

Abuse of Authority as Reviewed from the Perspective of State Administrative Law

Dwi Putri Aditya

State Islamic University of North Sumatra

E-mail: putriadityadwi@gmail.com

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<p>Article History Received : 2021-09-04 Revised: 2021-09-13 Published: 2021-09-30</p> <p>Keywords: <i>Abuse Of Authority; State Administrative Law; Government Administration; Government Oversight; Public Accountability</i></p>	<p>Abuse of authority is a fundamental problem in governance that has the potential to undermine the general principles of good governance (AUPB) and reduce public trust in the state bureaucracy. This phenomenon arises when government officials use their authority excessively, mix up their authority, or act arbitrarily, thus deviating from the purpose for which the authority was granted. This study aims to analyze abuse of authority from the perspective of State Administrative Law and examine the legal implications and oversight mechanisms available in the Indonesian legal system. The research method used is normative legal research with a library research approach, through a review of relevant laws and regulations, legal doctrine, and national scientific journals. The approach used includes a statute approach and a conceptual approach to obtain a comprehensive understanding. The results of the study indicate that Law Number 30 of 2014 concerning State Administration has provided a clear normative basis regarding the prohibition of abuse of authority, including review by the State Administrative Court. In addition, strengthening internal and external oversight mechanisms and the application of the principles of accountability and transparency are strategic steps in preventing abuse of authority. This research is expected to provide theoretical and practical contributions in efforts to realize good governance.</p>

I. INTRODUCTION

Abuse of authority is a crucial issue that consistently arises in the practice of governance in Indonesia, as it has the potential to undermine the general principles of good governance (AUPB) and public trust in the state bureaucracy. Conceptually, abuse of authority occurs when public officials exceed the limits of their authority, mix up their powers, or act arbitrarily in carrying out their duties, thereby causing losses to the state and the public. This issue is increasingly relevant in light of developments in state administrative law, which now provides greater scope for administrative audit mechanisms through state administrative courts. In this context, several legal studies indicate that normative mechanisms in administrative law are not yet fully effective in preventing abuse of authority by state officials. (Safitri, Tri Maya Sari Manurung, 2025).

The study of abuse of authority is not only normatively relevant but also historically important considering the development of

administrative law regulations in Indonesia, particularly after the enactment of Law Number 30 of 2014 concerning State Administration. In state administrative law, administrative actions that deviate from regulations and principles of good governance can be seen as a form of maladministration that must be prevented through an effective legal framework. Several studies have shown that the concept of abuse of authority in administrative law is closely related to the principle of *détournement de pouvoir*, namely the use of authority for improper purposes that are detrimental to the public interest. Law 30/2014 provides space for state administrative courts to examine elements of administrative abuse of authority, but its practical implementation still faces various challenges. (Ihfan, 2024).

The issue of abuse of authority is also related to the competence of state administrative courts to examine whether there are elements of abuse of authority against government officials,

particularly following the administrative law reforms that emerged in the last decade. This is supported by empirical findings that the lack of boundaries in several implementing regulations has led to inconsistent interpretations of the PTUN's authority in judicial practice. Furthermore, weaknesses in the implementation of administrative oversight mechanisms have increased the risk of abuse of authority that is detrimental to the state.(Firstnandiar Glica Aini Suniaprily, Muhammad Aziz Zaelani, 2024).

In the practice of governance, abuse of authority often results in significant state losses, both in the form of fiscal costs and a decline in public trust in the public bureaucracy. Normative studies show that abuse of authority that results in state losses not only has administrative implications but also has the potential to become the object of criminal law for corruption. This situation demonstrates the importance of synchronizing state administrative law and criminal law for corruption in the context of comprehensive law enforcement. Understanding this relationship will help in formulating legal mechanisms that are not only reactive but also preventative against the practice of abuse of authority.(Panjaitan, 2017).

Consistent with existing literature, abuse of authority also raises questions about the limits of the implementation of legitimate public authority in modern governance. This is crucial because the uncontrolled use of public authority can blur the division of authority between state institutions and reduce the effectiveness of government functions in protecting public interests. Previous research also indicates that abuse of authority requires more decisive action because its impacts are not only administrative but also political and moral in the context of state administration. Accordingly, this study will compare Indonesian administrative law perspectives with international best practices to assess the effectiveness of existing mechanisms. Therefore,

this research has strong theoretical and practical relevance in strengthening the enforcement of state administrative law.(Manao, 2018).

Based on the above description, this research is designed with a normative juridical approach that aims to comprehensively examine abuse of authority from a state administrative law perspective. The research will utilize analysis of relevant laws and regulations, court decisions, and recent scientific studies. The research findings are expected to not only contribute to the development of state administrative law but also serve as recommendations for legal and public administration policies. The resulting scientific contributions are expected to support efforts to improve accountability, transparency, and good governance in Indonesia. Therefore, this research represents a strategic step in strengthening the enforcement of state administrative law against abuse of authority.

II. RESEARCH METHODS

This study uses a normative legal research method with a library research approach, as it focuses on normative studies regarding abuse of authority from the perspective of State Administrative Law. The research was conducted by reviewing various relevant written sources, including laws and regulations, legal doctrine, and scientific literature. The approaches used include a statutory approach and a conceptual approach. The statutory approach is carried out through a review of Law Number 30 of 2014 concerning State Administration and other related regulations, while the conceptual approach is used to understand the concept of abuse of authority based on the views of state administrative law experts. These two approaches are used in an integrated manner to obtain a comprehensive understanding of the research problem.

The legal materials used in this research consist of primary and secondary legal materials

collected through literature review. Primary legal materials include laws and regulations relating to the authority of government officials, while secondary legal materials consist of legal textbooks and relevant national scientific journal articles. All legal materials were analyzed using juridical reasoning and appropriate legal interpretation techniques. The analysis was conducted systematically to examine legal norms and the limits of the exercise of authority by government officials. The results of the analysis were then compiled descriptively and analytically to objectively answer the research questions.

III. RESULTS AND DISCUSSION

A. The Concept of Abuse of Authority in State Administrative Law

Modern governance grants public officials authority as an instrument for making legitimate decisions or taking action in carrying out state functions. This authority is formal power granted by statutory regulations to officials to act within certain legal boundaries and in the public interest, not for personal or group interests. In the context of state administrative law, a correct understanding of authority serves as the basis for assessing the legality of administrative actions taken by public officials. When this authority is used beyond the purposes established by law, the action can be classified as an abuse of authority, potentially invalidating its legality.

Abuse of authority in state administrative law is generally understood as the actions of government officials who use their authority for purposes that deviate from the objectives established by law or the public interest. This concept is often used in conjunction with the term *détournement de pouvoir*, which originates from the French tradition of state administrative law and describes the improper use of authority. This concept of *détournement de pouvoir* was later adopted in Indonesian administrative law studies as a parameter for testing the validity of administrative actions. An administrative action is declared an abuse of authority if the purpose of using the authority is not for the public interest but for the benefit of a particular individual or

group that exceeds the legal objectives. (Shobirin, 2020).

According to administrative law literature, there are three main elements that must be met for an administrative action to be considered an abuse of authority: intent, diversion of the purpose of the authority, and personal or negative interests. The element of intent indicates that the action was carried out consciously and not merely due to administrative negligence, but rather with a specific, deviant intent. The element of diversion of the purpose of the authority means that the purpose of using the authority shifts from the public interest to the interests of a particular individual or group that is inconsistent with the granting of the authority. Meanwhile, the element of negative interests indicates an objective that is detrimental to the state or society, either directly or indirectly. These three elements are crucial in assessing the legality of an administrative action. (Alexandro R. Bujung, Roosje MS Sarapun, 2014).

The principle of *détournement de pouvoir* in state administrative law emphasizes that authority is granted to a public official to achieve specific objectives stipulated in statutory regulations. When that authority is used for purposes other than its legitimate context, the public official's actions are deemed to be in conflict with the basic principles of legality and the purpose of granting the authority. This is an important benchmark in assessing administrative actions in state administrative courts, particularly when examining whether there is an element of abuse of authority in a government decision or action. This principle helps distinguish between legitimate administrative decisions and those that deviate from the purpose of granting the authority. (Pietersz, 2024).

Several experts in state administrative law also emphasize that abuse of authority is different from arbitrary action (*willekeur* or *abuse de droit*), even though both fall within the realm of administrative law violations. Abuse of authority relates to the deviant purpose of using authority, while arbitrary action is more related to imbalance or irrationality in administrative decision-making. This distinction is crucial for understanding the boundaries between acts that are truly an abuse of authority and administrative

actions that may be procedurally incorrect or irrational but do not contain elements of negative intent. Clarifying these elements helps in developing strong legal arguments in research and litigation. Thus, a study of this concept serves as an important foundation for understanding the position of abuse of authority in state administrative law.

In the practice of administrative law in Indonesia, abuse of authority is a central issue affecting the integrity and accountability of government. When public officials abuse their authority, this not only undermines the legitimacy of administrative decisions but also creates potential state losses and public distrust in government administration. Therefore, a proper understanding of the concept, elements, and principles of *détournement de pouvoir* is essential for academics, legal practitioners, and law enforcement to strengthen control over deviant administrative actions. A strong legal awareness will help prevent abuse of authority and increase accountability in the implementation of state administration. This study also emphasizes the relevance of state administrative law in preventing and addressing the practice of abuse of authority. (Panjaitan, 2017).

B. Abuse of Authority Under the State Administration Law

Law Number 30 of 2014 concerning State Administration explicitly prohibits abuse of authority by government officials as a form of action that violates state administrative law. Article 17 of Law 30/2014 states that government officials are prohibited from using their authority beyond the intent and purpose of granting such authority, which could potentially result in decisions that are invalid, unfair, or detrimental to the public interest. This regulation not only places abuse of authority within the administrative realm but also serves as the legal basis for testing officials' actions through the State Administrative Court. This provision aims to strengthen accountability and compliance with the principles of good governance. (Asmuni, 2024).

In Law 30/2014, the forms of prohibition on abuse of authority are divided into three main categories: exceeding authority, mixing authority, and acting arbitrarily as a form of illegitimate administrative action. The term exceeding

authority refers to actions by officials that exceed the limits of authority granted by law, so that the decision or action has no strong legal basis and creates administrative uncertainty. Mixing authority describes a situation where an official combines authority that should be separate or is not in accordance with the purpose of granting certain authority. Meanwhile, arbitrary action occurs when an official makes a decision without a rational or proportional basis in government, thereby harming the public interest. These three forms of prohibition are benchmarks in testing the validity of administrative actions by government officials. (Damongilala, 2018).

The prohibition on exceeding authority in Law No. 30 of 2014 reflects the commitment of state administrative law to regulate the use of government officials' authority in a measured and accountable manner. When authority is exceeded, the administrative action loses legal legitimacy because it is no longer subject to the principles of legality and the purpose of granting authority in the regulation. This makes the resulting decision vulnerable to being overturned by the state administrative court in an administrative review. This normative approach is important to prevent arbitrary practices that have the potential to harm the public and undermine the continuity of effective government administration. (Alexandro R. Bujung, Roosje MS Sarapun, 2014).

The aspect of mixing authorities in the State Administration Law indicates that government officials are prohibited from combining authorities granted for different purposes, thereby blurring the boundaries of authority within each norm. The practice of mixing authorities can occur when officials use authorities originally limited to a specific purpose and then combine them or use them for other purposes inconsistent with the granting of those authorities. This situation not only undermines the proper administrative structure but also opens up the opportunity for unfair administrative actions that could potentially harm other parties. This provision emphasizes that all public authority must be used only for purposes established by law. Thus, this limitation is an important instrument in maintaining balance in administrative governance practices. (Damongilala, 2018).

The prohibition on arbitrary action in Law No. 30 of 2014 indicates that government officials may not make unstable or irrational decisions without strong and proportional reasons in public administration policies. Arbitrary actions reflect the use of authority without regard to the general principles of good governance (AUPB), such as the principles of legal certainty, transparency, and public service. The existence of AUPB within the framework of state administrative law serves as a substantive control over the administrative behavior of officials to prevent them from falling into practices that ignore legal and ethical standards. These restrictions on arbitrary actions reflect the government's efforts to minimize the potential for arbitrary administrative practices and maintain the legitimacy of administrative decisions. Therefore, the role of general principles of good governance is crucial in preventing systemic abuse of authority in government administration.(Asmuni, 2024).

C. Legal Consequences of Abuse of Authority in the Administration of Government

The legal consequences of abuse of authority in government administration not only have ethical and political implications, but also create administrative consequences for the officials concerned. Government officials who abuse their authority through incorrect administrative actions or exceed their authority may be subject to administrative sanctions such as demands for restitution of state losses or the cancellation of their administrative actions. Oversight by the Government Internal Supervisory Apparatus (APIP) will produce a recommendation as to whether the action constitutes maladministration resulting in state losses, and the official will be personally liable for the restitution of those losses. Furthermore, officials who have been found to have abused their authority may submit a request to the State Administrative Court to examine the existence of elements of abuse of authority before initiating criminal proceedings. These legal consequences demonstrate that abuse of authority carries serious administrative consequences in state governance.(Juliani, 2019).

The annulment or revocation of an administrative decision/action is one of the most significant direct consequences of abuse of authority in state administrative law. When an

administrative decision or action is deemed to contain elements of abuse of authority, the state administrative court has the authority to annul the decision based on a judicial review of applicable legal norms. This annulment means that the administrative action is invalid from the outset (void ab initio) and cannot give rise to further legal consequences. This PTUN examination is crucial for upholding the principle of legal certainty and restoring the legal standing of parties harmed by erroneous decisions. This process embodies the oversight function of administrative judicial institutions, strengthening the accountability mechanisms of public officials.

The legal consequences of abuse of authority also extend to the legal accountability of state officials, which includes administrative, civil, and criminal liability if certain elements are met. Administrative liability can take the form of disciplinary sanctions, dismissal, or dishonorable discharge of the official concerned in accordance with the provisions of the ASN law or internal agency regulations. Furthermore, if the act of abuse of authority is proven to have resulted in state financial losses or contains elements of corruption, the official may be subject to criminal liability under relevant legal provisions. In the context of ASN regulations and government administration, officials must be accountable for any actions that violate the law and the principles of public service.(Christine ST Kansil, 2023).

The link between abuse of authority and criminal liability is further strengthened by the practice of coordination between administrative and criminal mechanisms in handling cases. In many situations, the results of administrative investigations that indicate abuse of authority can be used as evidence in criminal law enforcement proceedings, particularly in corruption cases involving state losses. However, the restitution of state losses does not automatically eliminate criminal liability; officials can still be subject to criminal sanctions if the elements of the crime stipulated in the relevant law are met. This point illustrates the importance of integration between administrative law and criminal law in ensuring that officials who abuse their authority are processed fairly and thoroughly. Therefore, the legal framework for official accountability in cases of abuse of authority reflects the legal objective of

upholding public accountability.(Dewi Navisa, 2025).

D. Supervisory Mechanism and Efforts to Prevent Abuse of Authority

Internal oversight is a crucial instrument in government administration to prevent abuse of authority by public officials, particularly through the Government Internal Oversight Apparatus (APIP), such as the Regional Inspectorate. This oversight aims to ensure that all administrative processes, including budget preparation and policy implementation, are carried out in accordance with the principles of legality, accountability, and effectiveness, and to prevent deviations from the authority granted. However, in practice, internal oversight often faces structural obstacles, such as bureaucratic subordination and political intervention, which weaken the independence of the oversight function. Effective internal oversight is key to identifying potential abuses of authority early on and reducing the risk of deviant administrative actions.(Najib & Mahendrati, 2025).

External oversight of government administration also plays a significant role in preventing abuse of authority, both through judicial institutions such as the State Administrative Court (PTUN) and independent institutions such as the Indonesian Ombudsman. The PTUN has the authority to review and annul administrative decisions that contain elements of abuse of authority, as stipulated in Law Number 30 of 2014 concerning Government Administration. Through this administrative judicial review mechanism, the public or injured parties can challenge the actions of public officials deemed to have exceeded or abused their authority before the courts. Thus, this external role provides a check on non-transparent administrative decisions.(Simandjuntak et al., 2025).

The PTUN's authority to review the administrative actions of public officials has expanded since the enactment of the State Administration Law, allowing the PTUN to not only examine the formal legality of decisions but also elements of abuse of authority itself. In practice, this authority allows the PTUN to assess whether a particular decision meets the principle of *détournement de pouvoir* or has been

substantially abused. This is important because administrative decisions that are not only procedurally flawed but also abused can harm the public interest and undermine the principle of administrative justice.(West Java Syabran, Aldri Frinaldi, 2024).

Strengthening the principles of accountability and transparency is also a crucial strategy in preventing structural abuse of power. Accountability requires government officials to be accountable for every administrative decision and action to the public or oversight bodies, making information disclosure fundamental to governance. Transparency allows the public to oversee the decision-making process and public policy, thereby enhancing social control over administrative practices. Without adequate information disclosure, internal and external oversight can be hampered because the public and oversight bodies experience limited access to necessary data or legal processes.

Collectively, internal and external oversight mechanisms, along with strengthening the principles of accountability and transparency, form an interconnected preventive and repressive framework to address abuse of authority. Internal oversight operates within the government to ensure all work units operate according to good administrative standards, while external oversight provides control through legal channels and public participation. Furthermore, administrative transparency allows the public to participate in oversight, while accountability ensures that public officials are held accountable for their actions. The synergy of these three elements is crucial for realizing good governance and preventing arbitrary bureaucratic practices or excesses of authority.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Abuse of authority is a serious problem in governance that has the potential to undermine the general principles of good governance and reduce public trust in the state bureaucracy. From the perspective of State Administrative Law, abuse of authority occurs when government officials exceed the limits of their authority, mix up their authority, or act arbitrarily, thus deviating from the purpose of

the authority granted. Law Number 30 of 2014 concerning State Administration has provided a clear normative basis for regulating the prohibition of abuse of authority and the mechanism for testing it through the State Administrative Court. Furthermore, abuse of authority can result in administrative and criminal legal consequences if certain elements are met. Therefore, strengthening oversight mechanisms and implementing the principles of accountability and transparency are crucial elements in preventing abuse of authority in government practice.

B. Suggestion

The government needs to consistently strengthen the implementation of Law Number 30 of 2014 concerning State Administration, particularly in overseeing the use of authority by government officials. The Internal Government Supervisory Apparatus and the State Administrative Court need to be optimized to carry out their oversight functions and test abuse of authority effectively and independently. Furthermore, increased transparency and accountability in administrative decision-making need to be continuously encouraged to strengthen public trust. Academically, further research is recommended to examine abuse of authority empirically to complement normative studies and provide more applicable policy recommendations for the development of State Administrative Law.

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