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## **Legal Accountability of Public Officials in Abuse of Authority: Corruption Cases in General Legal Administration**

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### **Abstract**

*The purpose of this study is to analyze the limits and forms of abuse of authority committed by the Deputy Minister of Law and Human Rights (Wamenkumham) in the management of General Legal Administration (AHU), as well as to examine the role of the Corruption Eradication Commission (KPK) in supervising and handling these actions. This study uses a qualitative method with a legal-normative approach to analyze legal norms and their application in administrative governance, supplemented by a case study method for in-depth analysis of the Deputy Minister's alleged abuse of authority, supported by an analysis of relevant laws and regulations. The findings of this study indicate that the Deputy Minister's authority is coordinative and delegative in nature; actions beyond these limits can be categorized as abuse of authority. The KPK has an important role in monitoring, coordinating, and enforcing the law against such abuse of authority to maintain accountability and integrity in public administration. This study concludes that the application of good governance principles is fundamental in preventing abuse of authority in the Ministry of Law and Human Rights.*

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## **INTRODUCTION**

In a democratic system of government such as Indonesia's, public officials play a central role in implementing state policies to achieve national goals and the welfare of the people. However, in practice, the exercise of public power often faces a dilemma between legal authority and the potential for abuse of power, especially when oversight and accountability are not yet optimal.

The power held by public officials is not absolute. In the concept of constitutional democracy, state power must be exercised in accordance with the law to prevent abuse of authority that could harm the community. Restrictions and oversight of power are part of the legal principles that ensure that every action taken by public officials has a valid legal basis and is oriented towards the public interest and the morality of government (Thahir, 2019).

The 1945 Constitution of the Republic of Indonesia has enshrined the principle of separation of powers between the legislative, executive, and judicial branches. This separation aims to maintain the balance of power and prevent the domination of one branch over another. In the practice of state administration, the limitation of authority is a control mechanism that ensures that government administration continues to operate in

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accordance with the principles of accountability and transparency. In addition, the principle of checks and balances is also a fundamental element in the Indonesian constitutional system. This principle ensures the existence of horizontal control mechanisms between branches of power to prevent the concentration of power, maintain balance between institutions, and enable each branch to monitor and correct each other (Pangaribuan et al., 2023).

Therefore, the limitation of power is not only political in nature, but also a principle of administrative law and governance that aims to maintain justice and protect the rights of citizens. In line with this, the principle of legality in administrative law requires that every government action must have a clear and rational legal basis, thereby protecting the public from arbitrary actions. The principles of transparency and accountability are two important pillars in building public trust in the government, as emphasized by the Ministry of Law and Human Rights (Wibowo, 2025), which emphasizes the importance of applying these principles in modern governance.

One of the strategic positions in the context of implementing these principles is the position of Deputy Minister of Law and Human Rights (Wamenkumham). This position assists the Minister of Law and Human Rights in formulating and coordinating policies at the Ministry of Law and Human Rights (Kemenkumham). Based on the provisions of laws and regulations, the Deputy Minister has a coordinating and delegative role in the implementation of the duties of the Ministry of Law and Human Rights (Indrayati, 2024). However, this strategic position also opens up the potential for abuse of authority if the delegation of duties and functions is not carried out proportionally.

The case of alleged abuse of authority in the management of General Legal Administration (AHU) at Kemenkumham, which involved high-ranking state officials, highlights serious problems in the exercise of authority. Based on a report by the Corruption Eradication Commission (KPK), this case relates to the abuse of power and acceptance of gratuities for personal or group gain in the legal administration process, in which the Deputy Minister of Law and Human Rights is suspected of exceeding the limits of authority set by law (Pasha Yudha Ernowo, 2023). This case is interesting to study because it reveals the gap between the theory of public officials' authority as regulated normatively in state administrative law and its implementation in bureaucratic practice.

Academically, studies on the limits of public officials' authority, particularly that of the Deputy Minister of Law and Human Rights, are of high urgency because they reveal the dynamics between the theoretical concept of authority and administrative practice. In administrative law theory, authority is a legal tool that provides legitimacy for public officials to act in carrying out state administrative functions. However, in practice, the line between the exercise of authority and abuse of power is often blurred, especially when officials have dual positions in strategic and operational decision-making. This condition raises questions about the extent to which the principle of checks and balances is effectively applied in the Indonesian government system (Merlien Irene Matitaputty, Sidi Ahyar Wiraguna, Harly Clifford Jonas Salmon, Miracle Soplanit,

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Wahyu Ramadhani, Josef Mario Monteiro, Dezonda,Dezonda R. Pattipawae, M. Husnu AbadiDezonda R. Pattipawae, 2021).

This study focuses on two issues. The first issue concerns the limits of the authority of the Deputy Minister of Law and Human Rights (Wamenkumham) in carrying out his/her coordinating functions. The second issue concerns the role of the Corruption Eradication Commission (KPK) in handling allegations of abuse of authority in the management of General Legal Administration (AHU). These issues are important to examine because they are closely related to the application of the principles of legality, accountability, and oversight mechanisms for the use of power in the state administrative legal system.

The purpose of this study is to analyze in depth the limits of the authority of the Deputy Minister of Law and Human Rights (Wamenkumham) in carrying out coordination functions at the Ministry of Law and Human Rights, as well as to assess the extent of the KPK's role in carrying out supervisory and law enforcement functions related to alleged abuse of authority in the AHU administrative process. Through this analysis, it is hoped that a comprehensive understanding of the relationship between the authority of public officials and the oversight mechanisms will be obtained so that it remains in accordance with applicable law.

Previous studies have discussed the concepts of power restrictions and abuse of authority, but have not specifically linked them to the institutional context at Kemenkumham. (Thahir, 2019) emphasizes the importance of power restrictions in a democratic system, while(Azhar, 2015) outlines the theory of *détournement de pouvoir*, which is an assessment of administrative actions that deviate from the purpose of the authority granted (*ultra vires*), or the use of discretion for personal gain that violates the principle of legality. This concept is relevant in analyzing the legal position of the Deputy Minister of Law and Human Rights, who is suspected of exceeding his delegated authority. On the other hand,(Indrayati, 2024) highlights the coordinating function of the Deputy Minister of Law and Human Rights, but does not discuss the limits of this authority in the context of specific cases of abuse of office.

Thus, this study fills this gap by offering two main contributions. First, conceptually, it expands the theory of abuse of authority in administrative law by incorporating the ethical and substantive dimensions of good governance, not just formal legality. Second, practically, it strengthens the understanding of the accountability of the legal bureaucracy and the role of external oversight institutions such as the KPK in preventing abuse of authority within the government.

## **METHODOLOGY**

This study uses a legal-normative method with a conceptual approach and case studies, supported by an analysis of relevant laws and regulations. The conceptual approach is used to analyze legal norms and their application in administrative governance, particularly regarding the limits of the authority of the Deputy Minister of Law and Human Rights (Wamenkumham) and the role of the Corruption Eradication

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Commission (KPK) in overseeing alleged abuse of authority in the management of General Legal Administration (AHU). This approach is complemented by case studies, enabling an in-depth analysis of the Deputy Minister's alleged abuse of authority. Through this approach, the objective of this study is to bridge theoretical concepts in administrative law with the reality of practical governance in order to assess the alignment between legal norms and their implementation.

The data sources consist of primary legal materials, including Law Number 30 of 2014 concerning Government Administration, Law Number 39 of 2008 concerning State Ministries, and Law Number 31 of 1999 in conjunction with Law Number Law Number 20 of 2001 concerning Eradication of Corruption Crimes. Secondary legal materials were obtained from academic literature, legal journals, and reliable online sources such as Infopublik.id (Pasha Yudha Ernowo, 2023), which reported on alleged bribery cases in the Ministry of Law and Human Rights. Data collection was conducted through library research, while data analysis used descriptive-analytical methods, describing legal facts and interpreting them through the theory of authority, the principle of legality, and the principles of good governance (AUPB). This analysis process aims to provide a comprehensive understanding of the limits of the Deputy Minister's authority and evaluate the KPK in preventing abuse of authority in government administration.

## RESULTS AND DISCUSSION

### A. Concept and Abuse of Authority in State Administrative Law

#### 1. Basic Concepts of Authority in Administrative Law

In state administrative law, authority is the main basis for determining the legality of public officials' actions. According to Law No. 30 of 2014 on Government Administration, authority can be obtained in three ways, namely attribution, delegation, and mandate. Abuse of authority (*detournement de pouvoir*) occurs when officials use their authority in a manner that is not in accordance with the legal objectives, exceeds the limits, or is for personal gain. However, it is necessary to distinguish between *detournement de pouvoir* as a theory of administrative law originating from the French legal tradition, which emphasizes deviation from the objective purpose of authority as the basis for canceling administrative decisions, and the concept of abuse of authority according to Law Law Number 30 of 2014 on Government Administration, which more broadly covers explicit prohibitions on the use of authority for personal gain or beyond legal limits.

A brief comparative analysis shows that the theory of *detournement de pouvoir* forms the epistemological basis for the formulation of Article 17 of Law Number 30 of 2014, which states that "government officials in exercising the authority granted to them are prohibited from abusing their authority," thereby bridging international administrative law theory with Indonesian positive law to ensure the accountability of officials in the national legal system. This results in the absence of an analytical bridge between theory and positive law in Indonesia. Therefore, add a brief comparative analysis that this theory forms the basis for the formation of Article 17 of Law Number 30 of 2014, indicating that

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the author understands the epistemological position of the theory in the national legal system. This principle emphasizes that every action taken by officials must be based on the principles of legality, proportionality, and accountability, to be in line with the General Principles of Good Governance (AUPB) (Zulkarnaen et al., 2020).

In the context of constitutional democracy, abuse of authority not only undermines the legal order, but also erodes public trust in the government. Therefore, internal and external oversight systems are crucial instruments for ensuring that the exercise of power aligns with the principles of good governance.

## **2. Theories of Authority According to Experts**

The concept of authority is a key foundation in administrative law because it determines the limits and basis of legitimacy for every action taken by public officials. According to Indroharto, authority can be obtained through three main mechanisms, namely attribution, delegation, and mandate (Langkay et al., 2023).

Attribution is the granting of new authority derived directly from legislation, whereby officials obtain original rights and responsibilities to act on behalf of the state. Delegation means the transfer of existing authority from one government body to another, accompanied by the transfer of responsibility for its implementation. Meanwhile, a mandate is defined as the transfer of the implementation of a task without the transfer of legal responsibility, so that responsibility remains with the mandator.

In addition, Indroharto also distinguishes the nature of authority into three forms, namely bound authority, discretionary authority, and free authority, depending on the extent to which officials are given the freedom to make administrative decisions (Paramitha et al., 2023).

Meanwhile, Philipus M. Hadjon views authority as the ability granted by legislation to bring about certain legal consequences. According to him, authority is not merely a form of power, but also contains elements of rights and obligations that must be exercised in accordance with legal principles. Hadjon emphasized the importance of the principle of legality, namely that every government action must have a clear and valid legal basis so that it does not become arbitrary. Thus, public officials are required to act within the corridor of the law and be accountable to the public for every decision made (Sharon, 2021).

Furthermore, (Wibowo, 2020) emphasizes that authority is the formal legal basis that regulates who has the right to act, when actions can be taken, and how that power is exercised. He asserts that the use of authority must always be directed toward the public interest and legal objectives, not to fulfill the interests of individuals or certain groups. Thus, authority in public law not only grants power, but also demands accountability and transparency in its implementation as a form of moral and legal responsibility (Wibowo, 2020).

In general, the three experts' views indicate that authority is a form of legal legitimacy that simultaneously limits and directs the exercise of state power. This view is

reinforced normatively in Law No. 30 of 2014 on Government Administration, which explicitly regulates the sources of authority of government officials.

Law No. 30 of 2014 stipulates that every action taken by government officials must be based on legitimate authority. Such authority is obtained through three main forms, namely attribution, delegation, and mandate, as previously stated by administrative law experts. The description in this law clarifies the limits of responsibility of each authority mechanism in government practice:

- a. Attribution is the direct granting of new authority by legislation to certain government agencies or officials. This authority is original competence because it is inherent in the position since it was established through constitutional provisions or laws. Therefore, full responsibility for the exercise of attribution authority lies with the officials who receive the attribution (Nafiatul Munawaroh, 2021).
- b. Delegation is the transfer of authority from one government body to another body under it. In this transfer, legal responsibility is transferred to the delegate, because the delegate acts on their own behalf and bears the legal consequences of their actions. Delegation is carried out to improve the efficiency and effectiveness of government administration, but must still be based on the principles of accountability and legality (Salsabila, 2023).
- c. A mandate is the delegation of authority from a higher-ranking official to a lower-ranking official without the transfer of legal responsibility. In this case, the responsibility remains with the mandator, while the mandate recipient only performs administrative tasks as directed. The mandate mechanism is often used to streamline government activities so that they run more quickly and efficiently (Widjaja, 2023). The following table shows a comparison of the three forms of authority:

**Table 1.** Comparison of Three Forms of Authority

<b>Types of Authority</b>	<b>Sources of Law</b>	<b>Transfer of Responsibility</b>	<b>Key Features</b>	<b>Example</b>
Attribution	Directly from the law	Remains with the delegate	Original authority, inherent in the position	The President enacts Government Regulations.
Delegation	From officials to subordinates	Transfer to the delegate	Autonomous in implementation	The Minister delegates to the Director General.
Mandate	From superiors to subordinates	Remains with the delegator	The executor only carries out	The Minister mandates the Secretary General.

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**Data processed**, 2025 (adapted from (Paramitha et al., 2023); (Salsabila, 2023); (Widjaja, 2023).

Regarding abuse of authority, Article 17 of Law Number 30 of 2014 prohibits government officials from using their authority improperly or contrary to the purpose for which it was granted. Abuse of authority (*detournement de pouvoir*) occurs when public officials misuse their authority for purposes that are not in accordance with the legal intent, such as exceeding the limits of their authority, ignoring the public interest, or acting arbitrarily (Hente, 2024). This theory can be operationalized through the General Principles of Good Governance (AUPB) as an analytical mechanism to measure and assess whether an official's actions are classified as abuse of authority. Specifically, GGP principles such as accountability (officials must be accountable for their decisions), legal certainty (decisions must be clear, consistent, and predictable), and proportionality (actions must be balanced between objectives and impacts) serve as operational indicators for identifying *detournement de pouvoir* violations in the context of Indonesian governance. For example, if an official's decision violates proportionality by harming the public without comparable benefits, it can be assessed as an abuse of authority based on AUPB, allowing for a more in-depth analysis of the risks to the interests of the State (Hente, 2024).

Thus, the provisions of Law No. 30 of 2014 not only provide clarity regarding the sources and limits of government officials' authority, but also emphasize the importance of exercising authority based on the principles of legality, proportionality, and accountability. Through these principles, it is hoped that the administration of government will be transparent, professional, and free from abuse of power, thereby supporting the realization of good governance and ensuring that the public interest is served in a fair and responsible manner.

### **3. The Relationship between Authority, AUPB, and Good Governance**

The Principles of Good Governance (AUPB) and the concept of good governance are fundamentally linked to the regulation of sources of authority and the prohibition of abuse of authority as stipulated in Law No. 30 of 2014 on Government Administration (BPK RI, 2023). AUPB serves as a normative guideline that directs how government agencies and/or officials exercise the authority obtained through attribution, delegation, or mandate in order to be in line with the values of justice, transparency, and public accountability. The application of AUPB principles ensures that every administrative action is not only legally valid but also meets the standards of government ethics that are oriented towards the interests of the community. In this context, the three main principles of accountability, professionalism, and legal certainty become the foundation that determines the extent to which the exercise of authority is carried out correctly and not abused (Suniaprily & Suharno, 2023).

The principle of accountability requires that every public official be accountable for the decisions and policies they make, whether legally, administratively, or morally. With accountability mechanisms in place, any form of abuse of authority can be minimized through internal and external oversight systems, such as by supervisory

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agencies and the public. Accountability also strengthens public trust in government institutions because every action taken by officials must be verifiable. Furthermore, the principle of professionalism emphasizes that the exercise of authority must be carried out by officials who are competent, have integrity, and adhere to a professional code of ethics. Professionalism encourages the objective use of authority based on ability and responsibility, rather than personal influence, politics, or specific interests. Thus, public officials are expected to act proportionally within the limits of their authority without exceeding the applicable legal provisions (Cahya Mareta, 2024).

Meanwhile, the principle of legal certainty requires that every government action has a clear, consistent, and predictable legal basis. Legal certainty prevents arbitrary actions because public officials are required to act within the framework of laws and regulations. In practice, legal certainty also protects the rights of citizens from possible violations arising from abuse of power. These three principles together form the main pillars for the creation of good governance, which emphasizes transparency, effectiveness, fairness, and the rule of law (Rahim et al., 2023).

In the context of the implementation of the authority of the Deputy Minister of Law and Human Rights, the application of the principles of AUPB and good governance is very important. Officials with strategic authority such as the Deputy Minister of Law and Human Rights have a great responsibility to ensure that all administrative actions remain within the bounds of the law and the principles of clean governance. Non-compliance with these principles can result in legal violations, abuse of power, and loss of public trust. Therefore, it is important, understanding AUPB and good governance is not merely a normative concept, but a substantive instrument for realizing accountable, transparent, and abuse-free governance.

The application of the principles of Good Governance and the General Principles of Good Governance (AUPB) is particularly relevant when linked to the case of alleged abuse of authority in the management of General Legal Administration (AHU) at the Ministry of Law and Human Rights, which has implicated a number of officials, including the Deputy Minister of Law and Human Rights. This case, which is being handled by the Corruption Eradication Commission (KPK), shows indications of violations of the principles of accountability and legal certainty, where authority that should be exercised for the public interest has instead been abused for certain interests in the administrative process. In the context of authority theory and AUPB, such actions reflect a deviation from the implementation of attributions and mandates that should be based on the principles of legality, honesty, and responsibility. Therefore, the application of AUPB and good governance principles is not only conceptual but also serves as an evaluative and normative instrument in assessing and addressing alleged abuses of authority that occur in the practice of governance (Maria et al., 2024).

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## **B. Position and Limits of Authority of the Deputy Minister of Law and Human Rights**

### **1. Legal Basis and Position of the Deputy Minister of Law and Human Rights**

Presidential Regulation No. 44 of 2015 is a Presidential Regulation governing the Ministry of Law and Human Rights (Kemenkumham). This regulation serves as the legal basis for the organization, duties, and work procedures of the Ministry, including the position of Deputy Minister of Law and Human Rights (Wamenkumham) as part of the ministry's structure. However, Presidential Regulation No. 44 of 2015 has been revoked and replaced by Presidential Regulation No. 18 of 2023 concerning the Ministry of Law and Human Rights, which regulates similar matters in a more recent and up-to-date manner. Specifically, the Deputy Minister of Law and Human Rights is in a position regulated by this Presidential Regulation as part of the ministry responsible to the President in the performance of its duties. The basis for the appointment and position of the Deputy Minister of Law and Human Rights also refers to the authority of the President as stipulated in the 1945 Constitution, and is regulated in more detail in this presidential regulation (Ladistra, 2016).

The coordinating function of the Minister of Law and Human Rights plays an important role in uniting various organizational units within the ministry to work harmoniously and effectively in handling the complexity of tasks in the field of law and human rights. This function is not merely an administrative procedure, but a strategic tool to ensure the implementation of targeted legal policies, consistency in the formulation of regulations, and integrated guidance at all levels of the ministry. In a democratic government system and good governance, the coordinating function must go beyond ordinary administrative supervision, transforming into a driver of policy innovation and improvement in the quality of public services (Indrayati, 2024).

### **2. Delegation of Authority and Accountability Challenges**

The delegation of authority from the Minister to structural officials is part of the ministry's organizational management strategy, which is adaptive and responsive to the complexities of modern governance. The main objective of this measure is to accelerate the decision-making process and the implementation of public policies, while providing space for technical officials to carry out their responsibilities effectively within measurable limits. However, this delegation must be based on the principles of transparency, accountability, and clarity of authority structures so as not to cause overlapping roles or open up opportunities for abuse of power (Bimasakti, 2024).

Within the institutional structure of the Ministry of Law and Human Rights (Kemenkumham), the Deputy Minister (Wamenkumham) serves as a coordinator who assists the Minister in formulating, integrating, and ensuring the implementation of strategic policies in a harmonious manner. However, substantive and strategic decision-making authority remains the prerogative of the Minister. Therefore, the success of the delegation of authority depends largely on the extent to which the Minister establishes a

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continuous control and evaluation system to ensure that every official works in accordance with the mandate given.

The biggest challenge in this system lies in the ministry's ability to maintain a balance between accelerating bureaucracy and complying with the principles of the rule of law. On the one hand, public demand requires a bureaucracy that is responsive to social, political, and legal changes. On the other hand, all actions taken by government officials must remain grounded in legal norms and uphold the protection of human rights. Thus, the delegation of authority is not only administrative in nature, but also serves as an important instrument in institutional risk management, the harmonization of public interests, and the formation of an integrity-based bureaucracy to prevent corruption and abuse of power (Wilian, 2020).

The relationship between the coordinating function and the delegation of authority illustrates the Ministry of Law and Human Rights' commitment to developing efficient governance that is also adaptive to the dynamics of society. The success of this relationship requires reliable technical expertise, courage in decision-making, and moral integrity from all levels of the ministry to maintain the consistency of policy direction that favors social justice and legal certainty for citizens (Damanik, Pandapotan, Satriya Nugraha, Tiyas Vika Widyastuti, 2024).

The potential for abuse of power will increase if the limits set by the Minister are not strictly adhered to. The absence of a robust oversight and accountability system can open up opportunities for officials to act beyond their authority. One concrete example can be seen in the case at the Sukamiskin Prison in Bandung, where officials accepted bribes and provided special facilities to prisoners, demonstrating weak internal controls and violations of the principles of legality and integrity of office (Ronzon et al., 2025).

The lack of a strong oversight mechanism can foster conflicts of interest, overlap authorities, and ultimately erode public trust in legal institutions. Ineffective supervision over delegated authority may also lead to collusion, nepotism, and abuse of office. Therefore, establishing strict internal controls, transparent performance reporting, and regular objective evaluations is essential to ensure that authority is exercised in line with good governance principles. The effectiveness of delegated authority depends on an institution's ability to balance autonomy with firm legal oversight. Ministries must ensure that such mechanisms prevent irregularities rather than enable them, thereby strengthening efficiency, accountability, and public trust. In this regard, it is crucial to further analyze the limits of the Deputy Minister of Law and Human Rights' authority, especially concerning allegations of abuse of power in managing General Legal Administration (AHU), which will be explored in the following section.

## **C. Case Analysis of Alleged Abuse of Authority in AHU Management**

### **1. Chronology and Substance of the Case**

The case involving EOSH as Deputy Minister of Law and Human Rights along with several other parties is a clear example of abuse of authority in the implementation of government administrative tasks. Based on a report by Infopublik.id (Pasha Yudha

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Ernowo, 2023) and the results of an investigation by the Corruption Eradication Commission (KPK) in December 2023, this case originated from a dispute over ownership of PT CLM between 2019 and 2022. In an effort to resolve the issue, HH, a businessman and President Director of PT CLM, sought legal assistance from EOSH.

EOSH is suspected of using his position as Deputy Minister of Law and Human Rights to facilitate legal administration within the Ministry of Law and Human Rights (Kemenkumham), including in lifting the block on the results of the PT CLM shareholders' meeting in the Legal Entity Administration System (SABH). He is also suspected of promising to halt ongoing legal proceedings at the Police Criminal Investigation Unit. In return for this assistance, HH provided a sum of money totaling around Rp8 billion, including additional funds to smooth the legal administrative process.

The involvement of YAM as a lawyer and YAR as EOSH's personal assistant reinforces suspicions of abuse of office, as both acted under EOSH's orders to advance HH's interests beyond the Deputy Minister's formal authority. Such actions violate the principles of legality, accountability, and integrity, since the Deputy Minister of Law and Human Rights lacks administrative power to issue General Legal Administration (AHU) decisions. Consequently, EOSH's conduct constitutes an abuse of authority (*detournement de pouvoir*) and reflects a conflict of interest inconsistent with professionalism and good governance. Based on this theory, abuse of authority occurs when officials misuse their power beyond legal limits or for purposes contrary to the public interest. EOSH's intervention in unblocking the Legal Entity Administration System (SABH) exemplifies such deviation, as it served private rather than public interests, thereby breaching the core principles of legality and accountability that underpin lawful public administration.

## **2. Analysis Based on Law No. 30 of 2014**

The legal review of this case can be placed in the perspective of Law Number 30 of 2014 concerning Government Administration, which emphasizes that government administration must be carried out legally, transparently, accountably, and based on the principles of good governance. Every public official is required to act within the corridor of authority that has been determined, both in terms of the time of implementation, the scope of the region, and the substance of the policy. Therefore, the delegation of authority from the Minister to structural officials, including the Deputy Minister of Law and Human Rights, can only be carried out based on applicable legal provisions and may not exceed the limits set normatively.

In addition, Law No. 30 of 2014 also contains provisions regarding official discretion, namely policies that can be taken in certain conditions to overcome legal vacuums or stagnation. However, the use of discretion must still be subject to the General Principles of Good Governance (AUPB) and cannot be used as a means to pursue personal gain or the interests of certain groups. In the AHU case, EOSH's alleged actions of unblocking the Legal Entity Administration System (SABH) and intervening in the legal process at Bareskrim can be considered a form of abuse of authority (*detournement de*

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*pouvoir*), namely the use of public office for unlawful purposes and contrary to the public interest (Kurniawan, 2023).

Based on the theoretical framework of abuse of power, these actions indicate a deviation from the intended purpose (*detournement de pouvoir*) because they were carried out without a valid basis of attribution or delegation of authority. The decision appears to be aimed at providing benefits or protection to certain parties, rather than fulfilling the public interest as mandated by the principles of state administrative law. Furthermore, the act of unblocking SABH without following the applicable legal procedures signifies a violation of the principles of legality and administrative accountability, which serve as limits on the legitimate use of authority.

Several principles of the AUPB appear to have been violated in this case. First, the principle of legal certainty has been violated because the actions taken have no clear legal basis, thereby creating uncertainty and opening the door to abuse of power. Second, the principle of public interest has been ignored because the decision prioritizes the interests of certain parties over providing fair public services. Third, the principle of professionalism has been violated because actions outside of procedures reflect a lack of caution and administrative competence that should be inherent in public office (Pratiwi Cekli Setya et al., 2014).

The AHU case highlights the critical need to exercise delegated authority prudently and in accordance with legal boundaries. Any deviation from these principles undermines good governance, erodes public trust, and creates opportunities for corruption. Strengthening internal supervision, ensuring transparent accountability, and enforcing the law consistently are essential measures to prevent future abuses of power. Overall, the application of the principles outlined in Law No. 30 of 2014 serves as a fundamental basis for establishing an effective, clean, and integrity-driven government while ensuring that the exercise of state authority remains within the rule of law.

### **3. Internal and External Factors of Abuse of Authority**

Cases of abuse of authority by public officials in the management of General Legal Administration (AHU) can be analyzed through two main dimensions, namely internal and external factors. Internal factors relate to conditions inherent in individuals and institutional structures within the Ministry of Law and Human Rights. Weak integrity and morality among public officials are among the main triggers for irregularities in the exercise of authority. In addition, a lack of understanding of the limits of authority within the state administrative structure has led to overlapping functions between officials, particularly between the Minister and Deputy Minister. An ineffective internal monitoring and evaluation system has exacerbated this situation, as it opens up opportunities for maladministration. On the other hand, conflicts of interest between official duties and personal interests often result in decisions that are not based on the principles of public interest and public accountability (Saputra, 2023).

Meanwhile, external factors play a role in reinforcing the dynamics of abuse of authority through various forms of pressure and intervention from interested parties, such

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as business actors or certain groups with economic or political interests. The lack of transparency in the legal administration system also increases the scope for gratification and bribery. Weak coordination between law enforcement agencies, including the Ministry of Law and Human Rights, the Corruption Eradication Commission (KPK), and internal government supervisory agencies, is also a serious obstacle in preventing abuse of authority. In addition, a bureaucratic culture that is still permissive of job misconduct makes the practice of abuse of authority seem normal. The interaction between these internal and external factors shows that abuse of authority is a systemic problem that requires comprehensive improvement, both through institutional reform, increased integrity of the apparatus, and strengthening of oversight mechanisms based on transparency and accountability.

## **D. The Role of the KPK in Oversight and Law Enforcement**

### **1. Legal Basis and Functions of the KPK**

The Corruption Eradication Commission (KPK) has a constitutional mandate to prevent and prosecute corruption crimes, including those involving high-level public officials. In the context of the General Legal Administration (AHU) case, the KPK plays an important role in uncovering allegations of bribery and abuse of authority within the ministry. The naming of four suspects in this case shows that the KPK's external oversight function acts as a counterbalance to executive power and reinforces the principle that no position is above the law (Moh.Fadhil, 2019).

In addition to its repressive function, the KPK also has a preventive role that needs to be strengthened through the digitization of public services, the integration of legal administration data, and institutional governance reform. This approach is expected to close loopholes for corruption and ensure transparency and accountability in the government administration process.

The legal basis for the KPK's authority is regulated in Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission. This law reinforces the KPK's authority to investigate, examine, and prosecute criminal acts of corruption involving the abuse of authority by state officials (Adnantara, 2025). With this legal basis, the KPK has the legitimacy to act independently, professionally, and effectively in enforcing public accountability at various levels of government.

In carrying out its duties, the KPK implements three main mechanisms: coordination, supervision, and law enforcement. Coordination is carried out through synergy between law enforcement agencies, such as the police, the attorney general's office, and internal supervisory agencies of ministries, to ensure consistency and effectiveness in handling indications of abuse of authority. Oversight focuses on monitoring the implementation of government administration, including public officials who receive delegated authority, so that every decision remains in accordance with the principles of legality and AUPB (Diansyah et al., 2011).

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Law enforcement serves as a last resort when strong indications of violations are found, aiming not only to impose punishment but also to promote legal compliance, strengthen accountability, and restore the integrity of government institutions. However, the effectiveness of the KPK in addressing administrative abuse of authority continues to face institutional and political challenges. The 2019 revision of the KPK Law, which established a Supervisory Board, has affected the agency's independence in strategic decision-making. In the AHU case, this reveals a gap between the KPK's normative authority and its institutional capacity to handle administrative violations linked to corruption. Jurisdictional limitations over purely administrative offenses and political interference in investigations indicate that the KPK's operational autonomy is no longer absolute, particularly in cases involving high-ranking officials such as deputy ministers. Consequently, the KPK's ability to prevent abuse of authority has become constrained and tends to be more reactive than preventive.

## **2. The Relationship between Administrative Violations and Corruption**

The relationship between administrative violations and criminal acts of corruption is an important aspect of the KPK's oversight system. Administrative violations occur when public officials exceed their authority, disregard procedures, or abuse their position for certain interests. If these actions are accompanied by the acceptance of rewards or personal gain, then the act can be categorized as a criminal act of corruption (Rini, 2018).

Thus, abuse of authority in the administrative sphere not only damages the bureaucratic order, but can also result in losses to the state and undermine public trust in the government. The AHU case at the Ministry of Law and Human Rights is a concrete example where the delegation of authority was improperly used to facilitate the interests of certain parties in unblocking the General Meeting of Shareholders of PT CLM, which was later proven to involve bribery. This confirms that administrative violations can be a gateway to criminal acts of corruption.

Although the KPK has broad supervisory and law enforcement functions, its effectiveness in handling administrative abuse of authority is still limited by jurisdictional boundaries and political constraints. In the context of the AHU case, these limitations show that the KPK's intervention in potentially corrupt administrative violations has not been optimal, as the KPK can only act if clear criminal elements are found. In addition, the 2019 revision of the institutional structure reduced the KPK's flexibility and independence, both structurally and politically, thereby slowing down the process of law enforcement against high-ranking state officials.

Nevertheless, the KPK's role continues to have a positive impact on strengthening bureaucratic integrity and governance. The KPK's firm action against violations of public law encourages a culture of transparency, accountability, and compliance with administrative authority limits. Public officials have become more cautious in their decision-making, as any deviation can have serious legal and ethical consequences.

In the long term, strengthening governance through the role of the KPK contributes to improving the quality of public services and the professionalism of state

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administration. By upholding the principle of accountability and closing the space for abuse of authority, the KPK acts as a moral and legal control instrument in the Indonesian government system. Therefore, the KPK's authority as regulated in Law Number 19 of 2019 remains the main foundation in maintaining transparency, integrity, and good governance.

## CONCLUSION AND SUGGESTION

Based on an in-depth analysis of the limits of authority of the Deputy Minister of Law and Human Rights (Wamenkumham) in the management of General Legal Administration (AHU) and the role of the Corruption Eradication Commission (KPK) in supervising and handling allegations of abuse of authority, it was concluded that the limits of authority of the Deputy Minister of Law and Human Rights in his/her coordinating function at the Ministry of Law and Human Rights include the attributes, delegation, and mandate as stipulated in Law Number 30 of 2014 concerning Government Administration. However, in practice, the Deputy Minister often exceeds these limits through disproportionate actions such as accepting gratuities for personal gain, which is contrary to the principles of legality and accountability. Weak integrity among officials, lack of internal oversight, political intervention, and minimal transparency increase the potential for abuse of authority. Therefore, restrictions on authority must not only be viewed formally, but also based on ethical principles and good governance so that every action is oriented toward the public interest and avoids abuse of power (*detournement de pouvoir*).

The KPK's role in monitoring and enforcing the law against alleged abuse of authority is still limited to early prevention, although it is effective in the enforcement stage. The KPK has successfully uncovered cases through report-based investigations, but its preventive functions, such as anti-corruption education and routine monitoring, are not yet optimal, especially in the face of political pressure. This situation highlights the gap between the theory of oversight based on Law No. 19 of 2019 and its practice in the bureaucracy, which remains reactive. Therefore, strengthening the KPK's role is necessary to align it with the principles of good governance in preventing the abuse of authority on an ongoing basis.

This study recommends the need to strengthen internal oversight at the Ministry of Law and Human Rights through a clearer division of authority and the implementation of a technology-based transparency system (e-monitoring) to ensure accountability for every coordinated action. In addition, the KPK needs to improve its preventive functions through anti-corruption education for high-ranking officials, routine monitoring of the AHU process, and the implementation of a data-based early warning system. Public participation and academic oversight also need to be strengthened through secure whistleblowing mechanisms and bureaucratic ethics studies in order to create a clean, transparent, and accountable government.

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