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The Role of Government Administrative Law to Prevent Corruption Practices in Realizing Indonesian Bureaucratic Implementation

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Abstract: That state administrative law is developing rapidly over time. Talking about criminal acts of corruption in government cannot be separated from state administrative law, which to this day has never ended and is even more rampant because there is no awareness from government officials in carrying out their positions. The purpose of this study is to analyze and discover the role of state administrative law in efforts to prevent corrupt practices in realizing the implementation of the bureaucracy in Indonesia. In this study using the constructivism paradigm, the socio legal research approach method, the data source in this study is secondary data. Which consists of primary legal materials, secondary legal materials, and tertiary legal materials. secondary data obtained by conducting a literature study. The data obtained were then analyzed using a qualitative descriptive method. The findings show that the role of government administration law as an effort to prevent corrupt practices in realizing the current administration of the bureaucracy is still not fully just because there are still many state officials who commit violations and do not provide a deterrent effect for perpetrators. The actions of government officials can become an opportunity for acts that are against the law that violate the rights of citizens, such as acts of corruption. Here the role of State Administrative Law is very important in efforts to prevent and especially abuse of authority by officials. Upholding the law is important, but a strategy focused solely on law enforcement will almost certainly fail and will not be able to create an ethical environment that rejects corrupt behavior. Particularly for the government and law enforcement officials, State Administrative Law has a function and role in preventing and eradicating corruption in Indonesia. Construction of government administration law as an effort to prevent practices that are more authoritative and promote equality before the law.

IndexTerms **- Reconstruction, Administrative Law Enforcement, Pancasila.**

I. INTRODUCTION

In administrative law, there is an official responsibility in carrying out its functions, distinguished between position responsibility and personal responsibility. Position responsibility about the legality (validity) of government actions. In administrative law, the issue of the legality of acts of government is related to the approach to government power. responsibility relates to the functional or behavioral approach to administrative law. Personal responsibility about maladministration in the use of authority and the public service. The distinction between official responsibility and personal responsibility for acts of government has consequences related to criminal responsibility, civil responsibility, and state administrative responsibility (TUN). Responsibility is personal responsibility and in relation to government acts, the personal responsibility of an official is related to the existence of administrative malfeasance [1].

Civil liability can become office liability related to unlawful acts by the authorities. Civil liability becomes personal liability if there is an element of administrative maladministration. State administration liability is basically positional liability. Since the enactment of Law Number 12 of 2011 concerning the Formation of Legislation, the use of criminal provisions in legislation has been determined in a limited manner. Based on the provisions of article 15 paragraph 1 of Law no. 12 of 2011 stipulates that content regarding criminal provisions can only be contained in laws, provincial regulations, regency/city regional regulations. While the general provisions regarding the type of crime (strafsoorft) and the length of criminal sanctions (strafmaat) that are permitted are regulated in Provincial Regulations and Regency/City Regional Regulations in the form of a maximum imprisonment of 6 (six) months or a maximum fine of RP. 50,000,000, - (Fifty Million Rupiah). Exceptions, namely Provincial Regulations and Regency/City Regional Regulations may contain threats of imprisonment or fines other than those referred to in Article 15 paragraph (2), if there are references, namely as stipulated in other Laws and Regulations [2].

So, if we observe legislative policies both at the central and regional levels, it seems that even today, criminal law is still used and relied on as one of the criminal politics. Lately, at the end of most statutory products, there is almost always a sub-chapter on "criminal provisions" as an administrative character. penalty law. It can be conveyed that criminal law is almost always a " guard " for other disciplines in various fields, including the discipline of Administrative Law, so that it seems that any legislative product without provisions for criminal sanctions, regulation will be considered a product that has no value. This reason indeed shows that criminal law

has limitations in dealing with crimes that develop in society and this limitation is one of the solutions for introducing criminal law to other disciplines, including Administrative Law.

Based on some of the reasons mentioned above, it is only natural that Barda Nawawi Arief questions whether the use of criminal law in the field of administration in Indonesia can be equated with administrative penalties. law. In connection with these developments, Andi Hamzah has written that in Indonesia the development of criminal legislation outside the Criminal Code is different from the Netherlands. In the Netherlands, legislation outside the Criminal Code is generally divided into two, namely criminal legislation and administrative legislation with criminal sanctions. According to Andi Hamzah, the administrative laws that carry criminal sanctions are usually in the form of offenses, while in Indonesia, Andi Hamzah continued, it is different, because there are administrative laws that carry sanctions up to the death penalty. Crime is present not only in most societies from one group but also in all societies that are not faced with the problem of crime [3].

The definition of an administrative crime as the utilization of criminal law to enforce administrative law carries the consequence that criminal law can only be applied to a particular event depending on whether the event is classified as a legal act in administrative law or not. The position following criminal law after administrative law then becomes a dilemma because it lies between two views. The first view is that criminal law is the ultimum remidium or last resort in enforcing the law after being given the opportunity to settle the law through other branches of law, for example administrative law, civil law, and others. This view is in line with the understanding of administrative criminal law proposed by Barda Nawawi Arief and in line with the principle of subsidiarity in criminal law. The second view which is oriented towards the utilization of criminal law to achieve the public goals of criminal law states that after the enforcement of administrative law (administrative sanctions) on a crime does not eliminate the criminal sanction for that act.

With the considerations and opinions of the experts mentioned above, it is necessary to further discuss or discuss it so that in formulating administrative law it can be in line or directly proportional. Because in daily practice, of course, it creates legal uncertainty among the government and society to go even further. Because with so many legal arguments will give rise to 2 bases, namely:

1 There is no judge or lawyer, who begins to argue from a vacuum. Legal arguments always start from positive law. Positive law is not a closed or static situation but is a continuous development. From a provision of positive law, jurisprudence will determine new norms. People can reason from positive legal provisions from the principles contained in positive law to make new decisions.
2 The second specificity in legal argumentation or legal reasoning relates to the procedural framework, within which rational argumentation and rational discussion take place.

Construction is urgently needed in dealing with a legal vacuum (leemten). Because with good legal construction, of course, it will minimize the abuse of authority, in this case, state officials in the practice of criminal acts of corruption. In administrative law the principle of legality/validity (legaliteit beginsel / wetmatigheid vans bestuur) includes 3 aspects, namely: authority, procedure, and substance. This means that authority, procedure, and substance must be based on statutory regulations (legality principle), because in these statutory regulations the objectives of giving authority to administrative officials have been determined, what are the procedures for achieving a goal and regarding its substance. In judicial practice, abuse of power and procedural defects is often interchanged/confined, as if procedural defects are inherent in abuse of authority. For example, an administrative official who makes a direct appointment, but because there is a goal of winning one of the parties, in this case a partner, then there is an abuse of authority and a flaw in the procedure being carried out [4].

Meanwhile, the element of abuse of authority in corruption is a species delict from an element against the law as a genus of delict will always be related to the position of a public official, not in relation to and understanding the position in the realm of civil structure. The offense of abuse of authority in corruption is regulated in Article 3 of Law Number 31 of 1999 juncto Law Number 20 of 2001 namely: Everyone who, with the aim of benefiting himself or another person or corporation, abuses the authority, opportunity or facilities available to him because of his position or position which can harm the state's finances or the country's economy, shall be punished with a maximum imprisonment of short 1 (one) year 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)

Based on the wording of the article above, the formulation of the criminal act of corruption is interpreted as a state apparatus or public official who certainly fulfills the elements, namely: being appointed by an authorized official, holding a position or position, and carrying out part of the duties of the state or tools of state administration. So that the term "abusing authority" must be interpreted in the context of public officials, not private officials, although the private sector also has positions. Through this paper, the author wants to carry out a reconstruction of the relevant laws and regulations, with the aim of fulfilling a sense of justice for administrative officials in the practice of criminal acts of corruption [5].

II. RESEARCH OBJECTIVES

1. To analyze and find efforts to prevent corruption practices in the administration of the bureaucracy in Indonesia.
2. To obtain reference material for future research related to government administration law in preventing corruption criminal practices in realizing good bureaucratic administration.

III. RESEARCH METHODOLOGY

In this study using the constructivism paradigm, a normative juridical approach. data source in this research is secondary data. Data was obtained through library research consisting of primary legal materials in the form of the Constitution, laws, government regulations and other regulations, secondary legal materials in the form of books, research results, journals and doctrines of undergraduate opinion and the internet as well as tertiary legal materials in the form of legal dictionaries and encyclopedias. The data obtained were then analyzed using a qualitative descriptive method.

IV. RESULTS AND DISCUSSION

4.1 Government administrative law regulations

State administrative law or governance law can basically be differentiated based on its purpose from constitutional law containing legal regulations that determine (tasks entrusted) to the government organs, determine their place in the state, determine the position of citizens, and legal regulations governing the actions of the organs of government. The existence of state administrative law provides regulation regarding the composition or structure of the functions, duties, and authorities of state administrators. In this case state administrators, namely executive, legislative, and judicial institutions. This law is part of the operational implementation of constitutional law, state constitutional law or state political law. State administrative law as operational law has a very important role for carrying out the duties of state administration officials in dealing with society and people, as well as resolving their requests and needs [6].

Closed system bureaucracy focuses on a closed system of government administration. This means that the government as the driving force of the administrative bureaucracy must not be influenced by the external environment, in this case the inclusion of the political system, power system, interest system, partisanship system, and authoritarian or authoritarian system. The bureaucratic administration system must be able to create governance by implementing the principle of Good Governance. With closed the bureaucratic system will create a government administration that runs well under the provisions of state administrative law and statutory legal provisions. So that between state institutions and within state officials there is a control system in carrying out their duties, functions, and responsibilities. However, relations, interactions and synergies between state institutions are still carried out based on the provisions of Constitutional Law and applicable regulations [7].

In addition to this, state administrative law also acts as a supervisory law and disciplinary law for government officials in carrying out or carrying out their duties, obligations, and use of authority. State administrative law provides a system of relations between the government and its citizens. This concerns how the three state administrators, namely the executive, legislative and judicial institutions, can coordinate with each other, establish well-connected relationships and are able to form a strong government bureaucracy. Its role will give birth to the principle of legality, which means that the government in its legal actions must be based on the applicable laws and regulations or in exercising its authority the government acts based on the provisions of the laws that have been given.

Efforts to minimize corruption include implementing good governance. Good governance refers to the general principles of good governance (AUPB), namely as a principle that is used as a reference for the use of Authority for Government Officials in issuing Decisions and/or Actions in administering government when referring to Article 1 number 17 of the Law Number 30 of 2014 concerning Government Administration. Meanwhile, based on Article 1 point 7 of Law Number 28 of 1999 concerning State Administration that is Clean and Free from Corruption, Collusion and Nepotism (Anti-KKN Law) states that the General Principles of Good State Governance are principles that uphold the norms of decency, decency, and norms law, to create state administrators who are clean and free from corruption, collusion, and nepotism [8].

Furthermore, the two laws explain what principles are to realize good governance, namely the principles of legal certainty, expediency, non-compliance. taking sides, carefulness, not abusing authority, openness, public interest, and good service (Article 10 of Law No. 30 of 2014). Whereas in Article 3 of the Anti-KKN Law, it states that the general principles of state administration include the principle of legal certainty, the principle of orderly administration of the state, the principle of public interest, the principle of openness, the principle of proportionality, the principle of professionalism and the principle of accountability. The purpose of the existence of these principles is to create state administrators who can carry out their functions and duties seriously and responsibly. In principle, the general principles of good governance are important to be accommodated in the form of laws and regulations, policy formation, and public services to the community.

One form of embodiment of good governance is the implementation of e- government which was initiated through the Instruction of the President of the Republic of Indonesia Number 3 of 2003 concerning National Policy and Strategy for the Development of E-Government. This Presidential Instruction was formed with considerations, among other things, to organize good governance (good governance) and improve public services that are effective and efficient, it is necessary to have e- government development policies and strategies. in the administration of public services based on several advantages of this system, namely:

a Reducing the time, effort, and costs incurred by the community.
b Improve service delivery and citizen satisfaction.
c Improve users' Information and Communication Technology (ICT) skills, internet knowledge, and computer use; And
d Create new business opportunities and job opportunities.

However, it is also recognized that the e- government system still has some drawbacks. These deficiencies are inseparable from the character of technology as the basis of this system, namely man-machine interface which causes the condition of public service workers who are far from the community because of the availability of services via mobile phones, electronic mail (e- mail) and security for electronic-based public services which are still not guaranteed to protect all information data.

As previously stated, in practice, the technology used as the basis for e- government is vulnerable to intervention, for example by using the services of hackers in cases of irregularities in the procurement of goods and services through e- procurement. In addition, the e- procurement model apparently does not prevent agreements being made to determine project winners, so this system is only used as an administrative justification that the process of procuring goods and services has been carried out in a transparent manner [9].

The auction system for the procurement of goods and services is one of the sectors that is vulnerable to corrupt practices, in addition to permit issuance services. There are several indications that make corruption prone to occur at every stage in the goods and services procurement process. Emil Salim identified this in 5 (five) processes, namely:

a in the planning process that begins with the identification of the project and its feasibility study (feasibility study);
b on the system used.
c in the tender process.
d on the use of official authority; And
e When filling out the Project-Contents (DIP) and disbursing the targeted DIP, it is deducted. The mode of corruption occurs at each of these stages.

According to the KPK study, the triggers referred to 5 (five) aspects, namely aspects of regulation, planning, budgeting, implementation, and supervision. To overcome this, a Presidential Regulation was issued (Presidential Decree No. 54 of 2010

concerning Government Procurement of Goods/Services, which was last amended by Presidential Decree No. 4 of 2015 concerning Government Procurement of Goods/Services).

In addition to "behind the desk" agreements, a form of fraud that is often used to win a project is to use the services of hackers who have expertise in information technology. The hackers were paid to hack the system to make it difficult for other bidders to access the site, adjust bid values, and even thwart other competitors when uploading data to the LPSE website.

The use of technology in public services is apparently not always accessible or understood by the public as users or applicants for public services. This complexity has forced applicants to "face to face" with public service providers, thereby opening opportunities for the emergence of corrupt practices. In addition, this complexity also results in low public oversight of public institutions, due to the low system access rate [6].

Transparent public services, increasing the professionalism of public officials, and increasing oversight of the performance of public servants are the main goals to be achieved but failed to be achieved. This is indicated by the occurrence of irregularities or corrupt practices in electronic-based public services. These irregularities were marked by several cases of corruption or illegal levies involving the Head of the Bandung Regency One-Stop Investment and Integrated Services Service (DPMPTSP) as well as several irregularities in the procurement of goods and services through the Electronic Procurement Service System (LPSE) or e-procurement which showed that there was still the vulnerability of electronic-based public service systems. In the last 5 (five) years from 2014 to 2018, the number of acts of corruption in the procurement of goods and services sector has fluctuated. As reported from the Corruption Eradication Commission (KPK) website regarding Statistical Data on Corruption Crimes as follows [5].

Corrupt culture or corrupt behavior has a negative influence on the use of e- government. Transparency that is expected to be achieved by implementing e- government has not been able to reduce the potential for corruption. Several reasons are the low rate of disclosure of cases, difficulty accessing the system, low sanctions for corrupt practices caught red-handed, and low oversight from the public. In addition, this corrupt practice is also driven by a decentralized system that lacks good accountability and oversight. So, it is necessary to build anti-corruption-based policies in the interaction of public services through increasing the integrity of public officials, the public and businesspeople by using technology as a supervisory instrument.

4.2 Law enforcement of bureaucratic implementation based on the value of justice

Efforts to eradicate corruption through the codification of law, can be seen from the issuance of Military Authority Regulation No. Prt /PM/03/1957, No. Prt / PM/06/1957, and No. Prt /PM/O11/1957. These regulations seek to limit corruption in legal terms as well as improve the quality of law as a regulator of human interaction. Corruption is defined as "Actions that are detrimental to the country's finances and economy". Here a distinction is made between "criminal acts of corruption" and "other acts of corruption". Besides that, there is also regulation no. Prt / PEPERPU/013/1958 raised the issue of difficulties in proving beforehand that the defendant had committed a crime and violation [10].

In 1960 a new regulation was issued regarding corruption, namely Government Regulation in Lieu of Law Number 24 (PRP) of 1960 concerning Investigation, Prosecution and Examination of Corruption Crimes. Corruption is formulated as a criminal offense not only with abstract moralistic statements. New understandings emerged regarding active bribery, proving acts of corruption, in addition to provisions regarding the procedural law that strengthened the position of this regulation which was later changed to Law Number 1 of 1961.

Decree No. 228 of 1968, the President took the initiative to form a Corruption Eradication Team (TPA) which was given the task of assisting the government in eradicating corruption as quickly as possible and in an orderly manner. This team was also not satisfactory in preventing a lot of corruption. It even happened that this team misinterpreted mismanagement as corruption. Then in 1970, the President issued two presidential decrees contained in Presidential Decree No. 13 of 1970 to form Commission 4. The members of Commission 4 were Wilopo Kasimo, Prof. Ir. Johannes, and Anwar Tjokroaminoto. The voices of the people who demanded strict action against corruptors could be appeased, even though the positive laws governing them still had not materialized. Then Law No. 3 of 1971 concerning the Eradication of Corruption was issued which was an attempt to formulate corruption offenses which were quite complete owned by law enforcers in Indonesia. In this law, the formulation of corruption offenses is made clearer and can cover most of the existing forms of corruption, the examination procedure is simplified, and the process of proof becomes easier [11].

Then Law No. 3 of 1971 was amended by Law No. 31 of 1999 concerning the Eradication of Corruption Crimes, which was later amended by Law No. 20 of 2001, especially with the reverse evidentiary system, which will facilitate the process of proving corruption cases in court. Apart from that, Law No. 28 of 1999 concerning State Administration that is Clean and Free from Corruption, Collusion and Nepotism was also issued. With the issuance of this law, it is hoped that state administrators will be able to carry out their functions and duties seriously and responsibly. Upholding the law is indeed important, but a strategy that focuses solely on law enforcement will almost certainly fail and most likely will not be able to create an ethical environment that resists corrupt behavior; therefore, community participation is very much needed in eradicating corruption in the public sector.

Equally important is the courage and determination of all state apparatus and society to fight corruption. All kinds of systems and conceptions will not be implemented if the executors themselves do not have the courage to reveal the corruption that is clearly under their noses. There are still many prosecutors who are afraid to press charges because corruption involves important people and has power. Courage must be grown together with increasing public awareness of the law. In culture and behavior, psychologically we know the culture of shame (shame culture and wrong culture (guilt). Shame culture is a pattern of behavior that shows "losing face" or feeling embarrassed when someone makes a mistake in front of other people. Meanwhile, wrong culture can be seen from what is felt in one's mind. Thus, a culture of shame only creates a sense of guilt if someone commits a crime and is known by another party, be it a friend, superior or financial supervisor, but a culture of guilt appears from a sense of guilt if one commits a moral deviation even though no one else finds out. So, the most powerful stronghold to prevent someone from corrupt acts is wrong culture [12].

A country that is seriously trying to eradicate corruption needs to establish new institutions or strengthen existing ones that can carry out specific functions in anti-corruption efforts. Although many institutional models are available, whatever model is used, the institution must be equipped with sufficient human resources and sufficient funds. Otherwise, the long list of ineffective anti-corruption agencies will grow longer.

Institutions that can be emulated include the Independent Anti-Corruption Commission like the one in Hong Kong, which has broad powers to investigate and bring accused to justice and to educate the public. Such a commission must be truly independent from state authorities but subject to the law, because otherwise it will tend to become an oppressive institution as well. Another option is to strengthen the State Auditor and Ombudsman offices, institutions that can help improve the performance of government officials and at

the same time provide advice to citizens. The officers of that office must be appointed in a manner which ensures that the office is independent and professional and reports from this office must be disseminated in the community, and the government must implement its recommendations. Ombudsman offices have been established in various countries and provide opportunities to build government administration accountable, while the justice system adjusts to its new role or minimizes the inefficiencies and corruption that hinder it from carrying out its duties.

Establishing a Contracting General's Office would open opportunities for independent oversight of the government's contracting activities and its performance in this area. In addition to these things, the press also plays a role in efforts to eradicate corruption. The activities of the press must be encouraged without excessive attitudes on the part of the government. The press that is needed is a press that can represent the aspirations of the people, find various forms of administrative irregularities, is able to become a means of mutual communication between the people and the government. The press should not only be a mouthpiece for officials' statements, but also be a means of control for development program irregularities, because development supervision cannot be fully delegated to structural or functional oversight units [8].

4.3 Government administration law enforcement regulations as an effort to prevent corrupt practices

Corruption is generally carried out by people who have power in a position, so that the characteristics of corruption crimes are always related to abuse of power in the perspective of organized crime. Corruption that occurs in the power environment is reflected in the adage expressed by Lord Acton, namely power tends to corrupt and absolute power corrupts absolutely.

Some of the foundations for counteracting acts of corruption that occur in the field of state administration are as follows:

1. Systemic way -structural

Corruption can originate from weaknesses in the political system and state administration system with the bureaucracy as its main instrument. For this reason, what must be done is to make use of all the superstructure and political infrastructure and at the same time fix the bureaucracy so that the holes that corrupt acts can enter can be closed. The political superstructure is the entire state administration institution that has constitutional legal authority originating from the 1945 Constitution, such as the MPR, President, DPR, DPA, BPK, MA, and regional governments and all their staff. Thus, the government or state administration apparatus is the implementing apparatus of the political superstructure, while the political infrastructure is social, political, and social power organizations that do not have constitutional legal authority but can act as pressure groups.

2. The abolitionistic way.

This method departs from the assumption that corruption is a crime that must be eradicated by first exploring the causes and then handling directed at efforts to eliminate these causes. Therefore, the path taken is by examining the problems currently being faced by society, studying individual impulses that lead to acts of corruption, increasing public legal awareness, and acting against corrupt people based on the codification of applicable law. So, in preventing corruption apart from using a curative method of pressure, this method is also expected to be a preventive tool by arousing obedience to the law. The thing that needs attention in this case is that the law should be consistently enforced, the apparatus must act against anyone who commits corruption indiscriminately. The government and society, through existing institutions, must have the courage to carry out purges within the government apparatus themselves, namely purges against dishonest officials.

3. The moralistic way.

An important factor in the problem of corruption is the human attitude and mental factor. Therefore, efforts to overcome them must also be directed at the human moral factor as the supervisor of these activities. Moralistic ways can be carried out in general through human mental and moral development, sermons, lectures, or counseling in the fields of religion, ethics, and law. No less important is moral education in formal schools from elementary to tertiary level by including ethical and moral lessons in the education curriculum. Everything is aimed at fostering individual morals so that he is not susceptible to the enticements of corruption and abuse of position wherever he functions in society.

The strategy for eradicating corruption in the perspective of state administrative law includes several areas of change, namely as follows:

1. Good Leadership or Governance

For the elected legislature, it is the main pillar of the national integrity system which is based on democratic accountability. Its task in simple language is to realize people's sovereignty through elected representatives for the public interest, ensuring that executive actions can be accounted for. Similarly, the government gets legitimacy after getting a mandate from the people. The legislature as a supervisory, regulatory, and representative body. The modern legislature or parliament is the center of the struggle to realize and maintain good governance to eradicate corruption. Likewise, the executive as the executor who is also the representative of the people must run the government as well as possible.

2. Public Programs

3. Changes to public programs will reduce incentives to give bribes and reduce the number of transactions and increase opportunities for citizens to obtain public services. This reform, for example, eliminates corrupt programs that do not have strong reasons from the public interest side to continue. Many programs are held solely because they bring personal benefits to the officials who control them or simplify programs and procedures to make them more efficient, eliminate "gatekeepers" who make extortions, simplify procedures for obtaining permits from the government. This can reduce opportunities for civil servants to deliberately slow down work and reduce their own decision-making power, which is fertile ground for corrupt behavior. If authority must be maintained, then the officials concerned must be provided with clear guidelines regarding procedures for carrying out their duties. Privatization of state enterprises can also reduce opportunities for corruption within the government bureaucracy (but the selling process itself must be open, to prevent corruption and monopoly in the private sector that may arise must be properly controlled to prevent abuse of the monopoly). The "monopoly power" of bureaucrats can be reduced by creating competing sources of supply, allowing citizens to pick up a driver's license at any traffic police station, or allowing employers to obtain licenses from any official or office granted authority to grant permission. On the other hand, it can also be that the police are given powers that do not overlap so that no single member of the police can guarantee the offender that he will not be arrested.

4. Improvement of Government Organizations

Besides making changes to specific programs, attention is needed to prevent corruption through changes to the organizational structure of government. This requires changes to the way the government carries out its day-to-day duties. The way to effect this change is to provide civil servants and politicians with enough living wages so that a career in government becomes a good enough choice for

people who qualify. By eliminating the impression that the government is haunted and that the government is private land, disseminating information to community members regarding their rights to receive services from the government, publishing handbooks for civil servants that can be easily obtained and studied by community members and contractors who are associated with the relevant government agencies , and eliminating one-on-one contact by incorporating an element of randomness (e.g. rotation of staff members over time) so that members of the public with an interest in them can no longer know in advance which officials to deal with.

In ratios The legislature of the formation of Law Number 20 of 2001 concerning the Eradication of Corruption Crimes with Law Number 30 of 2014 concerning Government Administration has a relationship in i , namely that it was formed with the same goal, namely related to eradicating criminal acts of corruption in Indonesia. Law Number 20 of 2001 concerning the Eradication of Corruption Crimes which is in the Criminal Law family is intended to eradicate Corruption Crimes (Tipikor) through the means of prosecution (repressive measures), while Law Number 30 of 2014 concerning Government Administration, although it is in the State Administrative Law family is intended as a means of eradicating Corruption (Tipikor) through preventive measures with a bureaucratic reform approach. Furthermore, holding, cultivating, and fostering and increasing cooperation with other agencies, institutions, and organizations to make it stronger.

The red thread can also be seen in the substance of the regulation of state administration by Law Number 28 of 1999 concerning State Organizers who are Clean and Free from Corruption, Collusion and Nepotism, which in it purely regulates the relationship between State Administrative Law and criminal law (corruption). Based on the legal principle of lex posteriori derogate this priori , the authority to examine and decide on abuse of authority in Corruption Crimes (Tipikor) is an absolute competence of the Administrative Court, because the absolute competence possessed by the Administrative Court is granted by Law Number 30 of 2014 concerning Government Administration which was formed after the ratification of the Law Number 20 of 2001 concerning Eradication of Criminal Acts of Corruption which already existed before (prior). Efforts to eradicate corruption in Indonesia are currently experiencing a shift. This is because government legal politics carried out by state administrators tends to strike a balance between preventive and repressive efforts. Romli Atmasasmita is of the opinion that there has been a change in the direction of legal politics related to law enforcement efforts in eradicating corruption in Indonesia, where efforts to prevent corruption are positioned as important as fighting corruption. It can be concluded that the approach taken in Law Number 20 of 2001 concerning the Eradication of Corruption Crimes which makes repressive actions " primum remedium" should be reviewed. Criminal law must be returned to its course as a last resort which must be used in law enforcement efforts in accordance with the principle of " ultimum remedy". Whereas in the context of administrative law, the criminal sanctions involved in the abuse of authority in the opinion of Barda Nawawi Arief, are essentially a manifestation of the policy of using criminal law as a means of enforcing/implementing administrative law or in other words a form of "functionalization/ operationalization/ instrumentalization of criminal law in the field of administrative law", so that it is in the last stage. This is in accordance with the opinion of WF Prins quoted by Philip M. Hadjon, that almost every regulation based on administrative law ends with criminal provisions as "in cauda venenum" (at the ends). Based on this study, it can be concluded that the authority to examine and decide on the element of "abuse of authority " because the position in corruption is an absolute competence of the Administrative Court, due to the concept of "abuse of authority" in Law Number 30 of 2014 concerning Government Administration and the concept "abusing authority" in Law Number 20 of 2001 concerning the Eradication of Corruption Crimes is theoretically and practically the same concept. When there are two (2) laws (legislation policies) with equal levels regulating the same aspects, then based on the principle of " lex posteriori derogate legi priori", the law that was formed later/later is the one that applies as the basis for solving the problem [13].

Thus the reconstruction of government administrative law regulations as an effort to prevent corrupt practices in realizing the implementation of a bureaucracy based on Pancasila values of justice is regarding the issue of authority related to adjudicating between the Tipikor Court and the Administrative Court in handling abuse of authority in Corruption Crimes (Tipikor) because there are differences between concepts, theory, and arrangements regarding "authority" and "authority" in Indonesian law.

V. CONCLUSION

1. The role of government administration law as an effort to prevent corrupt practices in the administration of the bureaucracy in Indonesia is not based on the value of justice because a lot of corruption is in the name of public policy, whether issued from legislative, executive, or decision-making institutions in state-owned enterprises (BUMN) or Regional Owned Enterprises (BUMD) as well as banking institutions with the most sophisticated corruption modus operandi. Public officials as legal subjects, as bearers of rights and obligations can take legal actions based on their abilities or authority, which can be an opportunity for acts that violate the law to violate the rights of citizens, such as acts of corruption.
2. Weaknesses in government administration law as an effort to prevent corrupt practices in the administration of the current bureaucracy. The strategy for eradicating corruption in the perspective of state administration law includes leadership or good governance; changes in public programs are expected to reduce incentives to give bribes and reduce the number of transactions and increase opportunities for citizens to obtain public services; it needs changes to the way the government carries out its day-to-day duties; and consistent law enforcement.

VI. ADVICE

1. To combat corruption The function and role of State Administrative Law needs to be improved to include legal oversight of government administration, implementation of the principles of transparency and accountability in government administration, bureaucratic reform, and enforcement of State Administrative Law through laws and regulations.
2. The government needs to immediately take steps to realize judicial competence in resolving corruption cases involving state administrative apparatus. Thus, it will be a model solution that is facilitated for law enforcement officials who are suspected of committing corruption.

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