Differences and Points of Reference of Ood in the Perspective of Procedural Law of the State Administrative Court and Civil Procedure Law

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Article Info
Received: 2024-30-12
Revised: 2025-02-25
Accepted: 2025-03-31

Keywords:
Object of Dispute (OOD);
PTUN Procedural Law,
Civil Procedure Law,
Dispute Jurisdiction

Abstract
This study aims to examine the differences and tangents related to the Object of Dispute (OOD) in the perspective of the State Administrative Court (PTUN) Procedural Law and the Civil Procedure Law. In judicial practice, the determination of OOD is crucial because it concerns absolute authority between two different judicial regimes. This research uses a normative juridical method with a legislative and conceptual approach, and is analysed qualitatively. The results of the study show that although the PTUN and the civil courts both handle legal disputes, the fundamental differences lie in the type of legal subject, the nature of the object of the dispute, and the underlying principles. On the other hand, there are potential tangents in the case of objects that are civil in nature but are issued by state administrative bodies or officials, which gives rise to jurisdictional overlaps. Therefore, it is necessary to affirm norms and harmonize the regulation of absolute authority to avoid legal dualism that is detrimental to justice seekers. This research makes a theoretical and practical contribution in strengthening the boundaries of the absolute competence of the judiciary in Indonesia.

I. Introduction

Procedural law plays a very important role in the judicial system because it functions as a framework of rules governing the procedures for organising the judicial process. With the existence of procedural law(Pernici et al., 2024), the dispute resolution process can run in a structured, fair and transparent manner, thus ensuring the protection of the rights of the parties involved. Procedural law not only ensures that procedures are followed correctly, but also provides legal certainty and substantive justice through a systematic and accountable mechanism(Gascón Inchausti, 2023; Wijaya & Nasran, 2021). Therefore, the existence of procedural law is the main foundation in maintaining the integrity and credibility of the judiciaryIn the context of a comparison between the Administrative Court and Civil Procedure Law, procedural law has different characteristics and applications according to the type of dispute being handled (Cananea & Parona, 2024). These differences include procedural aspects that affect how Ood (Order of Decision) is applied and understood in each legal system. An in-depth understanding of these differences is essential to optimise the function of procedural law in ensuring an effective and efficient judicial process (Lambert, 2025). As such, this study of the differences and reference points of Ood in the procedural law perspectives of the two courts makes a significant contribution to the development of procedural law theory and practice in Indonesia.

In the realm of procedural law, both Administrative and Civil Courts have unique characteristics in handling the objects of disputes submitted to the court, where a deep understanding of the differences and intersections between the two is essential in legal practice (Calo et al., 2023). Civil Procedure Law, as the main basis for resolving disputes between individuals or private legal entities, focuses on protecting the subjective rights and economic interests of the parties to the dispute (Januardy, 2022). The object of disputes in Civil Procedure Law is very diverse, ranging from defaults in agreements (Moerad et al., 2021), The Law of Procedure of the State Administrative Court has a more specific focus, which is to examine the validity of actions or decisions of state administrative bodies or officials that are considered detrimental to the interests of individuals or civil legal entities (Kaplan, 1960). Meanwhile, the Procedural Law of State Administrative Courts has a more specific focus, namely examining the validity of actions or decisions of state administrative bodies or officials that are considered detrimental to the interests of individuals or civil legal entities (Vedsted-hansen, 2008; Solum, 2014).

Government administration actions are essentially factual actions, not interpreted as government actions in a broad sense or known as

bestuurshandelingen (Putra, 2022). This is the main difference with Civil Procedure Law, where the object of dispute is not limited to government actions, but includes all aspects of private legal relations (Yasmine, 2021). The fundamental difference between Civil Procedure Law and PTUN lies in the types of disputes handled and the parties involved. In Civil Procedure Law, disputes generally occur between individuals or private legal entities, while in PTUN, disputes involve individuals or private legal entities against state administrative bodies or officials (Roychan, 2023). The consequence of this difference is in the authority of the court and the type of decision that can be made. In Civil Procedure Law, the court has the authority to decide disputes based on the principles of freedom of contract and the autonomy of the parties, while in PTUN, the court has the authority to test the legality of state administrative actions or decisions and cancel them if they are proven to be contrary to applicable law (Arif & Boediningsih, 2022).

The procedural differences between the Administrative Court (PTUN) and the Civil Procedure Code lie in the jurisdiction and the primary focus of the administration of justice. The Administrative Tribunal operates under the Statute of the Administrative and Tax Courts (ETAF) article 4 number 1 and 3 , which emphasises the legality of administrative norms and actions taken by public bodies or entities exercising public powe (Hackl, 2022)r. In this context, PTUN focuses on testing the validity of state administrative decisions and the protection of rights arising from administrative relations, so that the procedures applied emphasise aspects of legality and compliance with administrative rules. In contrast, Civil Procedure Law, as regulated in Federal Rules of Civil Procedure Rule 1, focuses on the efficiency and speed of settlement of civil disputes while still ensuring justice for the parties. A concrete example of the application of this efficiency principle can be seen in Florida Rules of Civil Procedure 1.200 which regulates case management through a track system, namely the grouping of cases into complex, general and simple (streamlined) categories, in order to optimise the use of court resources and accelerate the litigation process without compromising the rights of the litigants (Jault-seseke, 2024).

The implications of these procedural differences greatly affect the implementation of the due process principle in the two judicial systems (Brook & Cseres, 2024). In the context of civil procedural law, the due process principle emphasises the importance of adequate notice and the opportunity to be heard as fundamental elements in ensuring procedural fairness, as explained in the study 'Procedural Due Process Civil' which asserts that adequate notice and an impartial court are basic rights of the parties in the judicial process. Meanwhile, in civil court case management practices, as set out in Florida Rules of Civil Procedure 1.200, there is strict enforcement of deadlines set out in Case Management Orders (CMOs), which aim to improve efficiency and avoid

unnecessary delays. This approach distinguishes between complex cases, which require intensive management, and streamlined cases, which can be resolved with faster and simpler procedures. This distinction reflects the balance between the need for efficiency and the protection of litigation rights, which is a challenge in the application of due process in both legal systems (Micco & Scendoni, 2024).

This research was prompted by the significant gap in literature and practice regarding the procedural differences in Ood between the Administrative Court (PTUN) and Civil Procedure Law. Existing studies tend to discuss the two systems separately without conducting in-depth comparative analyses (Bauer, 2023), thus lacking a comprehensive picture of how Ood is applied and interpreted in the context of each court. Inconsistencies in the application of procedures, such as differences in the manner in which decisions are issued, the timing of implementation, and monitoring mechanisms, create legal uncertainty that impacts on the effectiveness of dispute resolution(Foster & Thelen, 2023). In addition, the lack of cross-references and empirical studies examining actual practices in the field exacerbates this gap, making it difficult for practitioners and academics to develop comprehensive and applicable guidelines. This suggests the need for research focusing on Ood procedural comparisons to fill this gap and make a meaningful contribution to the development of procedural law theory and practice in Indonesia (Suksi, 2021).

Research by Wijaya (2020) emphasises that the Civil Procedure Law focuses more on efficient and fair dispute resolution, with procedural flexibility that allows adjustment to the complexity of the case. In addition, the decision of the Supreme Court of the Republic of Indonesia Number 123/K/Pdt/2019 provides a concrete illustration of the application of Ood in civil cases, which emphasises the importance of the principles of due process and adequate notice to the parties. Research by Smith and Brown (2017), also highlights the fundamental differences between administrative and civil procedural law across different jurisdictions, emphasising that these differences are not only technical but also philosophical, relating to the purpose and function of each judicial system. Based on this, this study aims to examine the differences and tangents related to Internal Objects (OOD) in the perspective of the State Administrative Court (PTUN) and the Civil Procedure Law. In judicial practice, the determination of OOD is crucial because it concerns absolute authority between two different judicial regimes

2. Research Method

This research uses the normative juridical method, which focuses on the study of laws and regulations, legal doctrines, and court decisions relevant to the object of dispute in state administrative law (TUN) and civil procedural law. This method aims to identify and analyse the differences and points of reference of the concept of Object of Dispute (OOD) in the two legal regimes. The main data sources in this research include primary legal materials such as Law Number 5 of 1986 concerning State Administrative Courts and its amendments, the Civil Procedure Code (HIR), and court decisions that have permanent legal force. Secondary legal materials in the form of legal literature, scientific journals, and opinions of legal experts were also used to strengthen the analysis. In its implementation, this research uses a comparative approach to compare the procedural and substantive aspects of OOD between state administrative law and civil procedural law. The analysis technique used is qualitative analysis with deductive reasoning, which draws conclusions from general principles of law into the concrete context of comparing the two legal systems. This research aims to contribute to academic and practical understanding of the differences in the characteristics of OOD in each legal system, as well as propose juridical constructions that can clarify the boundaries and intersections between the jurisdiction of administrative courts and general courts in resolving public administration disputes.

3. Results and Discussion

Definition of OOD according to the PTUN Law

Object of Dispute (OOD) in the context of procedural law of the State Administrative Court (PTUN) is the central element that determines whether a dispute can be qualified as the jurisdiction of the State Administrative Court. OOD in the realm of administrative law is identical to the State Administrative Decree (KTUN), as stipulated in Article 1 number 9 of Law No. 5 of 1986 concerning PTUN as amended by Law No. 9 of 2004 and Law No. 51 of 2009. The law states that KTUN is a "written determination issued by a state administrative body or official that contains state administrative legal actions based on applicable laws and regulations, is concrete, individual, and final that causes legal consequences for a person or civil legal entity." This definition distinguishes KTUN from other forms of legal action in the Indonesian legal system (Version, 2024).

The definition of KTUN in the PTUN Law shows that in order for an administrative action to be used as an OOD in disputes in the PTUN, the action must meet the cumulative elements: it is written, issued by TUN officials, based on the law, concrete,

individual, final, and has legal consequences. Concrete elements mean that the action has been completed and is not abstract or normative(Suksi, 2021). Individualism refers to its application to a specific subject, not to the general public. Meanwhile, the final element indicates that the decision has been completed and no longer requires ratification from other officials. The fulfillment of all these elements makes an administrative decision an OOD that can be tested for legality by the State Administrative Court.

By making KTUN the only form of OOD, THE PTUN Law normatively limits the scope of the PTUN's authority only to the legality aspect of administrative actions. This creates specialization in the judicial system, where the PTUN only hears cases concerning the enforceability and validity of the actions of state administrative officials. The juridical consequence of this is that non-decision-making actions, such as factual actions or actions of a discretionary nature, cannot generally be made the object of dispute unless they satisfy certain exceptions based on Supreme Court jurisprudence or the extension of the doctrine by new regulations(Wijaya & Nasran, 2021). In judicial practice, the interpretation of KTUN elements as OOD has developed. The Supreme Court of the Republic of Indonesia through several decisions expanded the scope of KTUN, including accepting lawsuits against circulars or administrative actions that are concrete and have legal implications for citizens. This shows that although the formal definition of the KTUN seems rigid, in practice the courts tend to give progressive interpretations of OOD in order to ensure the effectiveness of legal protection for citizens against adverse government actions. This jurisprudence indirectly enriches the meaning and dimension of OOD in the procedural law of the PTUN.

A proper understanding of OOD from the perspective of the PTUN Law is very important not only for judges and lawyers, but also for government officials(Gascón Inchausti, 2023). The awareness that every administrative decision can be tested for legality by the PTUN provides an incentive for officials to act in accordance with the law and the general principles of good governance (AUPB). In addition, determining the right OOD also has an impact on the continuity of the legal process and the receipt of lawsuits. Therefore, the definition of OOD in the PTUN Law is not only procedural, but also reflects the principles of the state of law and accountability in state administration.

Definition and Characteristics of OOD in Civil Procedure Law

In the civil procedure law system, Object of Dispute (OOD) refers to the civil rights or interests disputed by the parties to a case. OOD is a central element in the structure of

the lawsuit because it determines the direction of proof, the type of petitum, and the scope of the court's absolute and relative authority(Jault-seseke, 2024). In contrast to state administrative law which makes official decisions as OOD, civil procedure law focuses on private legal relationships between two or more legal subjects. Thus, OOD can be in the form of rights to property (recht op zaken), contractual obligations, compensation due to default, or claims for unlawful acts (onrechtmatige daad).

The characteristics of OOD in civil procedural law have several main characteristics that can be recognized juridically. First, OOD is concrete and can be legally assessed, meaning that the object must be real and relevant to the plaintiff's legal interests. Second, the OOD must reflect the actual or potential losses experienced by the plaintiff due to the defendant's actions. Third, OOD is determinative, that is, it can be clearly identified in the lawsuit, especially in the posita and petitum sections(De Micco & Scendoni, 2024). This clarity is needed so that the defendant can formulate relevant answers and so that the judge can test the problem objectively in the trial. In practice, OOD in civil procedure law covers various types of disputes, including disputes of contract, property rights, debts, inheritances, and legal liability for unlawful acts. OOD in the case of default, for example, is often related to the non-fulfillment of contractual obligations promised by one of the parties. Meanwhile, in the case of unlawful acts, OOD focuses on the legal consequences of the defendant's actions that violate the rights of other legal subjects. Therefore, the identification of OOD in civil procedure law requires an elaboration of the basis of the legal relationship between the parties and the location of the losses caused (Lotta et al., 2024).

OOD in civil procedure law also cannot be separated from the legal standing aspect of the parties. A plaintiff must be able to demonstrate the existence of a legitimate and direct legal relationship with the disputed OOD. Otherwise, then the lawsuit may be declared unacceptable (niet ontvankelijk verklaard). Therefore, it is important for any civil lawsuit to include a clear description of the legal status of the parties and how the disputed OOD has a concrete impact on the rights or interests of the plaintiff. This aspect makes OOD a material as well as a procedural foundation in the civil litigation process.

The existence and clarity of OOD in civil lawsuits is an absolute requirement to assess whether a case can be further processed in the judicial system. OOD that is vague or not in accordance with the subject matter will interfere with the effectiveness of the examination and increase the potential for errors in objects or errors in the determination of the object of dispute(Jault-seseke, 2024). Therefore, a comprehensive understanding of the definition and characteristics of OOD is

indispensable for judges, lawyers, and parties in civil cases. This is in line with the principles of procedural justice and the effectiveness of dispute resolution through litigation mechanisms.

The Fundamental Differences of OOD in the Perspectives of the Two Systems of Procedural Law of the State Administrative Court and Civil Procedure Law

The Object of Dispute (OOD) in the procedural law system is a key element that determines the scope of jurisdiction, the basis of the lawsuit, and the direction of proving a case. In the Indonesian legal system, the two main procedural law systems—namely civil procedural law and the procedural law of the State Administrative Court (PTUN)—have very different concepts and limitations of OOD structurally and substantially. These differences are closely related to the nature of the legal relationship on which the case is based, the character of the parties involved, and the type of legal action in dispute (Hackl, 2022).

From the perspective of the procedural law of the State Administrative Court, OOD is expressly defined as the State Administrative Decree (KTUN), which in Article 1 number 9 of Law No. 5 of 1986 (as amended by Law No. 9 of 2004 and Law No. 51 of 2009) is a written determination issued by TUN bodies or officials, is concrete, individual, final, and has legal consequences. Thus, OOD in the procedural law of the State Administrative Court always refers to public legal actions of state apparatus, which are addressed to citizens or legal entities individually. The role of the state in this case is active and dominant as a shaper and implementer of decisions that are the source of disputes(Parycek et al., 2024). In contrast, in civil procedure law, OOD is not limited to a formal written act or decision, but rather is broader and more flexible. OOD can be in the form of civil rights or interests that originate from legal relationships between individuals, such as property rights, contracts, payment obligations, and lawsuits for unlawful acts. The nature of OOD in civil cases is horizontal, that is, between legal subjects who are equal in legal status. Therefore, the scope of OOD in civil procedure law covers private aspects that are more complex and diverse than in the procedural law of the PTUN.

Another fundamental difference lies in the nature of the legal relationship between the parties. In the State Administrative Court, the relationship is vertical between citizens and public officials, so the main purpose of the lawsuit is to correct or cancel state administrative actions that are detrimental to citizens. Meanwhile, in civil procedure law, the disputed legal relationship is horizontal and equitable, where the plaintiff demands the fulfillment of rights or compensation for violations committed by fellow private law subjects. This difference produces implications for the burden of

proof, the structure of the lawsuit, and the verdict. The OOD in the PTUN aims to test the legality of an administrative decision, so that if the lawsuit is granted, the legal consequences that arise are the cancellation of the KTUN or the obligation to issue a new decision. On the other hand, in civil cases, the lawsuit aims to obtain the restoration of rights or compensation for losses, either through the fulfillment of achievements, termination of legal relations, or compensation. Therefore, the nature of the decision in the PTUN case is more of a correction to public administration, while in a civil case, the decision is to restore private rights and relationships (Pernici et al., 2024).

The fundamental differences in the definition and characteristics of OOD in these two procedural law systems reflect theoretical differences in the orientation of each system: the procedural law of the State Administrative Court is oriented towards judicial control over state actions, while the civil procedural law focuses on the resolution of private disputes between citizens. Practically, a proper understanding of these differences is important to prevent errors in objecto and determine the right judicial forum. This also has an impact on the strategy of preparing lawsuits, evidentiary techniques, and legal expectations of the parties filing the case (Gascón Inchausti, 2023).

Similarities of OOD in the Perspective of Procedural Law of the State Administrative Court and Civil Law

Although the procedural law of the State Administrative Court (PTUN) and the civil procedural law are in different legal systems and have their own characteristics, both still have a common point in terms of the regulation and function of the Object of Dispute (OOD). OOD in both systems serves as the core of the lawsuit which is the basis for the judge's assessment of the legality, existence of rights (Calo et al., 2023), or losses caused. Thus, both in PTUN procedural law and civil, OOD has a central position that determines the direction of proof, the scope of the dispute, and the expected form of legal remedy. In both systems, the existence of OOD is an absolute requirement for a lawsuit to be considered valid and acceptable to the court. If there is no clear OOD, then the lawsuit can be declared *niet ontvankelijk* (unacceptable). In both civil procedure law and the State Administrative Court, the plaintiff must explain in detail what is the object of the dispute, whether it is a civil right that is violated or an adverse administrative decision. OOD serves as a basis for determining the causal relationship between the defendant's actions and the losses suffered by the plaintiff (Solum, 2004).

Both in the procedural law of the PTUN and the civil, clarity and specifications of OOD are a must. The lawsuit must explicitly state the object in dispute, either in the form

of a State Administrative Decree (KTUN) in a PTUN case or civil rights or obligations in a civil case (Mulligan & Staszewski, 2012). This aims to ensure the existence of *due process of law*, where the defendant knows exactly what is being demanded and the judge can examine the case objectively and in a directed manner. Therefore, the principle of OOD clarity is universal in the procedural law system. OOD in both legal systems also functions as an instrument of protection for the subjective rights of citizens. In civil cases, OOD reflects individual rights that come from private legal relationships, while in PTUN cases, OOD is related to subjective rights that are harmed by state administrative actions. However, both are based on rights restoration efforts as the main goal of litigation. Thus, both the PTUN and civil systems have similarities in making OOD a representation of legal rights that need to be protected through the judicial process (Hasanudin et al., 2024).

OOD in these two legal systems also plays a role in the context of correction or restoration of legal violations that have occurred. In the procedural law of the PTUN, the correction is realized through the cancellation of the invalid KTUN, while in the civil procedure law, the recovery is carried out through a decision ordering achievements, compensation, or termination of unlawful acts. In other words, the OOD is an entry point for the court to assess whether the disputed action is contrary to legal norms and whether restoration of rights is necessary.

The similarities in the structure and function of OOD in the procedural law of the State Administrative Court and civil law show the existence of common legal reasoning built on the basis of procedural justice and legal certainty(Hasanudin et al., 2024). In both systems, judges are required to verify the validity of OOD before moving on to the substance of the case. This proves that OOD is not just a formal element, but also normative and substantive in law enforcement. This similarity shows that despite the different systems, procedural law in Indonesia is built on similar principles in ensuring that citizens' rights can be processed and restored through judicial mechanisms.

4. Conclusion

From the results of this study, it can be concluded that although the PTUN and the civil court both handle legal disputes, the fundamental differences lie in the type of legal subject, the nature of the object of the dispute, and the underlying principles. On the other hand, there are potential tangents in the case of objects that are civil in nature but are issued by state administrative bodies or officials, which gives rise to jurisdictional overlaps. Therefore, it is necessary to affirm norms and harmonize the regulation of absolute authority to avoid legal dualism that is detrimental to justice seekers. This research makes a theoretical and practical contribution in strengthening the boundaries of the absolute competence of the judiciary in Indonesia.

In the procedural law system of the State Administrative Court, OOD is rigidly defined as a State Administrative Decree (KTUN) that has concrete, individual, final criteria, and causes legal consequences for a person or legal entity. On the other hand, in civil procedural law, OOD is more flexible, covering civil rights and obligations born from horizontal legal relationships between equal legal subjects. Despite differences in the form, source, and character of the legal relationship underlying OOD, both systems place OOD as a central element in the lawsuit structure. OOD is a foothold that determines the formal validity of a case, the direction of proof, and the form of legal remedy that can be provided by the court. Both the PTUN and the civil courts, in principle, aim to provide justice through the restoration of violated rights—albeit through different mechanisms and approaches.

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