to be more effective, especially at the village level where social ties are still strong. (Budi Pramono, 2020).

3.2 Sustainability of Decision Results

Dispute resolution that considers Doelmatigheld principles and local wisdom tends to produce more sustainable decisions. In Bayat District, for example, although initially there were protests from residents, the mediation process involving community leaders and considering aspects of benefit for the village as a whole succeeded in reaching an agreement that was accepted and complied with by all parties. These findings support research by Santoso (2021) which highlights the importance of social legitimacy in implementing policies at the village level. Decisions produced through processes that society deems fair and beneficial are more likely to be respected and adhered to in the long term (Ardi, D. F. I., Santoso, D., & Nursanty, 2021: 52).

3.3 Strengthening Social Cohesion

A dispute resolution process that combines Doelmatigheld principles and local wisdom not only resolves specific problems related to village officials' exam results, but also contributes to strengthening social cohesion in society. In Gumul Village, for example, the process of adapting to local conditions in carrying out exams which involved community deliberation actually increased the sense of togetherness and mutual cooperation in the community. Utami's research (2023) confirms that a conflict resolution process that involves active community participation and considers local values can be a momentum to strengthen social ties and increase community resilience. (Utami, 2023: 81). Apart from this, the principles of Doelmatigheld and local wisdom show several good things, including: Local wisdom often involves all members of the community in the dispute resolution process. This broad participation ensures that the resulting solutions are more easily accepted and implemented by all parties involved. Local wisdom reflects a deep understanding of the local social and cultural context. This increases the effectiveness of dispute resolution because the resulting solutions are more in line with the values and norms that apply in society. Local wisdom-based dispute resolution usually uses simpler and less formal mechanisms. This reduces the need for complex procedures and reduces dispute resolution costs. Combining Doelmatigheld principles and local wisdom in resolving disputes over village officials' exam results in Klaten Regency can create a more effective and efficient process. This synergy ensures that dispute resolution is not only fast and low-cost, but also accepted and respected by local communities, resulting in sustainable peace.

### 4. Challenges and Limitations

Although the implementation of Doelmatigheld principles and local wisdom shows positive results, there are several challenges and limitations that need to be considered:

# 4.1 Potential Conflict with Formal Law

In some cases, dispute resolution that relies too much on local wisdom and considerations of expediency risks conflicting with formal legal rules. In Bayat District, for example, the decision not to bring cases of suspected fraud to the realm of formal law, although beneficial for maintaining social harmony, has the potential to set a problematic precedent from a law enforcement perspective. Kusuma's research (2019) reminds that flexibility in the application of law, although important, must remain within the corridors of the applicable legal system to avoid erosion of the principle of legal supremacy (Kusuma, 2019: 87).

# 4.2 Subjectivity in the Interpretation of 'Expediency'

Applying the Doelmatigheld principle too loosely risks causing subjectivity in the interpretation of 'benefit/expediency'. In some villages, there are differences of opinion regarding what is considered 'beneficial' for the community, which has the potential to give rise to new conflicts. This is in line with Wijaya's (2020) research which highlights the importance of clear parameters in applying the principle of expediency in law to avoid arbitrariness in decision making. (Renayanthi, G., & Wijaya, 2020: 72).

#### CONCLUSION

The implementation of the Doelmatigheld principle in resolving disputes over village apparatus examination results in Klaten Regency reflects an approach that prioritizes usefulness and effectiveness in the application of the law. This approach allows for flexibility, adaptation to local conditions, and consideration of long-term impacts, while still seeking to maintain a balance with the principle of legal certainty.

Although this approach shows significant potential in achieving effective and sustainable resolutions, its implementation also faces challenges, especially in terms of potential conflicts with formal law and the risk of subjectivity. Therefore, care and ongoing evaluation is needed in the application of the Doelmatigheld principle to ensure that this approach remains effective and relevant in the context of dispute resolution at the village level.

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