



Administrative Legal Reference on PTUN Policies in Testing Elements of Abuse of Authority in Crime of Corruption

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Abstract

In administrative law, every use of authority includes accountability, however, it must also be separated regarding procedures for obtaining and exercising authority because not all officials who exercise authority by attribution and delegation are parties who carry out tasks and or work on the basis of a mandate, not parties who bear legal responsibility. This writing is motivated by the existence of problems, namely the Authority Policy of the State Administrative Court in Examining Elements of Abuse of Authority in Corruption Crimes, as well as Administrative Law References Against the Integration of Government Internal Supervisory Apparatuses in Preventing Internal Authority Abuse in Government Administration. The type of research conducted in this writer is normative juridical research.

Keywords: *Corruption; Authority; Administration; Administrative Court*

Introduction

Because administrative law occupies a dominant position in dealing with criminal acts of corruption, the essence of administrative law is the law regarding the control of government power and using it to protect individuals or society from Corruption in Indonesia. Its development continues to increase every year, is increasingly systematic with the number of accidents and the amount of state financial losses that occur, as well as the quality of the crimes committed, and their scope extends to all aspects of people's lives.

Therefore, corruption offenses are defined as "serious crimes", serious crimes that affect the economic and social rights of society and the state on a large scale, and "special and regular medical treatment". Trial requires action. Seriously professional and independent.¹

¹ Hernold Ferry Makawimbang, (2014), Kerugian Keuangan Negara Dalam Tindak Pidana Korupsi, Suatu Pendekatan Hukum Progresif, Yogyakarta: Thafa Medai, Hlm. 1.

The offense of abuse of authority in corruption is regulated in Article 3 of Law no. 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes which states:

"Anyone who, with the aim of benefiting himself or another person or a corporation, abuses his authority, opportunities or facilities because of his position or position which can harm the state's finances or the country's economy, shall be punished with life imprisonment or imprisonment for a minimum of 1 (one) years and a maximum of 20 (twenty) years and or a fine of at least Rp.50,000,000 (fifty million rupiah) and a maximum of Rp. 1,000,000,000 (one billion rupiah)".

The element of abuse of power in corruption is always classified as a type of offense associated with the position of a civil servant, a type of offense from an element against the law, regardless of its position in the civil structure, even if corruption is within the reach of citizens through bribes, bonuses, etc. We aim to start a business, but the spearhead of corruption is the abuse of authority and power.

The use of equivalent thinking can in fact easily change the weapon of authority of the ruler, namely the state owns authority to act in concrete situations. The definition of *detournement de pouvoir* itself is not interpreted by administrative law experts as the practice of its application by state administrative and criminal courts (corruption courts).²

According to Winarsih Arifin and Farida Sumargono from *The French-Indonesian Dictionary (Dictionnaire Francais Indonesia)*, *detournement de pouvoir* is going around to achieve a goal, not just going around, but going round and round. Diversion is deviation, deviation, fraud or embezzlement. *Pouvoir* is power, power under law.

Judicial practice often confuses abuse of power with procedural flaws, as if procedural defects are inherent in abuse of power. The judges are considered to know the law of *Ius Curia Novit* and his attorneys, but in deciding the abuse of power, they are not in the domain of the judges of the Tipikor and Criminal Acts Court (Tipikor) but in the state administration. court. The development of administrative law in committing criminal acts of corruption, especially elements of abuse of power in public and private functions in the field of civil law, provided that it can be proven that the abuse of power is not guilty in: Abuse of power is also known as an act against the law.³

The Law on State Administration does not explicitly contain a statement of abuse of authority, but does contain a form of prohibition on abuse of authority as regulated in Articles 17, 18 and 19 of the Law on the State Civil Apparatus. In fact, this institution or authority has a very important position and role in the study of constitutional law and constitutional law, so that it can be interpreted that authority is a central concept of constitutional law and constitutional law and determines the occurrence of maladministration which leads to state losses. Thus it is clear and obvious that the element of abuse of office or authority is the spearhead of corruption, before determining the element of financial loss state, it must first be determined whether the suspect or defendant accused of committing a criminal act of corruption has abused his power.

For this reason, seen from the element of "abuse of authority" as referred to in Article 3 of the Corruption Law, it is interpreted as having a different meaning from "abuse of authority". the authority of

² Willy, D.S, (2013), *Dasar-Dasar Hukum Administrasi Negara*, Jakarta: Sinar Grafika, Hlm. 146

³ Zairin Harahap, (2015), *Hukum Acara Peradilan Tata Usaha Negara*, Jakarta: PT Raja Grafindo Persada, Hlm. 84

investigators to conduct investigations to prove abuse of office. by the suspect community. official, which will be examined preliminary by the State Administrative Court.

Besides that, criminal law adheres to the principle of "personal responsibility" which means that criminal responsibility is personal responsibility. In casu, in this case, it is necessary to distinguish between responsibilities according to administrative law and criminal law. In administrative law, the principle of liability responsibility applies, while in criminal law, the principle of personal responsibility applies.

From the explanation above, in administrative law every use of authority contains accountability, however, it must also be separated regarding procedures for obtaining and exercising authority because not all officials who exercise authority by attribution and delegation are parties who carry out tasks and or work on the basis of the mandate is not the party that bears legal responsibility. The ambiguity of the meaning/concept of "abuse of authority" as referred to in Article 3 of the Corruption Law is interpreted as having a different meaning from "abuse of authority" as referred to in Article 21 paragraph (1) of the Government Administration Law.⁴

From the provisions of the background description above, there are several descriptions of the problems in this research, including What is the State Administrative Court's Policy Within Its Authority to Examine Elements of Abuse of Authority in Corruption Crimes? As well as how the references contained in administrative law against APIP's authority in preventing abuse Authority?

Methods

This type of research conducted by this writer is normative legal research. According to Ishaq, normative legal research essentially studies laws that are conceptualized as norms or rules that apply in society and become a reference for everyone's behavior. While the type of approach used in this research uses more legal and conceptual approaches.

Discussion

State Administrative Court's Policy Within Its Authority Examines Elements of Abuse of Authority in Corruption Crimes

The abuse of authority in Administrative Law consists of 3 (three) types, namely Abuse of power to act against the public interest or on behalf of individuals, companies or groups. Another abuse of power occurs when a public official acts in the public interest but deviates from the purpose of laws or other regulations that give him that authority. And the last abuse of power is the misuse of actions intended to achieve certain goals, but other actions are used to achieve them.⁵

Therefore, authorities who feel they have a legal interest can appeal against the abuse of power by public officials to the State Administrative Court. The state administration trial is the parties to the state administration dispute. That is, private persons or civil entities are plaintiffs and state or public administration officials as defendants.³ Article 53 Law no. under paragraph 1. 5 Since 1986, the state administrative court has ruled that "any person or legal entity who believes that their interests have been harmed by a state administration provision may appeal in writing to a court with competent jurisdiction if a statement administrative decision is required.

⁴ Nur Basuki Minarno, (2009), *Penyalahgunaan Wewenang dan Tindak Pidana Korupsi Dalam Pengelolaan Keuangan Daerah*, Cetakan Kedua, Yogyakarta: Laksbang Mediatama, Hlm. 41

⁵ Philipus M. Hadjon, dkk, (2005), *Pengantar Hukum Administrasi Indonesia*, Yogyakarta: Gadjah Mada University Press, Hlm. 362-367

The previous provisions of Article 53 paragraph 1 which became the subject of general administrative disputes, namely NOW. PTUN cases and law enforcement officials and/or government officials (TUN) have the authority to make all administrative decisions state enterprise (KTUN). according to the authority delegated to him. According to Philipus M. Hadjon, this is based on Article 53 of the Administrative Court Law, which states:

1. The contested state administration decision is contrary to the prevailing laws and regulations.
2. State administrative decisions that conflict with the procedural/formal provisions are the fault of the KTUN officials and usually affect the preparation, implementation or announcement of the decision in question.
3. When an administrator or a state official makes a decision or does not make a decision, he may not make a decision or make a decision after considering all the interests of the decision.

This perception arises because abuse of power is always associated with law. UU no. 31 of 1999 concerning the Eradication of Corruption Crimes, amended by Law no. 20 of 2001 amended Law no. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (Tipikor Law). Dissent and abuse of power under anti-corruption laws are formal crimes. This formal violation comes from the word "possibly" in the Corruption Law. A formal offense means that the state does not have to prove financial loss until the crime has been proven. The offense of abuse of authority in corruption is regulated in Article 3 of Law no. 31 of 1999 concerning the Eradication of Corruption which states:

"Anyone who, with the aim of benefiting himself or another person or a corporation, abuses his authority, opportunities or facilities because of his position or position which can harm the state's finances or the country's economy, shall be punished with life imprisonment or imprisonment for a minimum of 1 (one) years and a maximum of 20 (twenty) years and or a fine of at least Rp. 50,000,000 (fifty million rupiah) and a maximum of Rp. 1,000,000,000 (one billion rupiah)".

The existence of Article 3 of the Corruption Law creates a condition for the existence of an illegitimate criminal element in the case of abuse of obligation. This means that if a criminal element occurs it can be detrimental to state finances or the national economy. Factors that can harm the state's finances or the national economy give rise to differences in the regulation of abuse of office, regulation of factors that can harm the country's economy is not only part of criminal law but also administrative law.

Although the Administrative Act does not provide a clear explanation regarding the abuse of power, but there is a prohibition on abuse of authority as stipulated in Articles 17, 18 and 19 of the Administrative Law. Provisions regarding the types of abuse of power by public officials are contained in the provisions of Articles 17, 18 and 19 of the Criminal Procedure Code which prohibit abuse of power by public officials. The elements of abuse of power, in particular the provisions of Article 17 (2) of the Law on State Administration, namely the prohibition of excessive power, the prohibition of combining powers, and the prohibition of arbitrary actions, are the state's prerogative for investigation into the elements of abuse of power was carried out by him.⁶

The existence of this legal structure provides legal protection for decisions and actions taken by government officials. If allegations of abuse of power (especially those relating to criminal acts of corruption) have previously been designated as investigations and tried directly at the Corruption Court, then the official concerned through this structure may first file a complaint with the State Administrative

⁶ Bram Mohammad Yasser, Pengujian Unsur Penyalahgunaan Wewenang Pada Peradilan Tata Usaha Negara Dalam Kaitannya Dengan Tindak Pidana Korupsi, *Soumatara Law Review*, Vol. 2, No. 1, 2019, Hlm. 12.

Court. examined by Checking whether there has been an abuse of authority in the decisions and/or actions taken.

The delegation of authority to the State Administrative Court is not only intended to examine the administration of government, but also to determine whether there is an element of abuse of authority by government officials." In detail, the authority of the Administrative Court in examining abuse of authority is contained in the provisions of Article 21 of the Government Administration Law which states:

- (1) The court has the authority to receive, examine and decide whether or not there is an element of abuse of authority committed by government officials.
- (2) Government bodies and/or officials can submit a request to the Court to assess whether or not there is an element of abuse of authority in the decision and/or action.
- (3) The court is obliged to decide on the application as referred to in paragraph (2) no later than 21 (twenty-one) working days after the application was filed.
- (4) Against the Court's decision as referred to in paragraph (3) can be appealed to the State Administrative High Court.
- (5) The State Administrative High Court is obliged to decide on the appeal as referred to in paragraph (4) no later than 21 (twenty-one) working days after the appeal was filed.
- (6) The decision of the State Administrative High Court as referred to in paragraph (5) is final and binding.

The provisions in Article 21 of the Government Administration Law mentioned above clearly show that examination of the existence/absence of acts of abuse of authority by government officials is the absolute competency of the Administrative Court. Apart from that, what we will examine is not only the provisions that are not exclusively contained in Article 21 of the Government, but also from an administrative perspective, where not only the exercise of authority from elements of criminal law, but also allegations of misapplication in the law. the main complaint in the main complaint, the Corruption Packages.

However, when investigating abuses of power, these factors should be combined to assess factors for formal abuses by government officials. Regarding the misuse of licenses in the concept of administrative law, this must also be considered. That is, having a reason/purpose other than delegation. That is, the abuse of this obligation is carried out intentionally, not negligent, and has a personal interest both for oneself and for others. Article 17 of the Law on State Administration explains that deviations from the prohibition on abuse of power have an impact on two things. because of abuse of power. Second, overriding the decisions and/or actions of government officials for abuse of power.

The provisions of Article 21 of the State Administration Law explain that PTUN has the authority to receive, investigate and determine whether there is elements of abuse of authority by officials public. The provisions of Article 21 of the Administrative Court Law regarding the authority of the State Administrative Court to examine elements of abuse of authority related to criminal acts of corruption, have legal implications for the process of prosecuting criminal acts of corruption.

In general, when examining abuse or evaluating elements of abuse, decisions and/or actions of public officials contain elements of abuse, and decisions and/or actions of government officials contain elements of abuse. You have to make sure that it doesn't contain any abuse of power. The request for an evaluation of abuse or elements of abuse solely to determine whether there was an abuse of power by an official has two responsibilities. professional responsibility and criminal responsibility. For this reason, accountability must be proven in advance in this case.

Based on the provisions of Article 21 of the Law on State Administration, the Supreme Court issued Supreme Court Regulation Number 4 of 2015 concerning Guidelines for the Assessment of Elements of Abuse of Power. The PTUN's authority to investigate elements of abuse of authority is contained in the provisions of Article 2 Perma No.2. 4 of 2015, stated:

- (1) The court has the authority to receive, examine, and decide on applications for assessing whether or not there is an abuse of authority in government decisions and/or actions prior to criminal proceedings.
- (2) The new court has the authority to receive, examine, and decide on the evaluation of the application as referred to in paragraph (1) after the results of supervision by the government's internal control apparatus.

With the approval of Perma No. 4 of 2015, state administrative disputes based on Law no. 51 of 2009 Second Amendment to Law n. or officials. Therefore, the judicial control mechanism carried out by the State Administrative Court is not only through the mechanism of legal action by legal entities or civil society, but also through the mechanism of requests from government agencies or officials. This model requires PTUN judges to be able to move away from the exam paradigm with the logic of losing and winning. But examine the elements for this abuse of authority, the paradigm is more inclined towards correct and concise analysis or investigation of the requested material.⁷

Then the contents of the substance of the State Administrative Court when examining the elements of abuse of authority regarding the subject matter of the application and the principal application, in the Perman.4 of 2015 it is not explained who is the reporter and who is accepted. Subjects who become applicants in experimenting with elements of abuse of authority can be concluded from the precepts of art. 21 paragraph 2 of the Law on State Administration and Art. 4 of 2015.⁷

In Article 3 of the Perman. 4 of 2015 law, which states "Government Agencies and/or Officials who feel their interests have been harmed by the results of the supervision of the government's internal control apparatus can submit an application to the competent Court containing demands that the Decisions and/or Actions of Government Officials be declared whether or not there is an element abuse of power."

In the matter of the petition as stipulated in Article 4 paragraph (1) letter d number 2, the matters requested by government officials to be decided by the judge are:

1. Granted the petition of the Petitioner in its entirety
2. Declare that the decisions and/or actions of government officials contain an element of abuse of authority
3. Declare cancellation or invalid Decisions and/or Actions of Government Officials.

Therefore, taking into account the elements of abuse of duty that may arise as an applicant, H. Administrative actions that result in losses to state finances, caused by the presence or absence of elements obstructing the duties of public agencies or public officials who have APIP monitoring results that prove there is an error. Furthermore, the contents of the request are actions or decisions of public officials. This is enforced by Section 4(b) of the Perm. One of the elements that must be included in the application is a brief and clear description of the object of the application in the form of community

⁷ Irvan Mawardi, (2016), Paradigma Baru PTUN Respon Peradilan Administrasi Terhadap Demokratisasi, Yogyakarta: Thafa Media, Hlm. 161.

decisions and/or actions to be regulated. Therefore, regulators findings are certified and used in the form of letters or mandates in order to prove elements of abuse of office.

Hence the abuse of power, especially in the context of examining the main application. The purpose of the questions is formulated individually. That is, decisions and/or actions directly related to government officials. Definitions are also given between decisions and actions of government officials. Referring to Article 87 of the Government Administration Law which stipulates that a State Administrative Decision (KTUN) must be interpreted as a written decision which also includes actions based on facts, the actions of government officials are also included in the KTUN.

For example, there is a PTUN decision that there is a task obstruction, confirmation that state financial losses have been compensated, officials are still being prosecuted, and provisions for enforcing criminal procedural law. Therefore, Article 4 of the Corruption Law states that compensation for the state's economy or the national economy does not necessarily rule out the possibility of punishment for the perpetrators of the crime in question. References contained in Administrative Law on the Authority of APIP in the Prevention of Abuse of Authority

APIP is essentially a supervisor internal because it is in the organizational environment they lead, namely the government environment. APIP not only assists in supervising the government to do what it should do, spend funds according to the desired goals and comply with applicable laws and regulations (supervision), but also in providing advisory services to improve trends/developments of government performance and challenges faced by the government. standing (evaluated) As a government internal regulatory agency (APIP), in relation to management functions as well as in relation to the vision and mission The role and function are very strategic in relation to the achievement and implementation of government programs.

Supervision of the prohibition of abuse of authority by public officials is enforced by APIP. APIP is regulated in Article 48(2) of Government Regulation No. 60 of 2008 concerning the Government Internal Control System (SPIP). Internal supervision, among others, through audits, reviews, evaluations, monitoring and activities other supervision. In addition, the Government Regulation in SPIP Article 49(1) states that the Government's internal supervisory bodies are the Financial Supervisory Agency (BPK), the Inspector General or other names whose function is to carry out internal control, the State Inspector General, and the Provincial Inspector General. Define consists of / city. inspect. In fact, APIP's organizational design has almost the same attitude and function as the Inspector General in every government agency so far. The Inspector General is an element of ministry oversight whose job is to carry out internal oversight within the ministry.

APIP's functions and duties which were originally related to auditing as an internal audit organization were empowered as law enforcement officers in accordance with the enforcement of State Administrative Law. in the government bureaucracy. APIP's effective role can be an important tool in ensuring the proper, efficient and effective implementation of public administration in accordance with plans and laws and regulations, as well as in creating a clean and corruption-free organization.

Accordingly, the Law on State Administration (hereinafter referred to as the Government Power Regulations) stipulates that government power is exercised by the government. Legality Principle (based on applicable laws and regulations), Human Rights Protection Principle and AUPB (General Principles of Good Governance). Consequences suffered when governments fail to operate according to prescribed principles. Also, governments acting outside their power or acting according to arbitrary power, also known as abuse of power, apply. penalized according to the rules.

The Government Administration Act encourages internal government audits to ascertain whether there is any element of abuse of power by government officials. Furthermore, the Government Administration Law reinstated the pre-existing internal control institutions that did not function properly as supervisors in government. In particular, to oversee the abuse of duties, the Law on Government Administration regulates the existence of a special body called the Government Internal Monitoring Tool (APIP).

Administration of government is basically the control of state administrative bodies. Thus, the Law on Government Administration gives authority to APIP to oversee the administration of government carried out by the government. In general, control is carried out through actions in the form of supervisory actions so that officials can act according to their authority.

In accordance with the Government Administration Law, APIP has a very strategic mandate related to the prevention and eradication of corruption. Namely, monitoring the prohibition of abuse of office by government agencies and/or officials. APIP must be able to assess whether the decisions and/or actions of government agencies and/or government officials fall into the category of excessive power, mixed power, and arbitrary actions.⁸

Furthermore, in preventing abuse of power by public officials, APIP states that decisions and actions decided or taken with violations of authority, and decisions and actions made and taken by mixed authorities, are invalid unless verified. There are court decisions which are permanent law.⁹

Decisions and actions made or taken by any combination of authorities are subject to reversal if reviewed and there is a final, permanent court decision. Conversely, a decision or action by a public official is included in the category of arbitrary action if the action is carried out in a matter that is not based on authority and contradicts a court decision that has *res judicata* power.¹⁰

Government Internal Supervisory Apparatus is regulated in Article 20 of the Law on Government Administration which states:

- (1) Supervision of the prohibition of abuse of authority as referred to in Article 17 and Article 18 is carried out by the government's internal control apparatus.
- (2) The results of the supervision of the government's internal control apparatus as referred to in paragraph (1) are in the form of:
 - a. no errors
 - b. there was an administrative error or there were administrative errors that caused losses to state finances.
- (3) If the results of the oversight of the government's internal apparatus are in the form of administrative errors as referred to in paragraph (2) letter b, follow-up shall be carried out in the form of administrative improvements in accordance with the provisions of laws and regulations.
- (4) If the results of the supervision of the government's internal apparatus are in the form of administrative errors that cause losses to the state finances as referred to in paragraph (2) letter c, the state financial losses will be returned no later than 10 (ten) working days after the decision was made and the results of the supervision were issued.

⁸ Pasal 17 Ayat (2) Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan

⁹ Pasal 19 Ayat (1) Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan

¹⁰ Pasal 18 Ayat (3) Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan.

- (5) Refunds for state losses as referred to in paragraph (4) shall be borne by the Governing Body, if the administrative error referred to in paragraph (2) letter c occurs not due to an element of abuse of Authority.
- (6) Refunds for state losses as referred to in paragraph (4) are charged to Government Officials, if the administrative error referred to in paragraph (2) letter c occurs due to an element of abuse of Authority.

From Article 20 of the State Administration Law mentioned above, it can be seen that the existence of APIP is inseparable from predictions and is a model for solving problems in the event of an abuse of authority, and according to Article 20 there are three conditions. The results of monitoring by APIP are considered to have no errors, administrative errors, and administrative errors that are financially detrimental. As the authority of APIP, the provisions contained in Article 20 of the Law on State Administration consolidate APIP administrative activities as referred to in Article 17(2)(b) and follow up on the provisions of laws and regulations.

If Apip's decision is an administrative decision leading to Florida's Section 17(2)(c), it will be returned within one business day if the decision is made and issued by the Oversight of Section 17(2) of Appeals pursuant to (c) Amendments to Misappropriation of Compensation of Damages under Section 17(4) because Abuse will be paid for by a government agency.

In addition, in the provisions of Article 20 (1) of the Law on State Administration, APIP has a prohibition on abuse of authority in Article 17 and Article 18. That is a form of supervision as referred to in Article 1.1. The scope of internal control that is carried out includes the entire process of auditing, reviewing, monitoring, evaluating and reviewing. Other supervision of the fulfillment of the mission and functions of the Institutional. APIP supervision findings can also determine the forms of forms of abuse of power by government officials. This is regardless of whether it is only the fault of the state government or the fault of the state government which is detrimental to state finances. There are other agencies that assist APIP against abuse of power. It is the court that has the authority to determine, investigate and decide whether there is an element of abuse of power.

On the other hand, state constitutional law, even though governance was found, or the first and subsequent constitutional laws turned out to be "harmful" with Dian Puji's order no. According to Simatupang, in this case it is necessary to avoid losses that will be calculated later, if the calculated losses are a must.¹¹

Also, there are no rules issued by the government regarding how to recover government financial losses from decisions or actions of government agencies. Concerning procedures for returning losses to the State Treasury due to decisions or actions of government agencies and/or officials which are described as administrative errors resulting in losses to the State Treasury, including abuses that are mandatory according to administrative law. According to paragraph 4 and Article 20 Authorities and/or public officials are only given 10 working days from the decision or publication of monitoring results.

APIP integration to prevent abuse of power by government officials allows PTUN to easily investigate elements of abuse of power. Also, the contents of the request are actions or decisions of government officials. Therefore, the findings of APIP oversight are used as evidence, in oral or written form, in courts examining elements of abuse of power.

¹¹ S.F. Marbun, (2013), *Hukum Administrasi Negara II*, Cetakan Pertama, Yogyakarta: FH UII Press, Hlm. 107

Thus, APIP has the authority to take action against abuse of civil servant authority because parties in government have the function of supervising the administration of government. Derived from administrative law, APIP has supervisory powers to prohibit abuse of power by the government. Implementation of government is basically the control of government apparatus. Thus, UUAP give authority to APIP to oversee the administration of government carried out by the government. Management generally takes a form of supervision and employees act on their authority.

Conclusions and Recommendations

1. Whereas the policy of the Authority of the State Administrative Court in examining elements of abuse of authority in acts of corruption is to undermine the legality or vice versa of any decisions or actions taken by public officials after abuse power. Powers of the State Administrative Court Taking into account the elements of abuse of power in an administrative decision or maladministration action, any decision or action taken or issued by a public official is deemed to have never existed or before the existence of a state administrative court. Believed to have been restored to its original state. Decisions and actions are believed to have been made and any legal consequences never occurred. Decisions that are declared invalid are considered valid until the Administrative Court's decision.
2. Whereas the Administrative Law reference to APIP integration in preventing abuse of authority has a positive impact on the authority possessed by APIP, especially from the results of supervision carried out by APIP which detects administrative errors that must be sought in the form of administrative improvements in accordance with statutory provisions. Likewise, if the results of the preventive APIP contain administrative errors that cause state losses, then the state losses will be returned no later than 10 working days after the issuance of the decision and results of supervision.

Suggestion

The existence of Law 30/30/2014 concerning State Administration is a reference for law enforcement, considering that state administrators are given the authority to carry out their duties in the event of a violation, and interested parties must first wait for their TUN. reported. it is necessary. Develop a strategy to continue to improve laws and regulations related to corruption eradication so that they have a lasting legal effect, achieve abolition of law enforcement, and avoid abuse of power in the future.

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