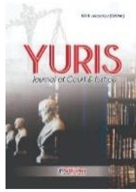

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Beyond Criminal Law: Repositioning Administrative Law as the Primary Instrument of Anti-Corruption Enforcement in Indonesia

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ABSTRACT

Corruption in public administration is largely rooted in the abuse of authority by public officials in exercising governmental powers. In Indonesia, anti-corruption strategies have predominantly relied on criminal law enforcement, which tends to address corruption only at the symptomatic level rather than tackling its structural causes. This study argues that administrative law should function as a primary instrument (primum remedium) in combating corruption, given its central role in regulating the exercise of public authority and ensuring accountability in governance. This research employs a normative juridical method with an explanatory approach, using statutory, conceptual, and doctrinal analyses of legal materials derived from legislation, court decisions, and international anti-corruption instruments. The findings indicate that the limited effectiveness of corruption eradication in Indonesia is closely related to weak preventive administrative mechanisms, non-independent internal supervision, and ineffective enforcement of administrative sanctions against abuse of power. Strengthening administrative law enforcement through preventive, repressive, and restorative mechanisms can significantly enhance anti-corruption governance. Key reforms include merit-based recruitment of public officials, independent administrative oversight, stricter monitoring of officials' assets, digitalization of public services, and the firm application of administrative sanctions without waiting for criminal conviction. These measures can improve institutional accountability and strengthen good governance as a structural strategy to prevent corruption.

Keywords: *Abuse of Authority, Administrative Law, Administrative Sanctions, Corruption, Good Governance*

INTRODUCTION

Corruption is an act that is not clearly visible because its modus operandi is concealed by routine work activities, involving professional expertise and complex bureaucratic systems, making it extremely difficult to eradicate.[1] Even if corruption does occur in the private sector, the scale of it is not as extensive as corruption in the public sector, particularly within the bureaucracy.[2] Corruption at the lower and middle levels is just as serious as corporate corruption involving billions of rupiah. The difference is that bureaucratic corruption has a direct impact on the public interest and can paralyze the entire system, while the impact of elite corruption is often not immediately felt by the public.[3] Without intending to downplay large-scale corruption, it must be emphasized that every act of corruption at any level has dangerous consequences that undermine the relationship between the government and the people.[4]

The ineffectiveness of anti-corruption efforts in Indonesia can be attributed in part to an overreliance on criminal law. However, criminal law has many limitations. It addresses corruption only symptomatically by targeting the symptoms of corruption rather than causally addressing the underlying factors that lead to corruption.[5] While criminal law serves a retributive function for criminal acts, it does not contribute to reforming a broken system. This study extends prior research by demonstrating that administrative supervision and criminal law enforcement function as complementary rather than substitutable instruments.[6]

Prior scholarly work on the role of administrative law in addressing corruption has been undertaken by Arif Widi Fatoni.[7] That research concentrated exclusively on the legal architecture of administrative law as an instrument for preventing corrupt conduct within the public sector, particularly in cases arising

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[1] Yogo Tri Hendiarto, "Kegagalan Strategi Pemberantasan Korupsi Di Indonesia Dan Dampak Social Harms Bagi Masyarakat Sebagai Bentuk Kejahatan Negara," *Seminar Nasional Hukum Ilmu Sosial Dan Ilmu Politik* 1 (November 12, 2024): 543–59, doi:10.33830/SEMNASIP.V1I1.3040.

[2] Juliandri and Slamet Haryadi, "Strategi Pemberantasan Pungutan Liar Dalam Praktik Petty Corruption Di Pemerintahan Daerah Lampung Utara," *Al-Zayn : Jurnal Ilmu Sosial & Hukum* 3, no. 3 (July 6, 2025): 2206–12, doi:10.61104/ALZ.V3I3.1554.

[3] Giulia Mugellini et al., "Public Sector Reforms and Their Impact on the Level of Corruption: A Systematic Review," *Campbell Systematic Reviews* 17, no. 2 (June 24, 2021), doi:10.1002/cl2.1173.

[4] Ario Damar, "Pendekatan Pencegahan Korupsi Skala Kecil (Petty Corruption) Pada Sektor Pelayanan Publik Di Indonesia," *Jurnal Impresi Indonesia* 2, no. 5 (May 25, 2023): 407–17, doi:10.58344/jii.v2i5.2441.

[5] Suramin Suramin, "Indonesian Anti-Corruption Law Enforcement: Current Problems and Challenges," *Journal of Law and Legal Reform* 2, no. 2 (April 30, 2021): 225–42, doi:10.15294/jllr.v2i2.46612.

[6] Recha Redian and Bangun Patrianto, "Criminal Law Enforcement Against Illegal Cosmetic Products: A Normative Juridical Study," *Journal of Court and Justice*, February 19, 2026, 31–49, doi:10.56943/jcj.v5i1.966.

[7] Arif Widi Fatoni, "REKONSTRUKSI HUKUM ADMINISTRASI PEMERINTAHAN SEBAGAI UPAYA PENCEGAHAN PRAKTIK KORUPSI DALAM MEWUJUDKAN PENYELENGGARAAN BIROKRASI BERBASIS NILAI KEADILAN PANCASILA" (Universitas Islam Sultan Agung, 2023).

from the abuse of authority and maladministration. A separate study by Ahmad Sahroni examined corruption eradication through the application of criminal law as an instrument of last resort, placing primary emphasis on the restitution of state financial losses rather than the enforcement of criminal sanctions.[8] The present study is distinguished from the aforementioned works in several respects. In relation to Fatoni's research, which was confined to preventive mechanisms, this study adopts a more expansive framework that integrates both preventive and repressive dimensions of administrative law in combating corruption.[9] With respect to Sahroni's research, a fundamental distinction lies in the ordering of legal priorities: whereas Sahroni positions the recovery of state financial losses as the primary instrument of anti-corruption strategy, this study regards administrative law as the principal line of defense and reserves criminal law for application only when administrative measures prove insufficient.[10]

Corruption occurs because of poor governance, which creates opportunities for the abuse of power, leading to financial losses for the state and, consequently, corruption.[11] Meanwhile, the quality of government administration depends on whether administrative law is functioning properly, since the conduct of government is governed by administrative law.[12] However, in the implementation and enforcement of administrative law, these instruments have not yet proven sufficiently effective, and several obstacles remain. To date, efforts to combat corruption through administrative law both in the preventive and punitive spheres remain very weak. The preventive sphere still contains several loopholes that allow corruption to occur, ranging from a non-transparent civil service recruitment system, the failure to implement a merit-based system in government, weak oversight,[13] a lack of follow-up on the monitoring of public officials’ assets, and inconsistencies in the application of the law.

In the area of law enforcement, the role of administrative sanctions remains very weak. Administrative sanctions are heavily reliant on criminal sanctions, giving the impression that they serve as a last resort to criminal sanctions. In reality, administrative sanctions should serve as the first line of defense. Another reparatory

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[8] Ahmad Sahroni, “Pemberantasan Korupsi Melalui Prinsip Ultimum Remedium: Suatu Strategi Pengembalian Kerugian Keuangan Negara” (Universitas Borobudur, 2024).
[9] Fatoni, “REKONSTRUKSI HUKUM ADMINISTRASI PEMERINTAHAN SEBAGAI UPAYA PENCEGAHAN PRAKTIK KORUPSI DALAM MEWUJUDKAN PENYELENGGARAAN BIROKRASI BERBASIS NILAI KEADILAN PANCASILA.”
[10] Sahroni, “Pemberantasan Korupsi Melalui Prinsip Ultimum Remedium: Suatu Strategi Pengembalian Kerugian Keuangan Negara.”
[11] Dominikus Jawa, Parningotan Malau, and Ciptono Ciptono, “Tantangan Dalam Penegakan Hukum Tindak Pidana Korupsi Di Indonesia,” *JURNAL USM LAW REVIEW* 7, no. 2 (July 22, 2024): 1006–17, doi:10.26623/julr.v7i2.9507.
[12] Tran Thi Bich Nga, “Legal Policy Applications for Enhancing the Quality of Public Administrative Services,” *Emerging Science Journal* 9, no. 2 (April 1, 2025): 890–915, doi:10.28991/ESJ-2025-09-02-020.
[13] Nurannisa Salsadila, Ayu Efritadewi, and Heni Widiyani, “Pemberantasan Tindak Pidana Korupsi Di Indonesia: Masalah Dan Solusinya,” *Indonesian Journal of Law and Justice* 1, no. 2 (December 19, 2023): 9, doi:10.47134/ijlj.v1i2.2048.

function of administrative law has not yet been able to foster a sound legal culture within the government's bureaucratic system. Therefore, it is necessary to strengthen the functions and role of administrative law in the fight against corruption in Indonesia.

RESEARCH METHODOLOGY

This study employs a normative legal research method of an explanatory nature,[14] which seeks to explain the causes and effects of corruption and the failure to eradicate it. The approaches used in this study include a normative approach and a conceptual approach.[15] The legal materials used consist of primary legal sources obtained from legislation, court decisions, and international legal instruments such as conventions or international treaties.[16] Meanwhile, secondary legal materials were obtained from academic journals and textbooks. These legal materials were processed and analyzed qualitatively using legal interpretation and deductive legal reasoning. Legal interpretation is a form of legal discovery used to address legal issues that are unclear or lack a legal basis.[17] Deductive legal reasoning, on the other hand, is a logical way of thinking that involves drawing general conclusions from specific cases.[18]

RESULT AND DISCUSSION

In general, corruption occurs due to the abuse of authority *(détournement de pouvoir)* by government officials.[19] The abuse of authority itself refers to actions taken by government officials who use their authority for purposes other than those for which it was granted.[20] Meanwhile, administrative law governs the exercise of authority by government agencies *(organ ambten)*, the limits of authority, government governance, decision-making procedures or actions, as well as oversight and accountability. This means that the entire process from the initial

[14] Shofi Nurul Rahmawati and Djoko Sumaryanto, "LEGAL PROTECTION FOR HUMAN TRAFFICKING," *Journal of Court and Justice*, December 1, 2022, 34–40, doi:10.56943/jcj.v1i4.209.
[15] Ade Kosasih et al., "Strengthening the Indonesian Bicameral Parliament: Siyasah Dusturiyah Perspective," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (May 30, 2024): 335, doi:10.29240/jhi.v9i1.10047.
[16] Peter Mahmud Marzuki, *Penelitian Hukum*, Revision Edition (KENCANA, 2021).
[17] Irwansyah and Ahsan Yunus, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*, Revision Edition (Yogyakarta: Miara Buana Media, 2021).
[18] B. Arief Sidharta and Aep Gunarsa, *Pengantar Logika : Sebuah Langkah Pertama Pengenalan Medan Telaah*, 6th Edition (Bandung: Refika Aditama, 2017).
[19] Muhammad Tufail and Muhammad Taieb, "The Cultural Dynamics of Power and Corruption in Local Government Department, District Swabi, Khyber Pakhtunkhwa, Pakistan," *Journal of Management Practices, Humanities and Social Sciences* 7, no. 6 (2023), doi:10.33152/jmphss-7.6.2.
[20] Moh Alfatah Alti Putra, "BENTUK PENYALAHGUNAAN WEWENANG PEJABAT PEMERINTAH YANG TIDAK DAPAT DIPIDANA," *JUSTISI* 7, no. 2 (July 15, 2021): 118–36, doi:10.33506/js.v7i2.1362.

stages before corruption occurs, through the act of corruption itself, to the aftermath falls within the scope of Administrative Law.

Corruption is closely linked to administrative issues; therefore, administrative law is the most effective tool.[21] It is appropriate to make administrative law the primary remedy in the fight against corruption. Administrative law is not only preventive and corrective but also strengthens the system because it can be enforced at the repressive level and even serves a restorative function regarding damage to the bureaucratic system. Thus, Administrative Law is capable of realizing good governance based on the principles of transparency, responsiveness, professionalism, accountability, effectiveness, and participation. Therefore, Administrative Law can be used to reform systems vulnerable to corruption before criminal acts occur.[22] In addition, the use of administrative law is more practical, faster, and more flexible. Administrative sanctions can be imposed more quickly without going through a judicial process,[23] such as suspension of rights, demotion in rank or career level, temporary suspension, administrative fines, coercive fines *(dwangsom),* coercive measures *(bestuur dwang),* up to and including dishonorable discharge, thereby reducing the burden of enforcing Criminal Law.

When viewed from the perspective of the exercise of authority, Administrative Law plays a crucial role in guiding and overseeing the use of governmental authority. In essence, on the one hand, Administrative Law plays a significant role for government agencies or officials as a guide for action in the conduct of government affairs.[24] On the other hand, Administrative Law serves as a legal control mechanism over government conduct while simultaneously facilitating public oversight through administrative legal standards that require transparency of information and public participation. This means that Administrative Law is inherently linked to the functions and authority of the government.[25] Based on the role and functions of administrative law, there are at least several aspects that need to be improved in order to strengthen administrative

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[21] Andin Sofyanoor, "PERAN HUKUM ADMINISTRASI NEGARA DALAM PEMBERANTASAN KORUPSI DI INDONESIA," *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan* 1, no. 2 (January 29, 2022): 21–30, doi:10.54443/sibatik.v1i2.9.

[22] Vicky Zaynul Firmansyah and Firdaus Syam, "Penguatan Hukum Administrasi Negara Pencegah Praktik Korupsi Dalam Diri Pemerintahan Indonesia," *Integritas : Jurnal Antikorupsi* 7, no. 2 (April 5, 2022): 325–44, doi:10.32697/integritas.v7i2.817.

[23] Teguh Soedarto, L. Budi Kagramanto, and Teddy Prima Anggriawan, "PENGUATAN SANKSI ADMINISTRATIF SEBAGAI PERWUJUDAN PERLINDUNGAN LINGKUNGAN GUNA SUMBER DAYA ALAM BERKELANJUTAN (SEKTOR PERKEBUNAN, PERTAMBANGAN DAN KEHUTANAN)," *UNES Law Review* 5, no. 4 (July 12, 2023): 3763–73, doi:10.31933/UNESREV.V5I4.692.

[24] Samhan Nafi' BS, "Penegakan Hukum Administrasi Dalam Perlindungan Dan Pengelolaan Lingkungan Hidup Di Indonesia," *UNES Law Review* 6, no. 4 (June 12, 2024): 10099–115, doi:10.31933/UNESREV.V6I4.1983.

[25] Syahrul Ibad, "Hukum Administrasi Negara Dalam Upaya Penyelenggaraan Pemerintahan Yang Baik," *HUKMY : Jurnal Hukum* 1, no. 1 (April 30, 2021): 55–72, doi:10.35316/hukmy.2021.v1i1.55-72.

law in the fight against corruption in Indonesia, namely the preventive, repressive, and restorative aspects. The specific measures that must be taken to strengthen administrative law in these areas are as follows:

Preventive Measures

The preventive measures that need to be addressed begin with an efficient and transparent civil service recruitment system.[26] To date, government officials particularly the highest-ranking government leaders, namely the President and regional heads have been recruited through direct general elections, which entail high political costs. To participate in these political contests, candidates require support from many parties, both in terms of votes and financial backing.[27] Such support is never free; compensation must be paid once the position is secured. It is precisely these efforts to recoup high political costs that serve as the root cause of all forms of corruption, collusion, and nepotism.[28]

The areas most vulnerable to corruption, collusion, and nepotism are the procurement of goods and services, the recruitment of civil servants, the filling of civil service and state owned enterprise positions, the management of natural resources, and even down to the lowest level the public service sector.[29] Therefore, the direct general election system must be changed to an indirect general election system, for example through representative bodies, to make it more efficient and effective. Reforming the electoral system alone is not enough; it must be accompanied by reforms to the government bureaucracy, including the implementation of transparency in the recruitment of civil servants, the consistent application of professionalism and meritocracy in the filling of positions, the adherence to fair and equitable practices in the procurement of goods and services, capacity building for civil servants, and the streamlining of public service procedures so that the public can access services that are easy, fast, simple, and affordable.

In addition, a strict administrative oversight system is needed, along with opportunities for public participation both in oversight and in policymaking through government transparency, so that the likelihood of maladministration and

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[26] Shraddha Rishi, “Lateral Recruitment in Civil Services: Standing the Test of Merit,” *Indian Journal of Public Administration* 66, no. 4 (December 4, 2020): 563–77, doi:10.1177/0019556120983966.

[27] Muhammad Emir Al-Azkiya and S. Agus Santoso, “FENOMENA POLITISASI BIROKRASI DILIHAT DARI SUDUT PANDANG ADMINISTRASI PUBLIK (Studi Pada Ketidaknetralan Aparatur Sipil Negara Di Indonesia Saat Pemilu Dan Pilkada):,” *Moderat : Jurnal Ilmiah Ilmu Pemerintahan* 10, no. 2 (May 29, 2024): 373–87, doi:10.25157/MODERAT.V10I2.3721.

[28] Adam Nurfaizi Rosyan and Eko Prasojo, “Pemilihan Umum Dan Budaya Patronase: Mahalnya Biaya Politik Di Tengah Berkembangnya Sistem Meritokrasi,” *Publikauma : Jurnal Administrasi Publik Universitas Medan Area* 12, no. 1 (June 14, 2024), doi:10.31289/publika.v12i1.11791.

[29] Mihály Fazekas and Johannes Wachs, “Corruption and the Network Structure of Public Contracting Markets across Government Change,” *Politics and Governance* 8, no. 2 (May 28, 2020): 153–66, doi:10.17645/pag.v8i2.2707.

corruption can be minimized.[30] To date, oversight of government performance has remained very weak, as has oversight of the management of state finances. Both forms of oversight are carried out by the Government Internal Oversight Apparatus (APIP), namely the Inspectorate and the Financial and Development Supervisory Agency (BPKP).[31] However, both of these institutions are part of the government and are structurally subordinate to government leaders (the President and regional heads). As a result, the APIP is vulnerable to acting in a non-objective and non-independent manner when carrying out its functions and duties.

To strengthen the administrative oversight system regarding government performance, audit institutions must be free from government influence. This means that the performance audit function, which has traditionally been carried out by the APIP, should be performed by an independent institution. Meanwhile, oversight of state financial management can be adequately addressed by strengthening the functions and role of the external oversight body, namely the State Audit Agency (BPK). Without any other audit functions besides the BPK, disparities in audit results which lead to legal uncertainty for state financial managers can be avoided.

Oversight of public officials' assets also needs to be tightened.[32] This is because Indonesia is a signatory to the 2003 United Nations Convention Against Corruption, which includes provisions addressing illicit enrichment.[33] This means that oversight of public officials' assets is necessary through mandatory asset reporting. The process of reporting the assets of public officials has been carried out through the Public Officials' Asset Report (LHKPN) for state officials and high-ranking government officials,[34] and the Civil Service Asset Report (LHKASN) for all civil servants who are not required to file an LHKPN. Ironically, such reporting remains purely administrative in nature. There is no follow-up regarding the unjustified increase in the wealth of public officials. Acts of illicit enrichment cannot yet be subject to criminal sanctions, as Indonesia's Law on the Eradication of Corruption-Related Crimes does not yet address this issue. However, such illicit

[30] Mario Agritama S W Madjid and Muh. Ilham Akbar, "Kerugian Keuangan Negara Atas Penyalahgunaan Wewenang Dalam Instrumen Hukum Administrasi Negara," *Sanskara Hukum Dan HAM* 2, no. 02 (December 30, 2023): 66–79, doi:10.58812/shh.v2i02.268.

[31] Muhammad Nur Aflah et al., "KEDUDUKAN HUKUM APARATUR PENGAWASAN INTERN PEMERINTAH DALAM PENGAWASAN PENGADAAN BARANG/JASA PEMERINTAH," *JURNAL USM LAW REVIEW* 4, no. 2 (November 10, 2021): 631–50, doi:10.26623/julr.v4i2.4279.

[32] Tomi Hadi Moelyono, Maria Rosalind, and Maria Resta Erlina, "E-LHKPN DAN PERAMPASAN ASET SEBAGAI INSTRUMEN PENCEGAHAN PENINGKATAN KEKAYAAN YANG TIDAK SAH," *Lex Librum : Jurnal Ilmu Hukum* 8, no. 1 (December 24, 2021): 139–50, doi:10.46839/LLJIH.V0I0.653.

[33] David Szakonyi, "Indecent Disclosures: Anticorruption Reforms and Political Selection," *American Journal of Political Science* 67, no. 3 (July 25, 2023): 503–19, doi:10.1111/ajps.12646.

[34] Moelyono, Rosalind, and Erlina, "E-LHKPN DAN PERAMPASAN ASET SEBAGAI INSTRUMEN PENCEGAHAN PENINGKATAN KEKAYAAN YANG TIDAK SAH."

enrichment can be prevented administratively through audit mechanisms and the enforcement of administrative sanctions.

Another aspect that needs to be addressed immediately is the reform of public services based on e-government. The digitization of services will sever the direct link between the public and government officials. Until now, this direct relationship has fostered a culture of public service that relies on money and connections. Direct public service interactions between the government as the service provider and the public as the service recipient have created transactional relationships involving bribery and extortion against the public. At this stage, public services do not provide fair treatment for the public to access services, and this must be prevented.

Represive Measures

Administrative law enforcement against government officials who abuse their authority remains very weak at present. Yet, in theory, the Law on Government Administration provides for administrative sanctions against government officials who commit various unlawful acts *(onrechtmatige overheidsdaad),* particularly the abuse of authority that causes financial loss to the state, the acceptance of bribes and gratuities, and extortion.[35] However, in practice, administrative sanctions are only imposed after government officials found guilty of corruption have been convicted by a District Court and sentenced to criminal penalties.[36]

Treating criminal law as the primary remedy and administrative law as the last resort in the fight against corruption is a mistake. The fight against corruption caused by the abuse of authority that harms state finances should be conducted through administrative law so that the misuse of authority which has caused such losses to the state can be rectified and prevented from recurring in the future.[37] Conversely, if criminal law is directly applied to perpetrators of corruption, the root causes of the corruption cannot be addressed, because addressing it through criminal law is symptomatic, not causal.

Criminal proceedings may only be directly applied to abuses that involve criminal elements, such as bribery and extortion, because these two acts clearly demonstrate the presence of criminal intent *(mens rea).* In such cases, administrative law serves as the last resort *(ultimum remedium),* as administrative sanctions may not be imposed on the grounds that the perpetrator committed a

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[35] Nesa Anandia Sabrina and Joko Setiyono, "Legal Review of Administrative Law Related to the Examination of Abuse of Authority by Government Officials in Corruption Cases in Indonesia," *International Journal of Social Science and Human Research* 6, no. 10 (October 11, 2023), doi:10.47191/ijsshr/v6-i10-19.

[36] Sardi Laiti and Fenty U Puluhulawa, "Pertanggungjawaban Pidana Atas Tindakan Pegawai Negeri Bukan Bendahara Atau Pejabat Lain Yang Mengakibatkan Kerugian Negara," *Philosophia Law Review* 2, no. 1 (May 30, 2022): 73–93, doi:10.56591/PILAR.V2I1.14341.

[37] Amelia Putri Rizkyta and Bunga Restu Ningsih, "PENYALAHGUNAAN WEWENANG BERDASARKAN PENGADILAN TATA USAHA NEGARA DAN PENGADILAN TINDAK PIDANA KORUPSI," *Esensi Hukum* 4, no. 2 (December 15, 2022): 131–38, doi:10.35586/ESENSIHUKUM.V4I2.161.

criminal offense while the alleged criminal offense has not yet been proven. Meanwhile, abuse of authority that causes financial loss to the state and the act of accepting gratuities must first be processed administratively *(primum remedium).* Only if these administrative procedures cannot be enforced should the instruments of criminal law be used as an *ultimum remedium*.[38]

The principle of legal priority establishes administrative law as the primary remedy because the application of administrative law is more practical, faster, and more flexible.[39][40] Administrative sanctions can be imposed more quickly without going through the judicial process, such as suspension of rights, demotion in rank or career level, temporary suspension, administrative fines, coercive fines *(dwangsom),* administrative coercion *(bestuur dwang)*,[41] up to dishonorable discharge, thereby reducing the burden of criminal law enforcement. Consequently, law enforcement agencies such as the Police, the Prosecutor's Office, and the Corruption Eradication Commission (KPK) can focus more on corruption cases that cannot be resolved through administrative or civil law instruments. To date, efforts to address the abuse of authority that causes financial losses to the state, based on audit findings, have been limited to recovering such losses through claims for compensation by the state or the use of administrative enforcement measures. Meanwhile, officials who cause financial losses to the state are not subject to administrative sanctions that serve as a deterrent, thereby creating the potential for such misconduct to recur.

The weak enforcement of administrative law stems from a normative issue in the Law on Government Administration, which only provides for the imposition of administrative sanctions on government officials if they fail to reimburse the state for financial losses. If the official in question fails to reimburse the state for financial losses, the case is referred to investigators for criminal prosecution. However, administrative sanctions such as coercive measures and the dismissal of the official in question can be imposed without waiting for a criminal court ruling. However, if the government official in question has reimbursed the state for the financial loss, the case of abuse of authority resulting in financial loss to the state is deemed closed, and the offense is considered to have never occurred. The government official's misconduct that caused the state's financial loss should still

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[38] Yus Rizal and Zudan Fakrulloh, "Application of Ultimum Remedium Principle in Tax Criminal Law," in *Proceedings of the First Multidiscipline International Conference, MIC 2021, October 30 2021, Jakarta, Indonesia* (EAI, 2022), doi:10.4108/eai.30-10-2021.2315853.

[39] Anidaul Khanifah and Nabitatus Sa'adah, "Administrative Effort As A Premium Remedium In State Administrative Dispute Settlement," *International Journal of Social Science and Human Research* 05, no. 02 (February 14, 2022), doi:10.47191/ijsshr/v5-i2-26.

[40] Salman Alfarisy, Nadrya Ning Tias, and Johan Sahbudin, "PELANGGARAN PROTOKOL KESEHATAN COVID-19: ULTIMUM REMEDIUM ATAU PRIMUM REMEDIUM (STUDI KASUS MRHS)," *Indonesia Criminal Law Review* 1, no. 1 (August 31, 2021), https://scholarhub.ui.ac.id/iclr/vol1/iss1/3.

[41] Sella Dapurahayu et al., "Perbandingan Efektivitas Sanksi Administratif Dan Pidana Terhadap Pelaku Kartel Di Indonesia," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 3, no. 1 (January 18, 2025): 399–406, doi:10.62976/ijijel.v3i1.942.

be addressed. The official in question should still be subject to administrative sanctions, whether corrective or punitive in nature.

Officials who have caused financial losses to the state but have reimbursed the state must still be subject to administrative sanctions in the form of oversight, whether through internal oversight by their immediate superiors and the inspectorate or external oversight by the State Audit Agency and investigators. Furthermore, to prevent the same mistake from recurring in the future, the official in question must be subject to administrative sanctions in the form of dismissal from office and suspension of official privileges. These sanctions will serve as a deterrent to offenders. In addition, they will serve as a warning to others who intend to commit corruption or have the opportunity to do so, discouraging them from doing so.

In circumstances where the abuse of authority by public officials results in state financial losses and gives rise to corrupt practices, administrative sanctions ought to be imposed not only upon the individual officials directly responsible but also upon the government institution concerned. This position is supported by an established legal analogy: in both civil and criminal proceedings, corporations possessing the status of private legal entities may be held liable and subjected to sanctions in the form of damages as well as criminal penalties.[42] By extension, government institutions, which constitute public legal entities, should be equally susceptible to administrative sanctions. The imposition of such sanctions upon government institutions is consistent with and reflective of the principle of equality before the law.

The forms of administrative sanctions that may be imposed on government institutions include budget cuts and a downgrade in the institution's typology or class. For example, at the local government level, there are typologies or classifications of local government agencies ranging from the lowest (Type C), to the intermediate (Type B), and the highest (Type A). If corruption occurs within a local government agency, the consequence is that the agency's classification is lowered by one level. The same applies to corruption occurring in other institutions, such as universities. The accreditation of the university in question may be downgraded or even revoked.

A further institutional consequence of administrative decline is the potential rationalization of bureaucratic structures, resulting in the reduction of both structural and functional positions. Such an outcome would extend beyond organizational inefficiency, producing direct personal consequences for civil servants, particularly through the curtailment of official appointments. It follows, therefore, that every government official bears a responsibility to cultivate genuine legal awareness concerning anti-corruption norms and to internalize a professional

[42] Muhammad Ridwan Lubis, Panca Sarjana Putra, and Yasmirah Mandasari Saragih, "Corporate Criminal Liability for Criminal Acts of Corruption," *Jurnal Pembaharuan Hukum* 8, no. 1 (March 16, 2021): 48, doi:10.26532/jph.v8i1.15234.

commitment to public service, so as to prevent the imposition of administrative sanctions that would adversely affect the broader civil service.

Beyond the issue of abuse of authority that causes financial harm to the state, the problem of illicit enrichment warrants serious attention within the administrative law framework. Supervisory bodies charged with monitoring the assets of public officials, including the Corruption Eradication Commission (KPK) and the Inspectorate, should conduct systematic audits of wealth accumulation that appears disproportionate to official income. Officials who are unable to furnish a rational and verifiable account of their acquired assets ought to be subjected to administrative sanctions, including the imposition of administrative fines. Where audit findings reveal substantive indications that wealth was obtained through unlawful means, such as corruption or the laundering of criminal proceeds, the responsible auditor is obligated to refer the matter to investigative authorities for prosecution under criminal law. The consistent application of such supervisory and punitive mechanisms is expected to cultivate a culture of restraint and accountability among public officials.

Taken together, the findings of this study both support and extend prior scholarly contributions to anti-corruption discourse. With respect to Fatoni's research, which established the preventive function of administrative law within the governance framework, the present study affirms that foundational premise while advancing it further by demonstrating that administrative law is equally capable of serving repressive and restorative functions.[43] This study therefore extends Fatoni's work beyond its original preventive scope. In relation to Sahroni's research, which positioned the recovery of state financial losses as the primary instrument of anti-corruption enforcement, the present study offers a partially contrasting proposition: it argues that administrative law, rather than financial restitution through criminal mechanisms, should constitute the principal line of defense, with criminal law reserved as a measure of last resort.[44] In this regard, the present study does not invalidate Sahroni's contribution but reorders the normative hierarchy of legal instruments in anti-corruption strategy. Collectively, this study reinforces the theoretical repositioning of administrative law as the primum remedium in combating corruption, while restoring criminal law to its proper function as the ultimum remedium.

[43] Fatoni, “REKONSTRUKSI HUKUM ADMINISTRASI PEMERINTAHAN SEBAGAI UPAYA PENCEGAHAN PRAKTIK KORUPSI DALAM MEWUJUDKAN PENYELENGGARAAN BIROKRASI BERBASIS NILAI KEADILAN PANCASILA.”
[44] Sahroni, “Pemberantasan Korupsi Melalui Prinsip Ultimum Remedium: Suatu Strategi Pengembalian Kerugian Keuangan Negara.”

CONCLUSION

Corruption in government administration is fundamentally rooted in the abuse of authority by public officials in the performance of their administrative duties. The weak role of administrative law in combating corruption is caused by several factors, including the weakness of the administrative prevention system within the government bureaucracy, the lack of independence of the internal oversight system regarding government officials, and the ineffective application of administrative sanctions against abuses of authority that result in financial losses to the state. Based on these findings, strengthening the role of administrative law in combating corruption must be achieved through enhancing preventive functions via merit-based reforms of the recruitment and appointment systems for government officials, strengthening independent administrative oversight mechanisms, increasing transparency and accountability in the management of state assets, and developing e-government-based public services.

In the repressive aspect, administrative sanctions must be strictly enforced against abuses of authority that cause financial loss to the state without waiting for a criminal verdict, and it must equally be possible to impose administrative sanctions on government institutions that have systematically failed to prevent corrupt practices. In the restorative aspect, the enforcement of administrative law must be directed toward reforming dysfunctional bureaucratic systems to ensure that abuses of authority do not recur in the future. This study contributes to the existing scholarship by demonstrating that administrative law extends beyond its traditionally recognized preventive function to encompass repressive and restorative dimensions, thereby affirming its position as the primum remedium in anti-corruption strategy and restoring criminal law to its proper role as the ultimum remedium. Future research is encouraged to examine the empirical effectiveness of administrative sanctions in actual corruption cases and to explore comparative frameworks across different legal systems, so as to further advance the development of administrative law as a comprehensive instrument in combating corruption.

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