

An Analysis of Judicial Reasoning as a Form of Breaking and Legal Discovery for Ecological Justice

Analisis Pertimbangan Hakim sebagai Bentuk Rule Breaking dan Rechtsvinding untuk Keadilan Ekologis

Muhammad Rizky Aditiya¹ , Ikomatussuniah² , Ahmad Rayhan³ 

¹⁻³Sultan Ageng Tirtayasa University, Indonesia

Article Info

Corresponding Author:

Penulis Korespondensi

✉ mrizkyaditiya48@gmail.com

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Abstract

Post-Job Creation Law, environmental approvals are trapped in rigid administrative formalism, ignoring geological vulnerability. This article aims to examine judicial reasoning in Decision No. 59/G/LH/2023/PTUN.JKT as rule-breaking and rechtsvinding for ecological justice. This empirical legal research employs statutory, conceptual, and sociological approaches, utilizing data derived from qualitative interviews and literature reviews. The findings demonstrate that judges performed rule-breaking by deliberately bypassing formal administrative compliance to prioritize public safety. Furthermore, rechtsvinding was successfully implemented through the dominus litis principle when comprehensively examining complex scientific evidence. Ultimately, this corrective ruling perfectly actualizes the Progressive Legal Theory and the Legal Development Theory, asserting unequivocally that corporate investment execution must strictly submit to the absolute ecological threshold boundaries. Therefore, administrative procedures cannot justify ecologically destructive actions; substantive environmental protection must remain the paramount judicial objective to guarantee intergenerational sustainability across modern Indonesia.

Abstrak

Penerbitan persetujuan lingkungan pasca regulasi Cipta Kerja kerap terjebak pada formalisme administratif yang kaku, mengabaikan kerentanan geologis. Artikel ini bertujuan mengkaji pertimbangan hakim pada Putusan PTUN Nomor 59/G/LH/2023/PTUN.JKT sebagai terobosan hukum dan penemuan hukum demi keadilan ekologis. Penelitian yuridis empiris ini menggunakan pendekatan perundang-undangan, konseptual, serta sosiologis bersumber dari wawancara dan studi kepustakaan. Hasil studi menunjukkan bahwa Majelis Hakim berani melakukan terobosan dengan mengesampingkan kepatuhan syarat administratif demi memprioritaskan keselamatan rakyat. Selanjutnya, penemuan hukum diimplementasikan secara aktif melalui asas dominus litis dalam menguji bukti ilmiah. Putusan korektif ini adalah perwujudan murni Teori Hukum Progresif dan Teori Hukum Pembangunan yang menegaskan bahwa pelaksanaan investasi ekonomi wajib tunduk patuh pada batasan mutlak ambang batas ekologis. Prosedur administrasi tidak boleh melegitimasi kerusakan, karena perlindungan kelestarian lingkungan tetap menjadi tujuan hukum paling utama untuk menjamin masa depan bangsa Indonesia secara berkelanjutan sepenuhnya.



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A. INTRODUCTION

1. Background

The Administration of National Economic Development must be predicated on the principle of sustainable development, as mandated by Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia.¹ The state bears absolute responsibility to control and manage natural resources for the greatest prosperity of the people while steadfastly preserving the sustainability of environmental functions.² State administrative law instruments play a vital role in controlling the utilization of these natural resources, specifically through the licensing mechanism, which serves as a preventive measure against potential ecological damage.

The dynamics of environmental law in Indonesia experienced a fundamental shift following the enactment of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law.³ The elimination of the provisions in Article 40 of Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH) implicates the severance of the legal nexus between environmental requirements and business licensing. This condition potentially reduces the function of environmental documents, shifting them from their original role as control instruments to mere formal administrative requirements.⁴ This situation frequently traps licensing instruments in a rigid positivistic-legalistic approach, where the validity of a permit is measured solely by compliance with paper documents, without accounting for the substance of actual ecological threats.

Regarding the impact of this deregulation, various preceding studies have highlighted the regression in environmental protection and the gridlock of dispute resolution in the administrative court. A study conducted by Abdul Rokhim (2022) asserts that the enactment of the Job Creation regulation has degraded the substance of environmental legal norms, notably by stripping away the primary characteristics of the

¹ Cipta Indralestari Rachman dan Endra Wijaya, "Persetujuan Lingkungan dalam Perspektif Hukum Administrasi Negara," *Jurnal Legal Reasoning* 6, no. 1, (2023), 43, <https://doi.org/10.35814/jlr.v6i1.312>.

² Yusuf Kornelius, "Urgensi Pencabutan Perizinan Kegiatan Tambang Pasir Laut Sebagai Upaya Pelestarian Lingkungan Hidup Masyarakat Pesisir," *Hukum Inovatif: Jurnal Ilmu Hukum Sosial dan Humaniora* 1, no. 2, (2024), 87, <https://doi.org/10.62383/humif.v1i2.108>.

³ Muhammad Ilham Nur, Natasha Fraiskam, Renti Friska Pangaribuan, dan Edo Clarita Samad, "Persetujuan Lingkungan dalam Undang-Undang Cipta Kerja dan Dampak Dari UU Ciptaker Bagi Lingkungan," *Jurnal Syntax Admiration* 2, no. 12, (2021), 2354, <https://doi.org/10.46799/jsa.v2i12.362>.

⁴ Kornelius Benuf, Abram Robert Aritonang, & Supriardoyo Simanjuntak, "Kebijakan Penghapusan Izin Lingkungan dalam RUU Cipta Kerja dan Dampaknya terhadap Pembangunan Berkelanjutan di Indonesia," *Jurnal Hukum & Pembangunan* 51, no. 1, (2021), 44, <https://doi.org/10.21143/jhp.vol51.no1.3091>.

strict liability principle.⁵ This alteration reverts the accountability system to the principle of fault (*liability based on fault*), which forces victims of pollution to prove the fault element of the legal offender. The weakening of these normative instruments evidently benefits corporations and renders environmental law enforcement increasingly difficult if it relies solely on the completeness of positive legal texts.⁶

In responding to the rigidity of written law and bureaucratic formalism, prior studies have emphasized the importance of breakthroughs by the judiciary. Research by Andriyani Masyitoh (2023) highlights the urgency of implementing *judicial activism* by judges of the State Administrative Court (PTUN) to balance the positions of the parties and realize ecological justice based on Pancasila. PTUN judges are demanded to break free from the paradigm of being mere “mouthpieces of the law” that solely examine formal validity, and must act proactively (*dominus litis*) in unearthing material truth through legal discovery. Furthermore, amidst palpable ecological threats, PTUN judges are encouraged to optimize the utilization and examination of scientific evidence as a manifestation of applying the precautionary principle in court proceedings.

Although the discourse on the degradation of normative environmental protection and the urgency of *judicial activism* in the PTUN has been established, empirical studies that specifically dissect how PTUN judges execute concrete breakthroughs to annul environmental approval instruments post-Job Creation Law remain highly limited. This legal dogmatic challenge and research gap materialized tangibly in the environmental dispute concerning the issuance of the Decree of the Minister of Environment and Forestry Number SK.854/MENLHK/SETJEN/PLA.4/8/2022 on August 11, 2022. This decree granted Environmental Feasibility Approval for zinc and lead mining activities to PT Dairi Prima Mineral in Dairi Regency, North Sumatra. The issuance of this disputed object triggered a legal conflict because, even though the area factually possesses high geological vulnerability, the administrative approval was still passed, thus prompting a lawsuit to the Jakarta PTUN.

The trajectory of this dispute reveals a sharp disparity and a clash of paradigms in the interpretation of environmental administrative law across different judicial levels. At the appellate level, the Jakarta High State Administrative Court (PTTUN) through Decision

⁵ Andriyani Masyitoh, “Judicial Activism oleh Hakim Peradilan Tata Usaha Negara dalam Penyelesaian Sengketa Lingkungan Hidup” (Ringkasan Disertasi, Yogyakarta: Universitas Islam Indonesia, 2023), 43.

⁶ Putusan Pengadilan Tata Usaha Negara Jakarta Nomor 59/G/LH/2023/PTUN.JKT, 24 Juli 2023, Page. 338.

Number 265/B/LH/2023/PT.TUN.JKT annulled the first-instance decision and rejected the citizens' lawsuit entirely.⁷ The appellate panel of judges utilized a highly formal-procedural approach, assessing that the issuance of the permit was valid because it had involved the community, evidenced merely by a meeting attendance list. The appellate judges tended to maintain the *status quo* and acted solely as the mouthpiece of the law (*la bouche de la loi*), disregarding the substance of the ecological threat simply because the administrative requirements on paper had been fulfilled.

The dynamics of this dispute then reached its peak at the cassation examination level through the Supreme Court Decision Number 277 K/TUN/LH/2024, which upheld the Jakarta PTUN Decision Number 59/G/LH/2023/PTUN.JKT. In this decision, the Panel of Judges adopted a diametrically different stance from the appellate judges. The Supreme Court and the Jakarta PTUN were not fixated on the formality of document completeness; instead, they unearthed material truth through the validation of scientific evidence regarding the risk of geological vulnerability at the mining site.

This judicial step demonstrates a phenomenon wherein the judges conducted legal discovery (*rechtsvinding*) and a legal breakthrough (*rule breaking*) against the rigid administrative judicial norms. The judges courageously set aside the certainty of formal licensing procedures and chose to prioritize the principle of public safety (*salus populi suprema lex esto*) as the supreme law. The act of deviating from legal formalities to prevent irreversible ecosystem damage constitutes a positive anomaly in the practice of state administrative courts, which have historically been known to be highly procedural.

Departing from the aforementioned elaboration, the phenomenon of contradiction between formal administrative certainty and substantive ecological justice in this dispute has become a highly urgent matter for further research, as well as to fill the void (*state of the art*) of previous studies. Therefore, this article focuses its study on analyzing how the judges' legal reasoning can be qualified as a legal breakthrough (*rule breaking*) and legal discovery (*rechtsvinding*) in realizing ecological justice in the Jakarta PTUN Decision Number 59/G/LH/2023/PTUN.JKT. Specifically, this article argues that the judges' action of setting aside formal administrative completeness in the *a quo* case does not constitute an overreach of authority (*ultra vires*), but rather a form of absolute judicial correction. Through *rule breaking* and *rechtsvinding*, this decision formulates a new standard of

⁷ Putusan Pengadilan Tinggi Tata Usaha Negara Jakarta Nomor 265/B/LH/2023/PT.TUN.JKT, 22 November 2023, Page. 14.

legality: in facing the threat of irreversible geological vulnerability, rigid compliance with administrative legal texts must be subjugated under the supremacy of public safety and the ecological threshold.

2. Research Questions

Based on the constellation of issues outlined in the background, the focus of this article is directed at dissecting the judicial reasoning employed when the judges decided to set aside formal administrative certainty to prioritize the protection of public safety. Therefore, the research questions in this study are divided into two main dimensions.

First, how can the qualification of the Panel of Judges' legal reasoning as a manifestation of a legal breakthrough (*rule-breaking*) serve as an instrument of judicial correction against administrative formalism in environmental licensing?

Second, how does the implementation of legal discovery (*rechtsvinding*) through the principle of active judging (*dominus litis*) and the examination of scientific evidence in the Jakarta Administrative Court Decision Number 59/G/LH/2023/PTUN.JKT effectively realize substantive ecological justice?

3. Research Methodology

This research is an empirical legal study (*socio-legal research*) that positions the Jakarta Administrative Court Decision Number 59/G/LH/2023/PTUN.JKT not merely as a doctrinal text, but rather as a product of judicial behavior interaction in responding to socio-ecological dynamics. To dissect the rationality of the decision, the operationalization of this study integrates a case approach, a statute approach, and a conceptual approach. The case approach is specifically utilized to analyze the clash between the procedural paradigm and ecological justice within the *ratio decidendi* of the first-instance, appellate, and cassation decisions.

The validity and depth of the data analysis are supported by source triangulation. Primary data were unearthed through direct in-depth interviews (*in-depth interview*) with the Honorable Budiamin Rodding, S.H., M.H., acting as the Chief Judge of the Panel adjudicating the *a quo* case. This interview is positioned as a vital instrument to uncover the internal reasoning and judicial motivation behind the courage to perform *rule-breaking*, information that cannot be derived solely from reading the text of the decision. The primary data were subsequently analyzed in conjunction with authoritative primary legal materials (the Environmental Protection and Management Law, the Job Creation Law, and Supreme Court Regulations) and analyzed descriptively and qualitatively to

produce a solid prescription regarding the operation of the *dominus litis* principle in adjudicating environmental disputes fraught with geological vulnerability.⁸

B. DISCUSSION

1. The Qualification of Legal Breakthrough (*Rule-Breaking*) as an Instrument of Judicial Correction against Administrative Formalism

The judicial dynamics in the environmental dispute of PT Dairi Prima Mineral present a sharp paradigmatic constellation between rigid legal positivism and liberating legal progressivism. On the one hand, the Jakarta High State Administrative Court (PTTUN) in Decision Number 265/B/LH/2023/PT.TUN.JKT demonstrated a highly formal-legalistic judicial portrait. The appellate panel of judges annulled the first-instance decision on the grounds that the Defendant had fulfilled all stages of administrative procedures, including community involvement, evidenced by formal documents such as meeting attendance lists.

The legal reasoning of the appellate judges reflects an approach to law that Satjipto Rahardjo terms as "maintaining the *status quo*." In this paradigm, the law is solely viewed as an autonomous and closed regulatory scheme (*closed logical system*), where justice is measured exclusively by the conformity between facts and the literal text of the rules.⁹ The appellate judges were trapped in a binary logic: if there are meeting invitations and attendance lists, the participation is deemed valid. This approach ignores the sociological reality that physical presence in a meeting does not necessarily guarantee the channeling of the community's true aspirations (*meaningful participation*), especially for citizens opposing the mine due to the fear of disasters.

Conversely, the panel of judges at the Jakarta PTUN and the Supreme Court took a diametrically different path. Both judicial levels opted to execute a legal breakthrough (*rule-breaking*) by setting aside the administrative formalities that were used as absolute references by the appellate judges. The first-instance and cassation panels of judges were not fixated on whether the procedures had been undergone, but rather on whether those procedures were capable of protecting public safety. This stance is a manifestation of law with a liberating character (*liberating*),¹⁰ emancipating justice seekers from the shackles of procedures that oppress their substantive rights.

⁸ Sulisty Basuki, *Metode Penelitian* (Jakarta: Wedatama Widya Sastra, 2006), Page. 78.

⁹ Satjipto Rahardjo, *Hukum dalam Jagat Ketertiban*, (Jakarta: UKI Press, 2006), Page. 97.

¹⁰ Satjipto Rahardjo, 2006, *Ibid.*, Page. 158.

The first-instance judges in Decision Number 59/G/LH/2023/PTUN.JKT explicitly criticized the formality of community involvement conducted by the Defendant. The judges assessed that although there was administrative evidence of community attendance, the participation was meaningless as it failed to accommodate the voices of opposition based on safety risks. This reasoning is contained on page 336 of the decision, which states:

The essence of involving directly affected communities in the drafting of the ANDAL Addendum for PT. Dairi Prima Mineral is not limited to the formality of its implementation; rather, it is mandatory to consider the effectiveness and success of conveying the message to all community groups. The Initiator and the Government, as state administrators in a *Welfare State*, protect the rights of the community and accommodate every reason for objection, while explaining the steps for resolution.

The excerpt above indicates that the first-instance judges transcended the literal reading of regulatory texts towards the spirit and purpose of the law. The judges refused to rigidly verify administrative documents. Instead, the judges employed their conscience and social sensitivity to assess that procedures which are valid on paper were actually morally and sociologically flawed for disregarding the community's fear of the threat of earthquakes and flash floods.

This progressive step was subsequently corroborated by the Supreme Court in Decision Number 277 K/TUN/LH/2024. The Cassation Judges corrected the error of the appellate judges by affirming that environmental justice must not be defeated by procedural arguments. The Supreme Court assessed that in conditions where there is a threat of irreversible environmental damage (*irreversible damage*), the court is obliged to prioritize the substance of environmental safety over administrative legal certainty. This constitutes a form of applying the principle that the safety of the people is the supreme law (*Salus Populi Suprema Lex Esto*).

An analysis of this contradiction in decisions is highly relevant when dissected using the Progressive Legal Theory conceptualized by Satjipto Rahardjo, which teaches that “the law is for humans, not humans for the law.” The courage of the Jakarta PTUN Judges and the Supreme Court in refusing to be mere “automatons” of the statute is a tangible manifestation of this principle. The critique against this rigid legal formalism also gains legitimacy from the perspective of the Honorable Budiamin Rodding, S.H., M.H., acting as the Chief Judge of the Panel, who emphasized that judges must not be constrained solely by a formal-legalistic approach. The judges realized that blind compliance with

procedures amidst real disaster threats would injure the sense of justice; thus, procedures that endanger human existence absolutely must be broken through. This proves that the *rule-breaking* performed was not judicial arbitrariness, but rather a measured judicial response.

The legal breakthrough executed by the Jakarta PTUN Judges can also be viewed as an effort to restore the function of state administrative law as a means of public service, not merely an instrument for legitimizing power. Philipus M. Hadjon, within the repertoire of administrative law, stated that every governmental action must be based on *bestuurszorg* (the provision of public welfare).¹¹ An environmental approval issued without carefully considering disaster risks is an action contrary to the *bestuurszorg* function, because instead of providing welfare, the permit creates potential misery (disaster).

The act of setting aside this formalism can also be interpreted as an effort to maintain order in a broad sense, when viewed from the perspective of Mochtar Kusumaatmadja's Legal Development Theory. Order does not merely denote compliance with the text of rules, but also the harmony between positive law and socio-ecological realities.¹² Allowing a mining permit to operate over an earthquake fault line simply because the documents are complete is a form of substantive disorder that will disrupt the stability of national development in the future. Therefore, this judicial correction is necessary to straighten the trajectory of development so that it aligns with environmental carrying capacity.¹³

Setting aside this formalism also aligns with the spirit of Supreme Court Regulation Number 1 of 2023, which requires environmental judges to act proactively and be pro-nature (*pro-natura*).¹⁴ When scientific evidence indicates that the location is hazardous, administrative evidence in the form of recommendation letters or meeting minutes becomes irrelevant and must be set aside to prevent disasters. This judicial step by the

¹¹ Philipus M. Hadjon, dkk., *Pengantar Hukum Administrasi Indonesia*, (Yogyakarta: Gadjah Mada University Press, 2002), Page. 27.

¹² M. Zulfa Aulia, "Hukum Pembangunan dari Mochtar Kusuma-Atmadja: Mengarahkan Pembangunan atau Mengabdikan pada Pembangunan?," *Undang: Jurnal Hukum* 1, no. 2, (2018), 365 <https://doi.org/10.22437/ujh.1.2.363-392>.

¹³ Mochtar Kusumaatmadja, *Konsep-Konsep Hukum dalam Pembangunan*, (Bandung: Alumni, 2011), Page. 10.

¹⁴ Saifullah Fakhreza Shah, Alvi Syahrin, & Sutiartono, "Eksistensi Prinsip In Dubio Pro Natura dalam Penegakan Hukum terhadap Pelaku Pencemaran Lingkungan Hidup," *JIHHP: Jurnal Ilmu Hukum, Humaniora dan Politik* 5, no. 6, (2025), 5183, <https://doi.org/10.38035/jihhp.v5i6.5855>.

Jakarta PTUN and the Supreme Court essentially resonates strongly with global judicial trends in applying the Precautionary Principle doctrine and the concept of Environmental Constitutionalism. This decision affirms that the right to a healthy environment is recognized as a fundamental right possessing absolute supremacy, thus legally and rationally capable of overriding any form of investment procedure that is ecologically flawed.

2. The Implementation of Legal Discovery (*Rechtsvinding*) through the Application of the *Dominus Litis* Principle and the Examination of Scientific Evidence

The judicial dynamics in the environmental dispute of PT Dairi Prima Mineral present a sharp paradigmatic constellation between rigid legal positivism and liberating legal progressivism. On the one hand, the Jakarta High State Administrative Court (PTTUN) in Decision Number 265/B/LH/2023/PT.TUN.JKT demonstrated a highly formal-legalistic judicial portrait. The appellate panel of judges annulled the first-instance decision on the grounds that the Defendant had fulfilled all stages of administrative procedures, including community involvement, evidenced by formal documents such as meeting attendance lists.¹⁵ The judges proportionally shifted the burden of proof by applying the principle of active judging (*dominus litis*).

Although formally the burden of proof rests on the Plaintiff (the maxim of *actori incumbit probatio*), the panel of judges proportionally took over this burden by actively unearthing scientific evidence regarding earthquake risks. This aligns with the resource person's view that the state administrative court possesses characteristics fundamentally different from civil courts. The public law characteristics in this dispute demand a proactive judicial stance to dissect complex technical data. This active attitude is not a form of unfair partiality, but rather a judicial instrument to balance the positions of the parties to achieve material truth (*materiele waarheid*).¹⁶ Considering that the community often has limited access to technical and scientific data, judicial activism becomes highly crucial to ensure that ecological justice is not obscured by the thick walls of evidentiary formalities.

¹⁵ Wawancara Pribadi dengan YM. Budi Amin Rodding (Ketua Majelis Hakim pada Putusan Nomor 59/G/LH/2023/PTUN-JKT), 4 Desember 2025.

¹⁶ Abdul Rokhim, "Degradasi Norma 'Strict Liability' dalam Penegakan Hukum Lingkungan," *Yurisprud* 5, no. 2, (2022), 181, <https://doi.org/10.33474/yur.v5i2.14627>.

The active stance of the judges (*judicial activism*) in this decision has actually obtained legal legitimacy through Article 3 paragraph (2) of the Supreme Court Regulation (PERMA) Number 1 of 2023. This article obliges examining judges to unearth, follow, and understand the legal values of environmental protection and management, as well as the sense of justice living within society.¹⁷ Therefore, when the Jakarta PTUN Judges and the Supreme Court assessed that community participation in the drafting of the Environmental Impact Assessment (AMDAL) was meaningless, the judges were exercising a substantial control function as stipulated in Article 21 paragraph (1) letter b of PERMA Number 1 of 2023. The article affirms that the feasibility examination of an AMDAL includes the drafting procedures, which encompass the fulfillment of the community's right to meaningful access and participation. This is in line with the view of the resource person judge, who stated that participation must not merely be partial or a mere formality. According to him, in the context of community participation, even dissenting communities must be provided with socialization. Such participation is not solely limited to partial aspects; despite the difficulties, all elements of the community potentially affected must be included in the socialization process.¹⁸ The judges have made a breakthrough by not being trapped merely by the formal evidence of meeting attendance lists, but by testing the quality of such participation in accordance with PERMA standards.

This legal breakthrough also carries profound sociological implications. This decision restores the function of state administrative law as an instrument of social control against executive power, which tends to be exploitative. By annulling the mining permit in a highly risky location, the judges have upheld the principle that the safety of the people (*salus populi*) is the supreme law (*suprema lex*). This principle holds a higher standing than procedural legal certainty for investors. This judicial action aligns with Mochtar Kusumaatmadja's perspective that the law must guarantee order in development.¹⁹ Allowing investments to proceed over the real threat of ecological disasters is a form of disorder that will inevitably harm national development in the long run.

¹⁷ Aditya Yudi Taurisanto, "Judicial Activism dalam Penegakan Hukum Perdata Lingkungan Hidup," *Proceeding Legal Symposium* 4, no. 1, (2026), 245, <https://doi.org/10.18196/pls.v4i1.223>.

¹⁸ *Loc. cit.*

¹⁹ Mochtar Kusumaatmadja, *Hukum, Masyarakat dan Pembinaan Hukum Nasional* (Bandung: Binacipta, 1976), Page. 7.

The legal reasoning mandating the revocation of the disputed object simultaneously solidifies the operation of the Precautionary Principle within the realm of administrative justice. The judges progressively set a standard that scientific uncertainty, in this case, the absence of final recommendations regarding the dam's safety from potential earthquakes must not be used as an excuse by the government to delay efforts to prevent environmental damage, let alone to issue a permit. The judges' decision to annul the permit constitutes an implementation of the *in dubio pro natura* doctrine (when in doubt, decide in favor of nature). This affirms that state administrative legal instruments must not be merely reactive, but must act as a frontline defense (*preventive safeguard*) that absolutely prohibits state administrative officials from making decisions at risk of triggering catastrophic ecological disasters.

C. CONCLUSION

The legal reasoning of the Panel of Judges in the Jakarta Administrative Court Decision Number 59/G/LH/2023/PTUN.JKT is qualified as a legal breakthrough (*rule-breaking*) and legal discovery (*rechtsvinding*). In a practical sense, the judges did not merely act passively as enforcers of rigid administrative rules; rather, they courageously took corrective measures when compliance with such formal rules potentially threatened the living space of the community. In adjudicating this dispute, the Panel of Judges chose to set aside the fulfillment of licensing document requirements that were flawless only on paper, and prioritized the principle of public safety (*salus populi suprema lex esto*) to prevent environmental destruction exacerbated by geological vulnerability. This step is a tangible manifestation of the Progressive Legal Theory, which affirms the philosophy that the law is created to serve the safety of humanity and nature, rather than humans becoming prisoners of rigid legal texts. Simultaneously, this decision solidifies the pillars of the Legal Development Theory, wherein the court exercises a social engineering function to deliver a firm corrective message: no matter how strong the drive for economic development and investment may be, its execution must absolutely submit to the safe limits of the environmental carrying capacity (*ecological threshold*).

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