

ABSTRAK

Kemakmuran dan kesejahteraan rakyat merupakan tujuan utama Indonesia yang diwujudkan melalui demokrasi politik dan ekonomi serta kebijakan sosial berlandaskan keadilan. Pancasila, khususnya sila kelima, menegaskan pentingnya keadilan sosial dalam kebijakan publik. Namun, implementasinya menghadapi tantangan, termasuk dalam hukum administrasi negara, terutama terkait pelibatan masyarakat dalam pengambilan keputusan. Penelitian ini bertujuan menganalisis pertimbangan hakim dalam putusan terkait kewajiban pelibatan masyarakat serta menilai penerapan asas hukum dalam pengujian *delegated regulation*.

Penelitian ini menggunakan metode yuridis normatif dengan pendekatan doktrinal berbasis studi kepustakaan. Penelitian bersifat deskriptif analitis dengan data sekunder yang meliputi bahan hukum primer, sekunder, dan tersier. Teknik analisis menggunakan metode kualitatif berbasis studi pustaka untuk mengidentifikasi kesesuaian pertimbangan hakim dengan asas hukum administrasi serta penerapan asas *lex superior derogat legi inferiori* dan *lex specialis derogat legi generali*.

Hasil penelitian menunjukkan bahwa pertimbangan hakim dalam Putusan Nomor: 68/G/PU/2021/PTUN.SMG belum mencerminkan kewajiban pelibatan masyarakat sebagaimana diamanatkan hukum administrasi negara. Majelis hakim tidak mengkaji secara mendalam keterlibatan masyarakat dalam proses pengadaan tanah. Selain itu, penerapan asas *lex specialis derogat legi generali* lebih diutamakan dibandingkan *lex superior derogat legi inferiori*, yang berpotensi menyebabkan peraturan pelaksana bertentangan dengan aturan yang lebih tinggi. Diperlukan pendekatan yang lebih komprehensif agar putusan lebih mencerminkan prinsip keadilan dan kepastian hukum

Kata kunci: Putusan Hakim; Legalitas; Partisipasi Masyarakat; Desa Wadas.

ABSTRACT

The prosperity and welfare of the people are Indonesia's primary goals, realized through political and economic democracy as well as social policies based on justice. Pancasila, particularly the fifth principle, emphasizes the importance of social justice in public policy. However, its implementation faces challenges, including in administrative law, especially regarding public participation in decision-making. This study aims to analyze judicial considerations in rulings related to the obligation of public involvement and assess the application of legal principles in the review of delegated regulations.

*This research employs a normative juridical method with a doctrinal approach based on library research. It is descriptive-analytical in nature, using secondary data, including primary, secondary, and tertiary legal materials. The analysis technique utilizes a qualitative method based on literature studies to identify the conformity of judicial considerations with administrative law principles and the application of the *lex superior derogat legi inferiori* and *lex specialis derogat legi generali* principles.*

*The findings indicate that the judicial considerations in Decision No. 68/G/PU/2021/PTUN.SMG do not fully reflect the obligation to involve the public as mandated by administrative law. The panel of judges did not thoroughly examine public participation in the land acquisition process. Furthermore, the application of the *lex specialis derogat legi generali* principle was prioritized over *lex superior derogat legi inferiori*, potentially allowing implementing regulations that contradict higher laws. A more comprehensive approach is needed to ensure that rulings better reflect the principles of justice and legal certainty.*

Keywords: *Judicial Decision; Legality; Public Participation; Wadas Village.*