

## Enforcement of State Administrative Law Against Abuse of Authority by Officials In the Acts of Corruption

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### Article Info

Received: 2025-06-21

Revised: 2023-10-03

Accepted: 2023-10-12

### DOI:

10.47776/alwasath.v6i2/1660

### Keywords:

Administrative Law, Abuse of Authority, Corruption, PTUN (Administrative Court)

### Kata Kunci:

Hukum Administrasi, Penyalahgunaan Wewenang, Korupsi, PTUN (Pengadilan Tata Usaha Negara)

### Abstract

*This study employs a normative juridical method with qualitative analysis by examining legislation, court decisions, legal doctrine, and administrative enforcement practices related to abuse of authority. Case-based analysis is also applied to assess the implementation of the Administrative Court's (PTUN) role in reviewing and determining acts of abuse of power prior to criminal proceedings. The findings reveal that abuse of authority in corruption cases often arises from weak internal oversight, poor ethical standards, and the ambiguous interpretation of administrative powers. The Administrative Court functions as a preventive and corrective mechanism by testing and annulling administrative decisions that exceed legal limits. However, the effectiveness of its role remains constrained by limited coordination between administrative and criminal justice systems. This study contributes by emphasizing the need to strengthen judicial oversight, ethical governance, and regulatory synergy to support a corruption-free administration.*

### Abstrak

*Penelitian ini menggunakan metode yuridis normatif dengan analisis kualitatif melalui telaah peraturan perundang-undangan, putusan pengadilan, doktrin hukum, serta praktik penegakan administrasi terkait penyalahgunaan wewenang. Analisis berbasis kasus juga digunakan untuk menilai implementasi peran Pengadilan Tata Usaha Negara (PTUN) dalam menguji dan menentukan adanya penyalahgunaan kekuasaan sebelum proses pidana. Hasil penelitian menunjukkan bahwa penyalahgunaan wewenang dalam kasus korupsi sering muncul akibat lemahnya pengawasan internal, rendahnya standar etika, dan penafsiran kewenangan administrasi yang ambigu. PTUN berfungsi sebagai mekanisme preventif dan korektif dengan menguji serta membatalkan keputusan administratif yang melampaui batas hukum. Namun, efektivitas perannya masih terkendala oleh terbatasnya koordinasi antara sistem peradilan administrasi dan pidana. Penelitian ini berkontribusi dengan menekankan pentingnya penguatan pengawasan yudisial, tata kelola beretika, dan sinergi regulasi untuk mendukung administrasi yang bebas dari korupsi.*

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**How to Cite:** Fitria Dewi Navisa, "Enforcement of State Administrative Law Against Abuse of Authority by Officials In the Acts of Corruption," *Al Wasath Jurnal Ilmu Hukum* 6, No. 2 (2025): 83-94.

## INTRODUCTION

Administrative law, as described by E. Utrecht (1964), is a specific legal framework that regulates the exercise of governmental authority and enables public officials to carry out their designated functions<sup>1</sup>. As an instrument of governance, administrative law is fundamentally linked to the implementation of state power with the ultimate aim of achieving justice and public welfare<sup>2</sup>. However, the abuse of this authority by state officials has become a significant contributor to systemic corruption, collusion, and nepotism in various sectors of government<sup>3</sup>.

Corruption, understood as the misuse of public office for personal or group gain, is not only a legal offense but also a form of social deviance that threatens the foundations of justice and public trust<sup>4</sup>. It results in direct harm to the state and society, both economically and morally. Due to its far-reaching consequences, corruption is classified under special criminal law, demanding stringent legal treatment and sanctions.

Several high-profile cases in Indonesia illustrate how the abuse of administrative authority facilitates acts of corruption. One notable example is the 2020 case involving Edhy Prabowo, the Minister of Maritime Affairs and Fisheries, who was convicted of accepting bribes related to lobster seed exports, amounting to approximately IDR 25.7 billion<sup>5</sup>. Despite mitigating considerations such as prior conduct and cooperation during the trial, the court found that he had failed to support anti-corruption efforts and had misused public office for personal gain. He was ultimately sentenced to five years in prison and fined IDR 400 million. Another prominent case is that of Setya Novanto, former Speaker of the Indonesian House of Representatives (DPR RI), who was implicated in the Electronic ID Card (E-KTP) corruption scandal. His actions resulted in state financial losses of approximately IDR 2.3 trillion. Supported by extensive witness and expert testimony, the court concluded that he had abused his official position in the procurement process. He was sentenced to sixteen years in prison, fined IDR 1 billion, and stripped of his political rights<sup>6</sup>.

These cases illustrate how weak ethical standards, low moral accountability, and unchecked authority among state officials create opportunities for the misuse of power. When public officials fail to uphold their duties and instead convert public rights into private benefits, acts of corruption become systemic. Abuse of authority, in this context, refers to the exploitation of a position for personal or group advantage, whether committed individually or collectively<sup>7</sup>.

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<sup>1</sup> Sugiarto, Umar Said. (2020), Introduction to Indonesian Law, Jakarta, Sinar Grafika. P. 262.

<sup>2</sup> Soehino. (2013), State Science, Yogyakarta, Liberty. P. 148.

<sup>3</sup> Yasser, Bram, Mohammad. (2019), Testing the Elements of Abuse of Authority in State Administrative Courts in Relation to Criminal Acts of Corruption, Soumatra Law Review, Vol 2, No 1. Pg. 2.

<sup>4</sup> Danil, Ewil. (2021), Corruption, Criminal Act Concept and Its Eradication, PT. Raja Grafindo Persada. Pg. 1.

<sup>5</sup> Satrio, Arie, Dwi. (2021, July, 15), Benur Corruption Case, Edhy Prabowo Sentenced to 5 Years in Prison and a Fine of IDR 400 Million, INews.id: <https://www.inews.id/news/nasional/kasus-korupsi-benur-edhy-prabowo-divonis-5-tahun-penjara-dan-denda-rp400-juta>

<sup>6</sup> BBC NEWS.(2020, March, 29), E-KTP Case: Setya Novanto Sentenced to 16 Years in Prison, Fine, and Five-Year Political Revocation, BBC News Indonesia: <https://www.bbc.com/indonesia/indonesia-43579739>

<sup>7</sup> Malian, Shobirin.(2020), Abuse of Official Authority by State or Government Officials: Perspective of State Administrative Law and Criminal Law, Republica Law Journal, Vol 20, No 1.P. 103.

The legal basis for addressing such misconduct is clearly articulated in Article 3 of Law No. 31 of 1999 in conjunction with Law No. 20 of 2001 on the Eradication of Corruption. The law stipulates that any individual who abuses authority for personal, group, or corporate gain, thereby causing losses to the state or destabilizing the national economy, is subject to criminal sanctions. These include imprisonment ranging from one year to life, as well as substantial fines. Thus, the abuse of administrative authority in corruption cases is not merely an economic crime it is a direct threat to the welfare and prosperity of the public. By undermining social and economic rights, corruption erodes public trust in state institutions and impedes the realization of just governance.

Corruption manifests in various forms, each reflecting different methods, motivations, and power dynamics. Understanding these classifications is essential in analyzing how the abuse of authority undermines governance and public welfare<sup>8</sup>. Scholars and legal frameworks have identified several types of corruption, including: a) Transactive corruption is an act of corruption which leads to an agreement reciprocal between the giving parties and accept, for the benefit together with both sides both parties carry out the action. b) Corruption Extortion is an act of corruption that include forms certain, by means of the parties the giver is forced to take a bribe to prevent loss which threatens himself, interests, people, or things he finds valuable. c) Corruption invested is an act of corruption Which involves an offer goods or services without there is a direct relationship with certain benefits obtained by the giver, and the benefits expected to be obtained in the future. d) Corruption Nepotism is an act of corruption that takes the form of behavior or conduct that is very specific to social interactions where something is close to something. relationship to occupy public office. In other words, priority treatment in all forms that on the contrary to norms or regulations applicable. e) Corruption Autogenic is an act of corruption carried out or committed by an individual with the aim of having the opportunity to gain wealth whose knowledge and experience regarding something is only known to that individual. f) Corruption supportive is an act of corruption that refers to at the time of creating the atmosphere conducive aims to maintain or protect the existence criminal acts of corruption. g) Corruption defensive is an action corruption that is forced to be carried out by means of maintaining themselves from extortion or blackmail<sup>9</sup>.

These diverse forms of corruption do not merely disrupt administrative systems they directly threaten the fulfillment of economic, social, and cultural rights. These rights are part of the broader framework of internationally recognized human rights, which every state is obligated to respect, protect, and fulfill. Ensuring access to these rights is essential to ethical governance and social justice. The implementation of these rights is very important in international human rights (HAM) as a key ideology in running a good or ethical life for all elements of the state<sup>10</sup>. Here are some of the rights:

- a) The right to decent and adequate housing is the right to obtain a decent and fair standard of living, including clothing, which can be characterized as safe, comfortable and healthy family housing. Nutrition and community life determine balance, development, health and well-being. This is stated in Article 28H Paragraph 1 of the 1945 Constitution of the

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<sup>8</sup> Wahbi,Rahman.“Prevention of the Corruption Crime through Administrative Enforcement Mechanism Against Abuse of Authority”. 2024. *Journal of Law and Legal Reform* 5 (4): 2013 44. <https://doi.org/10.15294/jllr.v5i4.1849>.

<sup>9</sup> Djamil, Muhammad, Nasir.(2016), Public Ethics of State Officials in the Implementation of Clean Governance, *Journal of Political Studies and Development Issues*, Vol 12, No 1, Pg. 1764

<sup>10</sup> Mudjarab, Karina.(2019, January), Human Rights: Economic, Social, and Cultural Rights (Right to a Decent Life), Accessed December, 29, 2024.

ReserachGate:[https://www.researchgate.net/publication/330213262\\_Human\\_Rights\\_Economic\\_Social\\_and\\_Cultural\\_Rights\\_to\\_a\\_decent\\_life](https://www.researchgate.net/publication/330213262_Human_Rights_Economic_Social_and_Cultural_Rights_to_a_decent_life)

Republic of Indonesia which states that every human being must be physically and mentally prosperous, have a place to live and be in good health. We have been declared entitled to our environment and health. the services you receive.

- b) The right to education or the right to education is the human right of every individual to the best possible education.
- c) Right to Health, Health is a natural human construct. Everyone has the right to protect their health, because this is a fundamental characteristic. This provides access to Indonesian citizens to their rights as stipulated in Article 34.3 of the 1945 Constitution of the Republic of Indonesia and provides the right to society to live in peace. The provision of health care facilities is the constitutional responsibility of the state, and the state is also responsible for ensuring that the community has access to these health care facilities. Basic health needs are the need for medical services to help sick people recover and enable their peers to live normal lives. How do you raise money, where do you raise money, how do you take risks at the same time, how do you raise money and make the most of it?" period. It is important to pay attention to the elements. effective way.
- d) Child Rights. Every child born is automatically endowed with basic rights. The Constitution stipulates that the state takes care of poor and abandoned children. The term abandoned is not only defined in relation to homeless, neglected and street children. It refers to a child who lives with a single parent but does not have basic human rights under the current constitution, especially those related to the strengthening and enforcement of human rights. Make the definition of retirement more concrete and measurable. Children's rights are the main justification for humanitarian action. It is also related to their future survival.

Children's rights are rights granted to all children born in the womb (ages 0-18). The agenda of the Convention on the Rights of the Child is a joint agreement of various elements of the State, reaching points of agreement contained in the Indonesian National Ordinance on Protection, Law Number 23 of 2002. Children. There are comprehensive principles: non-discrimination of children, the best interests of the child, life insurance, and child participation. This principle is then emphasized in the Child Protection Law, which stipulates the rights of four children. When a deviation from this authority occurs (corruption committed by officials), the rights of the community above have been taken away for their actions. So that it can cause the continuity of the rights that they should receive. This behavior is absolutely not justified and there is no legal forgiveness for acts of abuse of authority because dishonest behavior in carrying out their duties gives the impression of a violation of the ethics of state officials.

Based on the above description, this research will study on the following principal problems: What is the Violation of Ethics by State Officials in Their Authority of Office? What is the Elements of Abuse of Authority in Criminal Acts of Corruption? How is the Law Enforcement and Settlement of Abuse of Authority?

## METHOD

This study employs a normative-descriptive research design, which aims to analyze legal principles and practices concerning state administrative sanctions related to the abuse of power by corrupt officials. The research is primarily library-based, relying on both primary and secondary legal materials to provide a comprehensive normative analysis.

Primary sources include legislation, regulations, and judicial decisions relevant to administrative punishment and corruption cases. Secondary sources comprise academic books, peer-reviewed legal journals, conference papers, and credible online databases. Data were collected through a

systematic process of literature review, document analysis, and note-taking, focusing on identifying, classifying, and interpreting legal norms and theoretical perspectives.

The collected materials were then subjected to qualitative content analysis to explore patterns, interpretations, and doctrinal coherence. This approach allows for a detailed examination of how administrative law addresses the misuse of authority, as well as its implications within the broader framework of public law. The analytical process involves descriptive, comparative, and evaluative reasoning, ensuring that findings are both theoretically grounded and contextually relevant to current legal practice.

## RESULT AND DISCUSSION

### Violation of Ethics by State Officials in the Exercise of Their Authority

Ethics (Ethos) is Greek, which means good behavior or attitude, or customs. Ethics are the quality of moral benchmarks in life. Moral values and norms that are used as a guideline for a person or a group in regulating behavior (K. Bertens)<sup>11</sup>. This becomes a guideline or guideline for behavior in daily life, so that good governance requires good ethics to carry out its duties properly.

The most common violations of civil servant ethics are corruption, collusion and nepotism (KKN), and gratification. Abuse of power or inability to manage government finances motivated by the desire to enrich oneself or a group can result in the weakening of public services and the government. This behavior provides an ethical or moral basis for civil servants in the form of norms, common sense, and the application of existing laws. The importance of ethics by civil servants is expected because it fosters trust in civil servants and is expected in the process of fulfilling the needs of the community. As a rule, civil servants are bound by legal norms and human values. Making the definition and implementation of policies accountable. The issue of ethics is raised not only by the many rules that limit the morals and behavior of civil servants, but also by the many requirements that demand adherence to basic values<sup>12</sup>. However, if they are willing to take on leadership roles, they must recognize the core values that they must uphold for the good of the citizens they represent.

Efforts to create clean government conditions cannot be separated from ethical awareness. The ethics of state officials are the main or important thing in the implementation of a conducive government<sup>13</sup>. These moral guidelines become references or benchmarks in behavior, so that with these efforts to realize a clean, transparent, and disciplined government will be easily achieved. On the one hand, failure to implement these ethics leads to unfavorable behavior, damage to the image of the government system, and loss of respect and trust from the wider community. This is a crime that cannot be separated from government abuse. Formally. Part of the fact that civil servants are less transparent in all their decisions and actions, in addition to their inefficiency, especially when planning roads and construction projects, seems deliberate.

A state official can build his commitment as an actor or implementer in maintaining the morality of his government with ethics. Ethics make a person controlled in honest, good behavior, and make him responsible in carrying out his duties. The community wants and expects a leader who

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<sup>11</sup> Kurniawa, Aris. (2023, November, 05), Understanding Ethics Guru Pendidikan.com:<https://www.gurupendidikan.co.id/pengertian-etika/>

<sup>12</sup> Marzuki, S., & Ali, M. (2024). Judicial ethics violations: Legal aspect and the role of judicial supervision. *Corporate Law & Governance Review*, 6(3), 17–26. <https://doi.org/10.22495/clgrv6i3p2>

<sup>13</sup> Anggraeni, Dewi. Adrinoviarini, “Strategi Pengawasan Terhadap Ujaran Kebencian Di Media Sosial Pada Pemilu: (Studi Kasus Pilgub DKI 2017)”. 2020. *AL WASATH Jurnal Ilmu Hukum* 1 (2): 99-116. <https://doi.org/10.47776/alwasath.v1i2.60>.



is trustworthy so that he can be responsible for his authority which is given with the aim of helping the state in improving the welfare of the people. However, when the ethics of the profession are violated, it makes the ethics have no meaning in carrying out the task, making the community reluctant so that it is difficult to trust the implementation of his duties. It is very clear that ethics can be a source of guidance for a professional in carrying out his duties. This is a challenge for those who are born with a soul that thirsts for satisfaction. It is very much hoped for them, of course, that state apparatus in representing the welfare and justice of the people can be responsible for ethics to be used as a foundation as a milestone or benchmark for acting and behaving in the midst of the wider community in carrying out their duties and functions with the aim of really running according to their respective duties and obligations<sup>14</sup>.

The expectation of a government system that is free from the practice of abuse of duty and abuse of authority, with the formation of ethics for government officials can meet expectations and increase public trust in the process of meeting public needs. Because it is required to be able to account for its policies and actions for its obligations to the community<sup>15</sup>. This public ethics aims to guarantee the integrity of officials and state apparatus in serving the wider community, so it is related to the practices of agencies on the agenda. Social, community, law, social, economic and political structures. power in forming a public policy is in the hands or grip of politicians and policy makers are part of the government's power. but because the public government in implementing or carrying out the political policy has authority broadly.

Ethics are fundamental references as instructions on how the wheels of government must run. To simultaneously assess the ethics of bureaucrats based on applicable ethical standards. Whether they have implemented ethics well or not, good or bad. Which will also be related to the policies implemented. The benchmark for the success of bureaucrats in carrying out their duties and authorities is not only based on the achievement of economic aspects, administrative systems and others.

However, the most important thing is to realize the essence of ethics, morality, especially in serving the public interest. In addition, public integrity also requires public officials to consider the balance between institutional assessments, personal aspects, and policies in public service to make moral commitments or agreements. Public mistakes, errors, and decision-making efforts can be seen as forms of moral error. This means that executives can be held accountable to others for results, risks, or policies. Or the action must bear the consequences of that responsibility. So moral error has a triad; 1) Suffering has no reason to tell the truth; 2) The perpetrator is responsible for his actions; 3) The perpetrator is responsible for his actions. It focuses on how "good intentions" can have practical meaning. Moral engagement that considers the balance of institutional judgment, personal dimensions and wisdom in public service.

There are various means and infrastructures that can be used to ensure good governance. Specifically, legal or institutional bodies, moral or ethical bodies, and political bodies. Public ethics tools are instruments to ensure the public integrity of politicians and public officials. Public integrity is a social virtue that must be trained and practiced participating in everyday community organizations and services. and relevant. Granting authority to criticize the behavior of public officials, so that they can voice their rights and opinions against decisions rather than public policies carried out by the bureaucracy which are mistakes because they are not in accordance with the ideals of the nation and the conditions of civil society. In accordance with the right to express

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<sup>14</sup> Dewi, Lies, Kumara. (2021), Violations of Bureaucratic Ethics in Government in Indonesia, Business Perspective Journal, Vol 1, No 1. Pg. 90

<sup>15</sup> Loc. Cit. Djamil, Muhammad, Nasir. P. 1761.

opinions in public, there are provisions in Law Number 9 of 1998 concerning freedom of expression in public<sup>16</sup>. This aims to continue to accompany the government system so that it can run conductively in accordance with the hopes of the community and the nation.

### **Elements of Abuse of Authority in Criminal Acts of Corruption**

In the context of state administrative law, abuse of power can arise from arbitrary interpretations of authority. It includes acts committed outside legal boundaries, exploitation of opportunities for personal or group interests, and the expansion of authority through actions that violate laws, regulations, or policies in any sector<sup>17</sup>. When the scope of authority is drafted broadly and loosely defined, it becomes vulnerable to misuse. Such ambiguity allows government officials to justify actions that deviate from legal intent, especially when responding to specific or practical situations<sup>18</sup>. The Conseil d'Etat was the first court to use it as a testing tool, and other countries followed suit. A public official is subject to *détournement de pouvoir* if the purpose of the decision taken or the action taken is in the private interest of the official rather than in the public interest (including family members) and not in the public order or the public interest or its allies<sup>19</sup>.

According to the Hoge Raad, abuse of power serves as a legal basis for judicial consideration in rendering a verdict. In Indonesia, the concept of abuse of authority is often invoked by parties who believe their interests have been harmed by decisions issued by competent institutions. To establish that an abuse of authority has occurred, it must first be examined whether the official in question genuinely engaged in unethical conduct. This requires clear evidence that the act was carried out consciously, without coercion, and/or was influenced by another party who encouraged the misuse of power<sup>20</sup>.

Research shows that many cases of abuse of authority occur either unintentionally or as a result of manipulation by others. The misuse of power may be motivated by personal gain or by the interests of others, whether individually or collectively. Therefore, determining intent and awareness is essential in assessing whether a transfer of authority or decision-making process was based on self-interest or external influence.

In general juridical terms, abuse of authority within the framework of the Government Administration Law is considered to occur when a governmental body and/or official, as stated in Article 18 paragraph (2) of the Government Administration Act, makes a decision and/or takes an action that violates the limits of their authority.

The Government Administration Law itself does not provide a clear definition or conceptual framework for "abuse of authority." Instead, it only outlines prohibitions against such conduct in three forms: 1) The prohibition of arbitrary actions, 2) The prohibition of exceeding authority, and 3) The prohibition of conflating or misusing authority.

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<sup>16</sup> Law Number 9 of 1998

<sup>17</sup> Hsb, Mara Ongku. (2025) "Abuse of Power Dalam Kontestasi Pemilihan Presiden Dan Wakil Presiden Tahun 2024". *AL WASATH Jurnal Ilmu Hukum* 6 (1): 1-12. <https://doi.org/10.47776/alwasath/dzmtgt13>.

<sup>18</sup> Bram Mohammad Yasser. (2019), Testing the Elements of Abuse of Authority in State Administrative Courts in Relation to Criminal Acts of Corruption, *Soumatra Law Review*, Vol.2 No 1, Pg. 4

<sup>19</sup> Malian, Sobirin. (2020), Abuse of Official Authority by State or Government Officials: Perspective of State Administrative Law and Criminal Law, *Republica Law Journal*, Vol 20, No. 1. Pg. 6

<sup>20</sup> Malian, Sobirin. (2020), Abuse of Official Authority by State or Government Officials: Perspective of State Administrative Law and Criminal Law, *Republica Law Journal*, Vol 20, No.1. Pg. 6

However, state administrative law experts view these formulations as vague and lacking conceptual clarity. Therefore, a more detailed and comprehensive interpretation is needed through deeper legal study and doctrinal analysis to ensure certainty and consistency in its application.

In the sense that it remains based on the applicable state administration norms. As is known, laws are formed by the legislature on the basis of the principle of legality which of course is generally binding and must be implemented and cannot be set aside or even unilaterally canceled by the institution that oversees it. So that the standardization of legislation remains in line with the implementation of its review. From the above considerations, it can be concluded that the authority to examine and determine what is meant by "abuse of power" in terms of corruption lies in the exclusive authority of the state administrative court on the concept of "abuse of power". The term 'abuse of power' in administrative law and 'abuse of power' in anti-corruption law are the same in theory and practice. The law that emerges later applies according to the principle of "lex posterior derogate Legi a priori"<sup>21</sup>.

### **Law Enforcement and Settlement of Abuse of Authority**

Administrative courts are empowered to receive, investigate, and determine allegations of abuse before criminal proceedings. This is regulated in Article 5(2)(1) of PERMA 2015, which provides procedural guidelines for trying abuse of power violations. State administrative courts have the authority to receive and review the results of APIP and determine whether there are indeed government agencies or officials whose interests are believed to have been compromised. Listed below are various types of evidence to assess the existence of abuse of power.

- 1) Witness testimony
- 2) Expert testimony
- 3) Letter or writing
- 4) Applicant's acknowledgment
- 5) Judge's knowledge, and
- 6) Other evidence in the form of electronic information or documents<sup>22</sup>.

In relation to the authority to dismiss, Public Officials (PPK) are authorized to decide on the dismissal of public officials through an agency called the State Administrative Regulation (KTUN). This law means that the decision of the state administrator is a written decision issued by a state administrative agency or official and includes legal acts or orders of the state government in accordance with applicable laws and regulations, and to certain individuals who state that the decision is final and final.

If you are an individual or other legal entity under civil law; This is more concise than the above and is broken down into several elements including:

- 1) Articles in writing

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<sup>21</sup> Malian, Sobirin.(2020), Abuse of Official Authority by State or Government Officials: Perspective of State Administrative Law and Criminal Law, Republica Law Journal, Vol 20, No.

1. Pg. 6

<sup>22</sup> Oktavira, Bernadheta, Aurelia. (2020, September, 10), Abuse of authority by government officials, administrative or criminal, Accessed on January, 01, 2022, Online Law:<https://www.hukumonline.com/klinik/detail/ulasan/lt5f561d694d51b/penyalahgunaan-wewenang-oleh-pejabat-pemerintahan--administrasi-atau-pidana>



- 2) Articles issued by officials or government agency officials
- 3) Including legal actions of government agencies based on statutory regulations
- 4) Specific, special and final
- 5) due to legal consequences or natural disasters for the company.

Labor disputes are a situation that not all civil servants want, but must be resolved in accordance with applicable laws and regulations so that data subjects can receive a fair and objective solution. One of the causes of the emergence of problems that are classified as problematic is the potential for abuse of power. Abuse of power is a government agency and/or official using power by abusing power, mixing power, and/or making decisions arbitrarily in accordance with the provisions and/or acting in the administration of government. Article 17 of the AP Law<sup>23</sup>.

Deviate from the intent or purpose of granting a power of attorney. Granting a permit to an official or state government official is always related to the "intent and purpose" of granting the permit, therefore the application for the permit must meet the "intent and purpose". to grant such power; A state manager has abused power when the exercise of power by an executive or state official is not in accordance with the "intent and purpose" of that power. Deviating from the intent and purpose related to the general principles of good corporate governance. The general principles of state management in Article 3 of Law No. 28 of 1999 (KKN) on Realizing a Clean Nation Free from Corruption, Collusion and Nepotism include:

- 1) Principle of public interest
- 2) The principle of legal certainty
- 3) Principles of orderly state administration
- 4) Principle of proportionality
- 5) Principles of professionalism
- 6) The principle of openness
- 7) Principle of accountability.

Abuse of power is closely related to the existence of illegality and ethical injustice in government decisions and actions of state bureaucrats. Decisions and actions/reversals of government or state bureaucracy generally have three main components: procedure, content, and authority. Legally distorted by the actions of the organizers<sup>24</sup>.

Certain steps are required to consider the validity or legality of the KTUN. One of them is to view the KTUN from a procedural/formal perspective in relation to the process of making and ratifying the KTUN. Therefore, the KTUN must be subject to the procedural rules that apply when it is a legal entity and in practice is subject to the provisions of applicable law. There are several material requirements that need to be considered: The stipulation must not contain legal deficiencies

- 1) The government organ that makes the decision must be authorized.
- 2) The decision must be based on a situation

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<sup>23</sup> Sudrajat, Tedi. (2017), Examining the Issue of Abuse of Authority in the Dismissal of Civil Servants, BKN e-journal, Vol 11, No. 2. P. 89.

<sup>24</sup> Sudrajat, Tedi. (2017), Examining the Issue of Abuse of Authority in the Dismissal of Civil Servants, BKN e-journal, Vol 11, No. 2. P. 89.

- 3) The stipulation must not violate the law, and the content and purpose of the stipulation must be in accordance with its basic regulations. Regarding the relationship pattern between the PPK as an official who is given the authority to dismiss and the dismissed PNS, there is a cause and effect relationship.

This means that the decision must be made by an agency (institution) authorized by it, and the establishment of the State Administrative Court can be free from legal errors. The determination of the problem must be in a form that is consistent with the provisions of the underlying laws and regulations, and the determination must also pay attention to the methods and procedures used to determine the problem or the decision-making process. The content and purpose of the rules must also be in accordance with the content and purpose of the basic rules. If there is a legal defect, we will cancel it. HAN Connection<sup>25</sup>.

Administrative Regulation Decision is a written decision by a government agency or official that includes factual, personal and final regulatory requirements based on applicable laws and regulations and can apply to any individual or person. There are legal implications. Administrative supervision is constitutional supervision that aims to ensure that it is carried out and works in accordance with applicable laws and regulations and that the achievement of these objectives does not violate laws and regulations. to decide. The difference, as stated by director Paulus Effendi Rothrung, is that the supervision is external (external). Authority Outside the competent authority, the principle of the legality of state administrative decisions is reviewed after a controlled or supervised legal process. a-posteriori.

Ineffective and invalid actions have serious consequences. The same applies to official actions that are declared void because the applicable requirements do not apply. However, if you tend to mix permissions, your results may be invalid. The influence of the judicial and guardianship powers corresponds to the influence of the state court system replaced by the government. Webgon records made at the time of the dismissal of an official may be canceled or rejected in accordance with these provisions.

A simple analogy is that it is impossible for a criminal act of corruption not to cause economic losses to a nation. However, the essence of corruption is the realization of abuse or abusive behavior. Therefore, state administrative judges must be persistent and involved in supervising these matters, especially in determining the achievement of good governance. In Indonesia, it is necessary to implement good governance in accordance with the concept of national politics. Law enforcement agencies and the government in interpreting abuse of power in the State Administrative Law (TUN) and corruption, are concerned that having Power is an absolute problem or that an investigation or initial examination of the investigation will prevent them from doing so. become a barrier, namely public officials suspected of committing corruption. Carrying out investigations into individual rights by the state administrative court. Synchronization in cases of abuse of duties in state administrative law and corruption<sup>26</sup>.

## CONCLUSION

The prohibition against the abuse of power is clearly stipulated in Articles 17 and 18 of Law No. 30 of 2014 concerning State Administration. These provisions emphasize that government

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<sup>25</sup> Sudrajat, Tedi, (2017), Examining the Issue of Abuse of Authority in the Dismissal of Civil Servants, BKN e-journal, Vol 11, No. 2. P. 89.

<sup>26</sup> Yasser, Bram, Mohammad, (2019) Testing the Elements of Abuse of Authority in State Administrative Courts in Relation to Criminal Acts of Corruption, Soumatra Law Review, Vol 2, No.1. Pg. 21

institutions and officials are strictly forbidden from engaging in any form of authority misuse, including the deviation, overlap, or arbitrary exercise of administrative power. This legal framework is reinforced by several other national regulations, such as the People's Consultative Assembly (MPR) Decree No. XI/MPR/1998 on the Implementation of a Clean Government Free from Corruption, Collusion, and Nepotism (KKN), and subsequent laws including Law No. 28 of 1999, Government Regulation No. 43 of 1999, Law No. 32 of 2004, Law No. 13 of 2005, Law No. 12 of 2008, and Law No. 25 of 2009 on Public Services. Collectively, these legal instruments aim to institutionalize the principles of transparency, accountability, and integrity in public administration.

Nevertheless, violations still occur due to individuals' pursuit of personal interests and the misuse of authority for self-gratification or political advantage. Such practices contradict the ethical and legal obligations of state officials to act for the public good. In a state governed by law (*rechtsstaat*), every exercise of public power must be based on and limited by law, while simultaneously ensuring the protection of human rights.

The State Administrative Court (PTUN) plays a crucial role as a judicial body authorized to review, adjudicate, and resolve disputes arising from the exercise of administrative authority. Its dual role—judicial and supervisory—serves as an essential mechanism to control government behavior and to promote good governance. Strengthening the supervisory function of the PTUN is therefore imperative, as it ensures the protection of citizens' civil rights and upholds the rule of law within Indonesia's system of administrative justice.

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