

The Role of State Administrative Law in Preventing Criminal Acts of Corruption By State Officials

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Abstract

Corruption in Indonesia is a serious problem, considered an extraordinary crime because of its widespread impact, detrimental to state finances, and damaging the nation's morals and integrity. This research aims to evaluate the role of state administrative law in preventing criminal acts of corruption by state officials, identify factors that influence its effectiveness, and formulate strategies for eradicating corruption from the perspective of state administrative law. The research method used is normative juridical analysis with statutory, conceptual and comparative approaches. Research findings confirm that state administrative law plays a crucial role in preventing corruption through the formulation of clear regulations, effective supervision, and implementation of administrative sanctions. However, its effectiveness is often hampered by weak law enforcement, lack of transparency, and political interference. Factors such as accountability, transparency and bureaucratic integrity have a significant influence on the success of administrative law in fighting corruption. The recommended strategy for eradicating corruption includes strengthening supervisory institutions, increasing the level of openness, community participation, and using information technology to increase efficiency and transparency in government administration.

I. Introduction

The crime of corruption is an extraordinary crime because it has wide-ranging negative impacts (Danil, 2021). In Indonesia, corruption often occurs in state institutions and the private sector, which results in state financial losses. Corruption is known as one type of crime that damages and harms the state, because it not only disrupts public finances but also damages the morals and integrity of the nation (Saputra & Firmansyah, 2023). This crime is arranged in a manner special in Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (UU Tipikor). Ironically, based on Databoks 2024 data, Indonesia is ranked fourth as the most corrupt country in ASEAN (Rinaldi, 2021). Weak law enforcement and the state bureaucratic system is vulnerable to corruption, take part on the high level of corruption. Although efforts to increase transparency and accountability and the establishment of institutions such as the Corruption Eradication Commission (KPK) have been made, there are still loopholes that are exploited by parties, state administrators in abusing their authority to corrupt practices (Rinaldi, 2021).

The inefficiency of the bureaucratic system in each state institution in Indonesia opens up wide gaps for corrupt practices and dishonesty carried out by state administrators. The bureaucracy between institutions which is still considered very hierarchical makes every job or things have to wait instruction and superior approval (Rinaldi, 2021). The Corruption Eradication Commission reported that from 2004 to September 2012, 339 people charged with corruption offenses had been detained, including 103 Echelon I, II, and III officials; 64 members of the DPR and DPRD; 58 regents and mayors; and 58 private companies. As various cases of ethical violations and corruption emerge, this number continues to increase. As of the end of November 2012, there were 1,091 problematic regional officials, including 767 who were convicted, 105 defendants, and 173 suspects; 284 of them were regional heads, including 17 governors (Sedarmayanti, 2012). The lack of supervision of government administration has resulted in a large number of gratifications and the bribes made. Based on Indonesia Corruption Watch (ICW) 2022 data, the potential loss in 252 corruption cases with 612 suspects in the first semester, with a value reaching more than IDR 33.6 trillion (Liputan 6, 2024). This figure has increased significantly along with the revelation of mega corruption cases in 2024. One of them is a corruption case involving PT Timah Tbk, with total state financial losses reaching IDR 271 trillion (Mahdi et al., 2022). In 2024, which is also the year of the General Election as a democratic political event, there is great potential for corruption to occur in order to meet the funding needs of political activities. PPATK has reported several times the findings of suspicious transactions ahead of the 2024 election. For example, a transaction of 1 trillion was found originating from environmental crimes and was detected flowing to members of

political parties (PPATK, 2024). In addition, around 36.6 percent of funds from the National Strategic Project were found to have flowed to Politicians and ASN (CNN, 2024; Tiawarman, 2024). The magnitude of state financial losses raises concerns and reduces the level of public trust in state administrators. Problems such as weak investigation processes, inquiries, judicial processes, and protection for reporters or information providers are things that still need more attention from law enforcement officers. This condition makes criminal sanctions for corruption cases no longer a threat to the perpetrators (Sunarso, 2012).

Corruption as an extraordinary crime requires an extraordinary handling strategy. With the rampant practice of corruption that damages public trust in the system, steps outside criminal law are becoming the norm. A good sea as a preventive and repressive measure. Therefore, the role of state administrative law is very strategic in maintaining the integrity and credibility of government administration and supervising the actions of state administrators so that they do not fall into corruption. State administrative law has a crucial role in preventing corruption. As a legal framework that regulates governance, administrative law establishes regulations that underlie transparency, accountability, and integrity in the duties of state administrators. Clear and strict regulations help reduce the space for corrupt practices by setting standards of behavior for public officials. In addition, administrative law also supports the establishment of supervisory institutions such as the Corruption Eradication Commission (KPK) to effectively combat corruption. Thus, administrative law not only functions as a tool for enforcing regulations, but also becomes the foundation for a clean and accountable government culture, which in turn helps in preventing corruption effectively.

2. Research Method

This research adopts a normative legal research method by referring to the basis of statutory regulations, legal principles, and legal doctrine. In addition, the author also analyzes legal concepts and views of legal experts to enrich the interpretation of the legal issues being discussed. This study applies two approaches, namely the statutory and conceptual approaches. First, the statutory regulatory approach is carried out by examining various relevant legal regulations, including the 1945 Constitution of the Republic of Indonesia, the Corruption Law, and the State Administration Law. Second, the conceptual approach refers to various views and doctrines in legal science, such as the concept of *stufenbau*, justice, usefulness, and legal certainty.

3. Results and Discussion

The Role of Administrative Law in Preventing Criminal Acts of Corruption Committed by State Officials

According to Prajudi Atmosudirdjo's view, state administrative law has three meanings, namely as a tool to support government functions, as part of the government apparatus, and as a process of implementing government tasks that require certain cooperation (Atmosudirdjo, 1981). Government apparatus is given authority and tasks through delegation, mandate, and attribution to carry them out effectively (Rini, 2018). This concept is in accordance with the provisions of the MPR Decree Number XI/MPR/1998 concerning Clean and Corruption-Free State Administration, which states that in accordance with the 1945 Constitution, the implementation of government is carried out by executive, legislative, and judicial institutions. The state administration system in Indonesia has undergone several changes along with constitutional amendments. Before the amendment to the 1945 Constitution of the Republic of Indonesia, the state administrator with the highest power was the People's Consultative Assembly (MPR), and the president was the highest government administrator under the MPR. The president and ministers do not have any accountability obligations to the DPR, and the head of state has unlimited authority (Nugraha, 2018). As Lord Acton put it, "power tends to corrupt, and absolute power corrupts absolutely." (Hill, 1999). This enormous power during the New Order was often abused, including the misuse of public funds, which ultimately led to corruption cases (Isra, 2009). The enormous authority of government institutions has great potential for abuse, therefore, limiting the authority of state administrators is a necessity (Syahrani et al., 2019).

In today's era of technological advancement, bureaucracy is vulnerable to infiltration. Corruption Crime. Therefore, law enforcement is needed so that legal norms can be used as guidelines for real behavior by society. One effort is through administrative law enforcement. This law enforcement includes legal protection both formally and materially (Hill, 1999). The term "law enforcement" here includes those directly involved in law enforcement. This group includes the judiciary, prosecutors, police, advocacy, and correctional institutions. Collaboration between institutions, such as the police and prosecutors, is needed to improve coordination in handling corruption cases. The main function of state administrative law is to protect the rights of the community by preventing abuse of power by state administrators. In addition, state administrative law also regulates government actions that are unfair, unlawful, or detrimental. A legal rule must meet two principles in order to be applied and obeyed by the community, namely the principle of legal formation and the application of law (Munaf, 2016). In addition to law enforcement officers in the realm of state administrative law, the role of the community is also important in law enforcement by increasing understanding of the law and awareness of the duties of state administrators so that the community can play an active role in overseeing the

implementation of government duties(Imron, 2016).

Administrative sanctions for corruption vary, ranging from reprimands, delays in promotion or salary, demotion, to dismissal or disqualification from certain positions or responsibilities(Aritonang, 2021). The purpose of imposing administrative sanctions is to create a deterrent effect on perpetrators of corruption, maintain discipline within the organization, and send a message to the public that corrupt behavior will not be tolerated(Albanese & Tri Wibowo BS, 2016). However, the effectiveness of administrative sanctions in combating corruption is often questioned due to various factors, including the lack of consistency and fairness in the application of sanctions, political interference that hinders law enforcement, and weaknesses in the supervision and disciplinary enforcement system within government institutions. Therefore, it is important for the administrative legal system to strengthen the supervision and enforcement mechanisms for administrative sanctions against corruption. This includes increasing the transparency, accountability, and independence of supervisory institutions, as well as providing sufficient resources and authority for supervisory institutions to carry out their duties effectively(Resmadiktia et al., 2023). In addition, it is also important to ensure that the process of implementing administrative sanctions is carried out fairly and transparently. With these steps, it is hoped that the administrative sanctions system against corruption can be an effective tool in eradicating corrupt practices at the administrative level.

To ensure that legal interactions between government officials and citizens run smoothly, it is important that each legal subject obtains its rights and fulfills its obligations. Legal steps taken by government officials in serving or regulating citizens are the initial steps in forming a legal relationship between the two. This is where the role of legal regulations as regulators of such legal interactions becomes very important. The rules that govern the relationship between the government and citizens are known as Administrative Law. Enforcement of Administrative Law, explained by P. Nicolai states "supervision by government bodies of compliance with legally established regulations and the implementation of individually imposed obligations, as well as the imposition of administrative sanctions"(Anggara, 2018). Nicolai's view is in line with the perspective conveyed by M. Hadjon, as it emphasizes that the tools for enforcing Administrative Law include supervision and the application of sanctions. Supervision functions as a preventive measure to ensure compliance, while the application of sanctions functions as an enforcement measure to ensure compliance(Hadjon, 2015).

In maintaining integrity and trust in the implementation of government and combating corruption, the administrative law supervision system has a very vital role. Through strict regulations and efficient supervision mechanisms, this system aims to prevent abuse of authority and corrupt practices in government institutions. However, facing challenges in corruption supervision is not a simple matter. Lack of transparency, weaknesses in law enforcement, and political interference are often the

main obstacles to effective supervision efforts. To increase its effectiveness, several strategic steps can be taken. First, strengthening supervisory institutions such as the Corruption Eradication Commission (KPK) by providing a stronger mandate and adequate resources. Second, increasing transparency and accountability in the implementation of government, and ensuring that the public has wider access to relevant information. It has been mentioned that in addition to supervision, law enforcement is also important. Law enforcement is the core of state administration, which is usually explained by sanctions at the end of the regulation. To ensure the enforcement of state administrative law, sanctions are needed. Philipus M Hadjon noted that there is generally no benefit in listing obligations and prohibitions for citizens in state administrative regulations if there is no effective enforcement mechanism.

There are some fundamental differences between administrative sanctions and criminal sanctions. In administrative sanctions, the focus is on the action taken, while in criminal sanctions, the focus is on the perpetrator of the action. Administrative sanctions are reparative-condemnatory, which aim to restore the original state and provide punishment, while criminal sanctions are punitive (Manao, 2018). The application of administrative sanctions can be carried out directly by the government without a trial, while criminal sanctions require a court process (Abdullah, 2021). Internal cumulation refers to the simultaneous imposition of two or more administrative sanctions, or the revocation of permits and/or the imposition of fines. These sanctions are imposed as a form of punishment or disciplinary action against perpetrators of corruption in the government administration or public sector. Unlike criminal sanctions which are imposed through the court process, administrative sanctions are internal and are applied by the administrative authority or authorized supervisory institution. Coordination between related institutions plays a very important role in efforts to eradicate corruption. Synergy between supervisory institutions, law enforcement, and the government is the main key to achieving maximum results in fighting corruption. Solid and targeted cooperation allows for the sharing of information, resources, and expertise, forming a strong foundation for identifying, investigating, and prosecuting corruption more effectively (Yusni, 2019).

With a deeper understanding of emerging corruption patterns, agencies can respond quickly and appropriately, taking necessary preventive and enforcement measures without communication or administrative barriers getting in the way. Good coordination between agencies also helps close gaps in law enforcement, by leveraging each agency's skills and authority to fill in any gaps or weaknesses that may exist. This ensures that there is no room for corruptors to evade responsibility for their actions. Cooperation between agencies also increases the effectiveness of investigations by combining the various areas and complex aspects of a corruption case. By working openly and transparently, agencies demonstrate to the public that eradicating corruption is a shared priority. This not only builds public trust but also sends a strong signal to corruptors that they will not escape their responsibilities.

Therefore, coordination between relevant agencies is not only a necessity, but a key element in the strategy to eradicate corruption. Only through solid and synergistic cooperation can we create an environment that is inhospitable to corrupt practices and ensure justice and integrity in governance(Candra, 2024).

Factors Influencing the Effectiveness of the Role of State Administrative Law in Efforts to Prevent Criminal Acts of Corruption by State Officials

From a legal perspective, supervision is carried out to ensure that the implementation of performance is in accordance with applicable legal regulations and achieves objectives without violating these norms. When supervision is related to state finances, this means evaluating whether the finances are obtained legally. The presence of misuse of state finances, both in theory and practice, emphasizes the importance of supervision consisting of internal supervision carried out by an organized body within the government itself, while supervision from outside the government by an independent body. In the field of state administrative law, supervision can only occur by applying the principles of transparency and accountability in the implementation of government. Excellent governance will emerge from clean government practices. The success of government can only be achieved if it is run efficiently, and the quality of government can be improved through the application of the principles of transparency and accountability(Rasul, 2012). In its implementation, the greater the authority an individual has in his position, the greater the possibility of deviation. This phenomenon also causes an increase in corruption cases. Corruption in Indonesia is often triggered by abuse of authority by government officials, public services that have not reached optimal standards, lack of transparency in the integrity structure of society, and a decline in morals and social values that result in individual priorities being prioritized over common interests. Therefore, strengthening state administrative law is very important as an effective strategy to prevent corrupt practices in Indonesia.

Efforts to prevent corrupt practices can be carried out by increasing the implementation of preventive state administrative law, such as strengthening leadership in government, increasing the efficiency of government administration, strengthening legal aspects in law enforcement, increasing integrity and collaboration in the bureaucracy and law enforcement officers, and increasing public awareness in eradicating corruption (Firmansyah & Syam, 2022). In the context of regulations related to administrative law, not only Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption highlights the relationship between criminal law and administrative procedural law, but also Law Number 17 of 2003 concerning State Finance, Law Number 1 of 2004 concerning State Treasury, and Law Number 15 of 2006 concerning the Audit Board of Indonesia (BPK). Administrative law includes the analysis of criminal law and civil law, with a close relationship between the two areas of law. However, there are differences in interpretation, especially regarding the concept of "abuse of authority" in Law Number 30 of 2014

concerning Government Administration, and "abuse of authority" in Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption(Rahim et al., 2023).

However, the factor that greatly influences the prevention of potential corruption by state administrators is the instillation of integrity principles from each individual. Strengthening the values that the implementation of tasks must be based on AUPB and based on the delegation of authority can fortify fraudulent actions carried out by state administrators. In the state administration system, AUPB must be obeyed as a legal norm (written) and ethical norm (unwritten) that applies. AUPB is very important because it helps TUN officials carry out their duties, functions as a testing tool for administrative judges to determine whether KTUN is valid, and functions as a basis for plaintiffs to file lawsuits(Solechan, 2019).

Corruption Eradication Strategy in the Perspective of State Administrative Law

Corruption is a serious problem facing Indonesia, hampering economic, social, and political progress. Within the framework of state administrative law, the approach to addressing corruption must be integrated with the principles of administrative law and the general principles of good governance. The concept of state administrative law provides an organized structure to regulate, supervise, and enforce the law against state administrators to reduce corrupt practices. One of the main foundations is Law Number 30 of 2014 concerning State Administration, which emphasizes the importance of the general principles of good governance (AUPB), including legal certainty, benefit, impartiality, accuracy, non-abuse of power, openness, common interests, and quality service(Zaelani et al., 2019). The implementation of these principles serves as a guideline for state administrators in carrying out their duties and authorities with integrity and accountability. One of the key strategies in efforts to combat corruption from the perspective of state administrative law is to strengthen clear and firm regulations.

Article 17 of Law Number 30 of 2014 regulates abuse of authority, where any action that violates the law, exceeds the authority held, or is arbitrary can be subject to sanctions. This regulation is the legal basis for preventing and prosecuting state administrators who abuse their positions for personal gain. In addition to these regulations, effective supervision is a crucial component in the strategy to eradicate corruption. The Audit Board of Indonesia (BPK), the Corruption Eradication Commission (KPK), and other supervisory institutions play a vital role in conducting audits, investigations, and reporting on any indications of corruption. Continuous and transparent supervision is important to ensure that state administrators continue to operate in accordance with the law and public ethics. Furthermore, the application of strict sanctions against violations of ethics and integrity is also very important. Article 20 of Law Number 30 of 2014 states that state administrators who are proven to have abused their authority can be subject to administrative sanctions up to and including dismissal from office. Enforcement of these sanctions must be carried out consistently to provide a deterrent effect and build a culture of clean governance. The theory of state administrative law also emphasizes the importance of public participation in the

governance process. Openness of information and transparency in government administration allows the public to participate in monitoring and providing input on the performance of state administrators. This participation not only increases accountability, but also strengthens public trust in the government.

In an effort to implement measures to reduce corruption, it is important to improve the capacity of law enforcement officers and bureaucracy. Training, teaching, and professional development are key to forming competent and moral officers. In addition, the use of information and communication technology can be used to increase productivity and openness in government administration. Overall, the strategy to reduce corruption from the perspective of state administrative law must be implemented comprehensively and sustainably. Through enforcement of regulations, effective supervision, law enforcement, community participation, and increasing the capacity of officers, it is hoped that corrupt practices can be suppressed so that an honest, open, and responsible government is created in accordance with the general principles of good governance (Junef, 2021).

4. Conclusion

Corruption is an extraordinary crime that has a serious impact on the lives of people and the state in Indonesia. Despite government efforts through various regulations and the establishment of institutions such as the Corruption Eradication Commission (KPK), the corruption rate remains high. The main factors causing rampant corruption are weak law enforcement, inefficient bureaucratic systems, and loopholes exploited by state administrators to carry out corrupt practices. In preventing and eradicating corruption, state administrative law has a strategic role.

Administrative law establishes regulations that promote transparency, accountability, and integrity in the administration of government. In addition, administrative law supports the establishment of oversight institutions such as the Corruption Eradication Commission (KPK) to combat corruption effectively. Through law enforcement that includes supervision and the application of administrative sanctions, administrative law aims to reduce corrupt practices and maintain public trust in the government. The application of administrative sanctions aims to provide a deterrent effect and maintain discipline in government organizations. However, its effectiveness is often hampered by the lack of consistent application of sanctions, political intervention, and weaknesses in the oversight system.

Therefore, it is important to strengthen the mechanism for supervision and enforcement of administrative sanctions, including increasing transparency, accountability, and independence of supervisory institutions. In eradicating corruption, the state administrative law strategy includes strengthening regulations, effective supervision, enforcement of sanctions, public participation, and increasing the capacity of law enforcement officers and bureaucracy. Through this comprehensive and sustainable approach, it is hoped that corruption can be suppressed and public

trust in the government can be restored.

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