

LEGAL ANALYSIS OF ABUSE OF AUTHORITY IN GOVERNMENT ADMINISTRATION: A REVIEW BASED ON LAW NO. 30 OF 2014 CONCERNING GOVERNMENT ADMINISTRATION

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Abstrak

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This research discusses the regulation and application of law concerning abuse of authority in governmental administration in Indonesia, based on Law No. 30 of 2014. The study aims to understand the related regulations, their application in various cases of abuse of authority, and the challenges faced in law enforcement. The method used is normative legal research with statutory, case, and conceptual approaches. Primary data is sourced from legal texts and related regulations, while secondary data includes legal literature such as books and journals. The findings indicate that although Law No. 30 of 2014 provides a comprehensive legal framework, its implementation faces numerous obstacles, including weak oversight, overlapping regulations, and political interference. This study concludes that to enhance the effectiveness of law enforcement, it is necessary to strengthen oversight, provide training for officials on the principles of legality and accountability, and harmonize regulations. The implications of this research highlight the need for bureaucratic reform and increased public education to achieve clean, transparent, and public-interest-oriented governance.

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INTRODUCTION

Abuse of authority without legal basis damages democracy and violates statutory regulations. (Tjandra, 2021) explains that state administrative law is designed to ensure that public officials use their authority responsibly. Law No. 30 of 2014 provides clear guidelines for dealing with officials who abuse their authority. his power to ensure order manage Which Good. (Bujung, 2023) In administration In a state, every government official has an obligation to exercise their authority in accordance with applicable law. Abuse occurs when an official exceeds the limits of their granted authority, thus not only damaging public trust but also threatening the integrity of state institutions. Law No. 30 of 2014 serves as a guideline in determining whether a government official's actions have violated the rules or are still within the legal framework. (Seipul & Ardhan, n.d.) states that the State Administrative Court plays a key role. in supervise violation authority in government environment.

Abuse of authority in government administration is a common problem in Indonesian governance. "Abuse of authority in corruption often involves disregard for applicable legal norms" (Dewi, 2019). This phenomenon includes actions by officials or government officials who exceed the limits of their authority, use their authority for personal gain, or act inconsistently with the principles of law and justice. These cases of abuse of authority are often linked to practices of corruption, collusion, and nepotism (KKN), which cause significant losses to the state and society, as well as erode public trust in government institutions. "In the context of legal science, abuse of authority is an action that deviates from the objectives established by the regulations. This abuse often occurs among public officials who wield significant power, and if left unchecked, can lead to corruption and violations of public rights. Law No. 30 of 2014 is present as a form of government effort to overcome these various deviations by affirming the limits and responsibilities in the use of authority " (HADIN, 2016)

One example that often occurs is the abuse of authority in the licensing process, procurement of goods and services, and granting of special rights. to certain parties without following legal procedures. (Arijanta & Najicha, 2022) argue that abuse of authority in government procurement of goods/services can trigger legal conflicts. These actions not only cause financial losses but also weaken government effectiveness and undermine the principles of good governance that should be implemented by the government. Abuse of authority is often not detected quickly due to weak internal and external oversight, as well as bureaucratic complexity that often complicates law enforcement. (Idrus et al., 2024) states that the principle of good governance requires that public officials' actions be carried out transparently. and accountability. Abuse of authority by officials becomes obstacle main in achieving good governance. Law No. 30 of 2014 provides clear boundaries for officials in carrying out their duties to prevent abuse of power. "Law No. 30 of 2014 provides a legal basis for the use of discretion in administration government." In response to this problem, Law No. 30 of 2014 concerning Government Administration was issued as an effort to provide a more transparent legal framework. clear And firm for organization government, including in terms of Prevention and handling of abuse of authority. This law regulates the procedures for administrative decision-making by government officials, the basic principles of administration that must be adhered to, and the law enforcement mechanisms in the event of abuse of authority. According to (Ihza Erawan, 2023), cases of dismissal of officials for crimes committed during office illustrate abuse of authority



in government administration. One of the important points in this law is the concept of *detournement de pouvoir* or abuse of authority, which is defined as an official using his authority for purposes that deviate from the original purpose of granting it authority.

Law No. 30 of 2014 is expected to strengthen a clean and accountable government administration system, as well as provide a strong legal basis for processing and prosecuting officials found to have abused their authority. The importance of this law also lies in its function as a guide for government officials in carrying out their duties and authorities in accordance with applicable legal regulations, thereby preventing actions that are detrimental to the state and society. "Power that is not effectively controlled can trigger abuse of authority among state officials. Therefore, strict regulations are needed. And supervision is needed to ensure that authority is not used for personal gain. Law No. 30 of 2014 has provided clearer regulations regarding the responsibilities of officials in the use of their power" (Endang, 2018)

This research is highly relevant in the context of Governance in Indonesia. The research problem formulation in this study is how the legal regulations related to abuse of authority are regulated in Law No. 30 of 2014 concerning government administration. How is this law implemented in handling cases of abuse of authority in government administration? And what are the obstacles in enforcing the law against abuse of authority?

METHOD STUDY

This research uses a normative legal or normative juridical research method. Normative legal research is a method that focuses on the study of legal documents, where this research is conducted by analyzing laws and regulations relevant to the research topic, namely abuse of authority in government administration. This research aims to explore and understand the legal provisions related to abuse of authority, especially with reference to Law no. 30 of 2014 about Administration Government.

In this research, several approaches were used, namely the statute approach, the case approach, and the conceptual approach. The statutory approach is used to analyze the content of laws and regulations, particularly Law No. 30 of 2014, which serves as the legal basis for regulating abuse of authority in government administration. The case approach is used to examine concrete cases in which this law is applied, in order to see how these legal norms are applied in real situations. The conceptual approach is used to understand the concept of abuse of authority in depth, both theoretically and practically, and to relate it to the principles of administrative law in the country.

This study uses two types of data: primary and secondary data. The primary data in this study consists of the text of Law No. 30 of 2014 concerning Government Administration and other related regulations governing abuse of authority in government administration. In addition, the secondary data used includes books, scientific journals, legal articles, court decisions, and other relevant documents that support the study of the research topic. This secondary data serves as supporting literature to strengthen the analysis conducted based on the primary data. The data collection technique used in this study is a library study (research). Studies done with gathering and analyzing various relevant legal literature,

including legislation, scientific journals, books, articles, and court decisions. The collected data will be analyzed using qualitative descriptive analysis techniques. Qualitative descriptive analysis involves interpreting and understanding legal texts as stipulated in legislation and other relevant documents. Furthermore, this technique is also used to analyze how the norms contained in Law No. 30 of 2014 are applied in cases of abuse of authority that occur in the administration government.

RESULTS AND DISCUSSION

Regulations on Abuse of Authority in Law No. 30 of 2014 concerning Government Administration

Constitution No. 30 Year 2014 about Administration Government provide a sufficiently comprehensive legal framework to regulate the abuse of authority by government officials in carrying out their duties. government administration. One of the main objectives of this law is to create good, transparent, and accountable governance, as well as to prevent abuse of power. authority which often becomes root from various a form of deviation in government. In the context of abuse of authority, Law No. 30 of 2014 clearly regulates the concept of *détournement de pouvoir*, namely the actions of officials who use their authority for purposes that deviate from the original intent and purpose. giving The provisions regarding abuse of authority are contained in Articles 17 to 21, which regulate the obligation of every state administration official to act in accordance with the principles of legality, accountability, and proportionality in decision-making. decision administrative.(Munaf, 2016)

Article 17 of this Law stipulates that every administrative action taken by an official must be based on the authority granted by statutory regulations. In other words, every authority exercised by an official must have a clear legal basis and may only be used for purposes consistent with the intent of granting such authority. This article emphasizes the importance of the principle of legality, where the use of authority by public officials must not exceed the limits of authority that have been regulated by law. In addition, Article 18 adds that if there is any doubt regarding authority, the official must consult with a superior or authorized party to ensure that the action taken remains within the legal corridor. This provision is intended to prevent unilateral interpretations that could open up opportunities for abuse of authority of a nature subjective and detrimental.

Chapter 20 of Law No. 30 of 2014 further explains the principles of discretion, where discretion is permitted for officials in certain circumstances not explicitly regulated by law, provided that its use must be based on the principles of public interest, justice, and accountability. However, the use of discretion This still may not be misused for personal or group interests. With this limitation, the law attempts to provide flexibility for government officials to act in emergencies or situations requiring special policies, but still limits the scope to prevent deviations or violations of the law. Abuse of authority in the form of the use of discretion that is not in accordance with this purpose can be subject to administrative sanctions in accordance with Article 21 which states that officials who are proven to have abused their authority will be subject to legal action in accordance with error rate and the impact that caused.

The legal definition of abuse of authority according to Law No. 30 of 2014 is the use of authority held by a public official for purposes other than those mandated by

law. This abuse of authority can take the form of exceeding the limits of authority, acting with deviant motivations, or making administrative decisions without regard to the principles of justice and the public interest. In practice, this abuse of authority often occurs in the decision-making process. Prioritizing personal or group interests, such as granting illegal business permits, non-transparent procurement of goods and services, or providing special benefits to certain parties without a clear legal basis. To prevent such actions, this law stipulates that all administrative actions must be legally accountable. both morally and physically, and every official must be ready to be audited by a supervisory body.

The limits on the application of abuse of authority are clearly regulated in Law No. 30 of 2014, which stipulates that public officials must not violate the principle of legality and must act within the public interest. Discretion granted to officials may only be used to meet urgent public service needs or in the case of regulations. Legislation does not provide a definitive answer, but must still be based on the principles of justice, proportionality, and accountability. This law stipulates that actions by officials who deviate from these principles can be categorized as abuse of authority and can be subject to sanctions in the form of warnings, dismissal, or even criminal sanctions if proven to contain elements of corruption. Therefore, Law No. 30 of 2014 attempts to address the problem of abuse of authority by providing clear guidelines on how officials should act and the boundaries that must be followed to prevent abuse of power that can harm the state and society.

Through these provisions, Law No. 30 of 2014 not only establishes the basic principles of administration that must be obeyed by government officials, but also provides firm legal instruments to take action against officials who violate the rules. This law has important implications for creating a bureaucratic culture that is clean, accountable, and free from abuse of authority. With strict regulations and sanctions What is clear is that it is hoped that the government system in Indonesia can be protected from corrupt practices that harm the interests of the wider community and reduce public trust in it. institutions government.

Application of Law in Cases of Abuse of Authority in Government Administration

Enforcing the law in cases of abuse of authority in government administration has become a crucial step in upholding good governance and integrity. Numerous cases of abuse of authority at the central and regional levels demonstrate the importance of strict oversight and enforcement of the law to prevent abuse of power that could harm public interests. One real-life example of this is the abuse of authority in procurement. goods and services in a ministry, in where the responsible official uses his authority to win a particular company without going through the due process legitimate auctions. Such practices are often carried out in violation of the principles of transparency and accountability stipulated in Law No. 30 of 2014, which should become guidelines main for officials public in take administrative decisions. Other cases can also be found at the local government level, for example the granting of business permits outside procedure Which valid which aims to benefit certain groups or receive certain rewards from the applicant permission.

In a case study of a local government, a department head was found to have granted a development permit in a protected area by accepting bribes from the developer. This case represents a serious violation of the principles of good governance

as stipulated in Law No. 30 of 2014. Under Articles 17 to 21, government officials are obligated to act in accordance with the principles of legality, accountability, and the public interest. However, in this case, the department head acted beyond his authority and used his discretion. for personal gain that deviated from the purpose for which the authority was granted. When this case came to light, Law No. 30 of 2014 became the legal basis for assessing and prosecuting the agency head's actions. His abuse of authority not only damaged the environment but also injured public trust in government area.

In the context of the implementation of Law No. 30 of 2014, the law is used to provide a strong basis for prosecuting officials who abuse their authority. One example of the application of this law is seen in the case of procurement of goods and services that occurred in the ministry, where law enforcement officers used the provisions of Article 20 concerning abuse of discretion to prosecute the official concerned. Discretion is recognized in this law as an instrument that can be used by officials under certain circumstances, but its use must always be based on the principles of public interest and justice. In this case, the official concerned used discretion without considering the public interest, but rather focused on personal and group interests. Based on the provisions of Law No. 30 of 2014, this action is considered an abuse of authority that can be subject to legal sanctions, both administrative and criminal. The case was then processed in court, where the state administrative court played a role in reviewing the administrative actions taken by the official.

Besides that, the implementation law also can seen in case involving A sub-district official used his position to prioritize his family in providing social assistance that should have been distributed equally to the poor. This case highlights how abuse of authority can harm those in need. In this case, Law No. 30 of 2014 was applied, with reference to the principles of proportionality and justice that should underlie decision-making by public officials. The official's actions violated the principles of accountability and public interest, as he failed to distribute aid in accordance with applicable regulations and prioritized personal interests. The legal process against this official aims to uphold justice and ensure that government officials act in accordance with their responsibilities.

In all these cases, Law No. 30 of 2014 has role It is important as a reference in assessing whether an official's actions have exceeded or deviated from the authority granted. Provisions regarding the principles of legality, discretion, and accountability are the main basis in determining whether an administrative action can be categorized as an abuse of authority. The application of this law also shows that abuse of authority is not only related with action Which violate law in a way material, but also involves actions that violate the principles of good administration. This law provides guidance for law enforcement officers to evaluate the actions of officials and ensure that decisions taken by public officials remain within the limits of authority Which given.

The application of Law No. 30 of 2014 in various cases of abuse of authority at the central and regional levels shows that despite the existence of clear legal provisions, many challenges remain in implementing them consistently. Several obstacles such as weak oversight, bureaucratic resistance, and conflicts of interest continue to hinder the efforts to ensure that the actions of public officials always comply with the principles of legality and accountability. Therefore, stronger efforts are needed to increase the capacity of internal and external oversight, as well as improve the bureaucratic control

system to suppress abuse of authority. Therefore, the implementation of Law No. 30 of 2014 is expected to encourage the realization of clean, effective, and service-oriented government administration. in the interests public.

Constraint in Enforcement Law to Abuse Authority

Law enforcement against abuse of authority in government administration in Indonesia faces various complex obstacles, both from technical, legal, and social aspects. One of the main technical obstacles is weak internal and external oversight within the bureaucracy. Numerous loopholes in the oversight system allow officials to abuse their authority quickly without detection. The existing oversight system is often ineffective due to a lack of coordination between supervisory agencies, limited human resources, and a bureaucratic culture that often prioritizes loyalty to superiors over compliance with the law. Furthermore, limitations in the technology used to detect and prevent abuse of authority, such as outdated audit systems, also pose significant obstacles. This results in various acts of abuse going undetected and only coming to light after they have had a significant negative impact on society and the state.

Legal constraints also become factor inhibitor in enforcement law against abuse of authority. One of the main obstacles is overlapping laws and regulations, which often confuse law enforcement officials in determining the appropriate legal basis for handling cases of abuse of authority. Law No. 30 of 2014 concerning State Administration has provided a clear legal framework regarding abuse of authority, but in practice, these regulations often conflict or are inconsistent with other regulations governing the duties of and the authority of government officials. This causes law enforcers to face difficulties in determining the steps to be taken, especially when facing complex cases involving many parties. For example, cases involving discretion often become a gray area because discretion can be used for reasons of public interest, even though the action is not in accordance with the principle of legality. In addition, there is political intervention in law enforcement, where authorized officials in investigations or process law is influenced by political power, too hinder the process fair and transparent law.

Social constraints also cannot be ignored when discussing law enforcement against abuse of authority. Indonesia's bureaucratic culture, which is still deeply rooted in corruption, collusion, and nepotism (KKN), makes abuse authority as if as matter Which commonplace in government. High tolerance for unethical practices This This causes many cases of abuse of power to fail to receive serious attention from either the public or law enforcement. The public is often hesitant to report cases of abuse of power for fear of repercussions. negative consequences for themselves, especially in cases involving high-ranking officials. Furthermore, the public's lack of understanding of their rights and how the legal process works makes them feel that reporting cases will not yield results. In this context, public education about administrative law and citizens' rights is crucial so that the public can play an active role in monitoring and suppressing abuse of authority in government.

In addition to technical, legal, and social constraints, public officials' lack of understanding or application of administrative law principles also poses a significant obstacle to handling cases of abuse of authority. Many officials, particularly in the regions, lack an adequate understanding of the principles of legality, accountability, and proportionality, which should underpin every administrative action they take. This lack of training and guidance for these officials often leads them to use their authority

disproportionately or inconsistently with applicable legal regulations. In many cases, officials claim that their actions are in the public interest, but in reality, they do not comply with the basic principles of administrative law that should be adhered to. A weak understanding of the limits of authority and a lack of commitment to upholding the principles of good governance make law enforcement efforts more difficult, because abuse of authority is often considered part of legitimate policy, when in fact Already breaking the law.

The implementation of Law No. 30 of 2014 in many cases is also often ineffective due to weaknesses in the interpretation of the law by law enforcement officials. Many officials Which utilise ambiguity in interpretation regulations to avoid responsibility, on the grounds that their actions is a necessary form of discretion. This indicates that a lack of understanding of the purpose and limitations of discretion in administrative law is a major obstacle to combating abuse of authority. In fact, this law stipulates that discretion must based on the public interest and must be carried out proportionally and responsibly. However, in reality, these principles are often ignored or misinterpreted, so that the action that breaking the law administrative difficult For prosecuted.

Therefore, to increase the effectiveness of law enforcement against abuse of authority, various reform efforts are needed at both the regulatory and implementation levels. One such effort is strengthening internal and external oversight systems to be more transparent and independent, as well as providing comprehensive training. for officials government about administrative law and governance good. Besides that, reform bureaucracy And Increasing public involvement in government oversight is also necessary to create an environment that supports effective law enforcement efforts and prevents abuse of authority. With a better understanding of the principles of administrative law and consistent application of the provisions of Law No. 30 of 2014, it is hoped that abuse of authority can be minimized. and layout manage government Which clean And accountable can be realized.

CONCLUSION

Conclusions from the research on the regulation and implementation of the law on abuse of authority based on Constitution No. 30 Year 2014 shows that although this law has provided a framework Although the law is clear and firm, its implementation still faces various challenges. The main findings of this study reveal that abuse of authority still occurs frequently at various levels of government administration, both at the central and regional levels, due to weak supervision and a lack of understanding. to principle administrative law, as well as the existence of technical, legal and social obstacles in enforcement Law No. 30 of 2014 should serve as an effective instrument to prevent abuse of authority, but there are still gaps in its implementation that allow officials to act beyond the limits of their granted authority. In this context, recommendations are given to the government and public officials to further strengthen their commitment to upholding the principles of good governance, including transparency, accountability, and proportionality. Public officials need to receive more in-depth training and education regarding the limits of their authority and the principles of administrative law that must be adhered to. so that every action they take can be legally and morally accounted for. Furthermore, law enforcement officials also need to ensure that the implementation of this law is carried out consistently and



without political interference, so that created process enforcement the law that fair And effective.

To strengthen regulations and enforce administrative law, this study recommends improvements in several key areas. First, strengthening internal and external oversight systems, with oversight institutions being given more authority and resources to conduct more comprehensive audits and oversight. Second, harmonization of laws and regulations is necessary to avoid overlapping or confusion in the application of the law, particularly regarding official discretion. Third, the government needs to promote bureaucratic reform that emphasizes Improving the integrity and professionalism of public officials by suppressing the widespread practices of corruption, collusion, and nepotism. Furthermore, public involvement in oversight of government administration must be optimized through broader public education regarding their rights and mechanisms for reporting abuse of authority. Thus, it is hoped that regulations and law enforcement against abuse of authority in government administration can be strengthened, thereby creating good governance. Which clean, transparent, And oriented in the interests public.

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