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Corruption among Public Officials: What is the Oversight and View of Administrative Law?

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Abstract

The spread of corruption among political elites has actually become a planned habit, even now that corruption has begun to decentralize to regional and local level officials, acts of corruption actually occur with awareness, intention, and willingness to commit fraud. The role of administrative law in supervision in the field of public services, especially in the matter of public welfare services, basically functions as a supervisor in order to reduce the number of corrupt practices in Indonesia, especially in the scope of the bureaucracy and public government institutions. This study uses a descriptive method with a qualitative approach and data triangulation analysis, the results of the study explain that, bureaucratic reform which is illustrated through fair and equitable public services, is the beginning of awareness of public service mechanisms as well as a milestone in the government's awareness to organize its government system so that it runs smoothly. fair and wise, the spirit of reform that characterizes the utilization of the state apparatus is directed at realizing state administration that is able to support the smooth and integrated implementation of the duties and functions of administering government in a fair and wise manner, the legal aspects of state administration are part of the legal domain that directly influences efforts to realize reform public bureaucracy. This global change is based on universal value standards that can increase the government's participation in providing the best service for the wider community.

Keywords: Corruption, Public Officials, Administration

A. Introduction

As we know corruption is an extraordinary crime and always gets special attention from various circles of people, corruption is no longer placed as an issue in the domestic order of the state, but has become a global disease that must be eradicated and eradicated immediately. Prevent it from reaching its roots. The practice of corruption can basically be carried out by all human beings, including state officials, it is very often found that power leaders are caught and caught in the middle of carrying out these illicit acts, both at the level of state institutions and government bureaucracy (Saputra, 2015; Martua, 2020; Achmad, 2021).

The problem of corruption is not a new problem in the legal and economic issues of a country, because basically the problem of corruption has existed for thousands of years, but if we look at the various definitions and boundaries that have been formulated, corruption is a derivative of various other crimes such as theft, robbery, abuse of power and public trust. In Indonesia itself, the practice of corruption is widely accepted as an epidemic disease, even considered to have become a culture of society, the problem of corruption in Indonesia is systemic and neatly organized, in the end

these actions are very detrimental to the country's finances and economy, besides corruption also has violated the economic and social rights of the community at large. From year to year corruption cases in Indonesia are increasing and it is worrying that even these actions are now starting to enter into various aspects of life, various sectors, to the level of government bureaucracy both at the center and in the regions. Of course, this bureaucratic condition is caused because access to power and government is currently mostly controlled by officials in power (Triwulan, 2016; Danil, 2021).

The spread of acts of corruption among the political elite, has actually become a planned habit, even now corruption has begun to decentralize to regional and local level officials, acts of corruption actually occur with awareness, intention, and willingness to commit fraud, selfishness, so as to make them forget and thirst for wealth and power, after all these public officials have been appointed by the community as representatives of the people and are expected to actually work and carry out the mandate in a fair and prosperous manner. Therefore, corruption has been considered a "seriousness crime" case, or a serious crime that greatly disrupts the economic rights and social rights of the community and the state on a large enough scale, so that the handling must be carried out by means of "extra ordinary treatment" and the proof requires steps. -Serious steps are professional and independent (Sina, 2008; Suhariyanto, 2016).

In a broader sense, acts of corruption can also occur in the practice of bribery and extortion, this is supported by the results of the anti-corruption behavior survey (SPAK) in 2019, which shows that (1) the percentage of people who are aware of official fees for services public services is less than 70 percent (2) There are still people who pay more than the provisions when accessing public services (3) most of the payments that exceed the provisions occur after the service is completed and (4) most of the payments that exceed the provisions occur in the form of money . Of course, some of the findings of the abuse of authority were carried out with the agreement of both parties, and one of them involved state public officials. The existence of a public policy basically needs to be monitored so that the policy can be implemented in accordance with the procedures that have been mandated. Supervision of public policy can also be done by involving the participation of the community, this involvement can at least help the government's task in handling various cases of corruption in Indonesia (Widanarto, 2017; Manao, 2018).

Corruption is simply understood as an attempt to use the ability to intervene, because that person has the position and power to be subsequently misused for the interests of information, decisions, influence, money or wealth individually or in groups, of course the statement is in accordance with the definition of corruption according to Law No. 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, where in the Act it is explained that every person intentionally violates the law and commits an act of enriching himself or another person or a corporation that can harm the country's finances or the country's economy. It was found that several acts of misappropriation of public policies in the community occurred because the community still considered these activities reasonable, until in the end these actions became commonplace and took root to this day, small examples of abuses that are still often carried out by public officials in the community such as , giving money or goods in accepting the duties of civil servants, then giving money to the police in the management of STNK, SIM, SKCK, and finally giving money during the Pilkada or Pilkades, of course, these activities have actually tarnished the values of honesty in the

community and To reduce the dignity of public employees in Indonesia, the regional autonomy implementation program launched by the government which began in 2001 will indirectly force regions to make structural changes as well as changes to the process and culture of the bureaucracy which includes, all aspects of the cycle. Management control in local governments, including strategy formulation, strategic planning, budgeting, performance reporting and mechanisms (Hadi, 2016; Sudirman et al., 2019).

Therefore, the government should realize an ideal and sovereign government system, one of which is by changing the government administration system that is more transparent and wise, of course, this goal is part of the ideals of the state in order to establish and implement a good, honest, and fair service system. Clean, and provide welfare guarantees for all Indonesian people. It is undeniable that administrative law is a necessity not only for the government, but also for a pluralistic society that continues to experience developments and the role of the government as a legal holder and independent institution is obliged by law to provide balanced public services and is far from the order of practice, corruption, collusion and nepotism (KKN) (Widiatmoko, 2007; Nurtjahjo, 2016). Many efforts have been made to minimize the occurrence of corruption in Indonesia. Not only through formal juridical aspects, but also through various anti-corruption campaigns, even the government is now starting to synergize with national educational institutions to provide Anti-Corruption education at various levels of formal schools in Indonesia, these various activities show evidence that corruption is a common enemy that can threaten the future of the generation of the Indonesian nation, for that as an enemy, it is natural that corruption must always be fought and eradicated to its roots.

B. Research Method

This research uses descriptive analysis research with a qualitative approach. Researchers also want to examine a phenomenon that discusses the dynamics of Corruption Among Public Officials and How to Supervise and Its Views According to Administrative Law, qualitative research methods seek to understand and interpret the meaning of an event of human behavior interaction in certain situations according to the researcher's own perspective. In addition, this study aims to understand the object being studied in depth to be further developed through a concept of sensitivity to the problem at hand, then a qualitative approach also explains the reality related to informants, and is developed continuously until the data collected is considered satisfactory or saturated (Gunawan, 2013).

On this occasion the focus of the problem that wants to be developed is the dynamics of the development of corrupt practices among public officials, besides that researchers also want to know the supervision and views of administrative law in viewing corruption cases that occur in the public environment. After observing some of the findings in the field, the researcher formulated them into a note and several documents to be continued to the next stage, namely grouping the data and describing them in detail. There are two sources of data used in this study, where the data includes primary data and also secondary data, then the facts of the findings are described in a very easy form of discussion so that researchers can find a complex and structured understanding in a directed manner.

C. Discussion

1. The Role of Administrative Law on Supervision in the Field of Public Service

Basically, the government is always involved in the affairs of its citizens, especially those related to state administration. Almost all community activities are always in contact with the government, because in the areas of administrative life both at the center and in the regions, the community always has interests such as finding work, improving the economy and so on, therefore, increasing the quality and quantity of the tasks of government administrators. has the consequence that a supervisory system is seriously and optimally presented in order to improve administrative practices by authorized officials. Modern state life which tends to try to meet the needs of the people, especially in matters of public welfare services, requires special instruments to carry out its duties fairly and wisely. The instrument used by the state to manage the government in meeting the welfare needs of its people is called state administrative law (Warokka, 2017; Sugiharto & Abrianto, 2018).

So what needs to be considered by the government at this time, in order to organize a bureaucratic system in accordance with the wishes of the community, is to carry out the duties and functions to fulfill every desire of the community through strategic steps in advancing a policy system that can bring the community to a high level of welfare, but , bureaucracy can be a source of disappointment for the wider community if there is a possibility of abuse of authority by the apparatus, as we know that a bureaucracy will lead to destruction and failure if it is managed by people who are less qualified and irresponsible. bureaucracy will be contrary to the human rights of citizens.

Corruption and abuse of office are indeed enemies of society that often appear in the national government bureaucracy, these problems can be said to be administrative diseases that must be eradicated immediately through a strong commitment and a very high level of supervision. The supervisory model that can be applied in order to reduce the number of fraud and fraud in the Indonesian public bureaucracy system is by (1) optimizing the results that become a common goal (2) optimizing the use of funds, energy, material and time to make savings (3) measuring the implementation of the assessment work can be carried out through reports (oral and written, or by direct inspection) (4) comparing the supervision that has been carried out with the results in the field, as well as correcting them so that they can be used as evaluation materials in the future (5) the results of the evaluation then become the basis to repair the parts that need urgently repaired or which have not been handled in detail (Sudrajat, 2009; Gultom, 2017; Dadi, 2021; Prawira et al., 2021).

Bureaucratic reform, which is illustrated through fair and equitable public services, is the beginning of awareness of public service mechanisms as well as a milestone in the government's awareness to organize its government system so that it runs fairly and wisely. The spirit of reform that characterizes the utilization of the state apparatus is directed at realizing state administration that is able to support the smooth and integrated implementation of the duties and functions of the administration of state government and development in order to face the challenges of globalization, through the principles of good governance. the wishes of the wider community. In addition, the need for external supervision carried out by the community, the House of Representatives, and the Regional Representatives Council in addition to the presence of the State Administrative Court has a role in supervising

government officials in carrying out each of their duties, in addition to the importance of the supervisory function. the occurrence of errors that result in violations and harm the rights of the community.

There are three important reasons behind the development of good governance practices, in the body of the national bureaucratic system, among which are, improving the performance of public services is considered important by all stakeholders, namely the role of the government, citizens and market participants. In this case, the government is concerned with legitimacy, because the better the services provided, the more trust and public welfare will increase. Furthermore, public service is the domain of the three elements of governance in conducting very intensive interactions. Through the implementation of public services, the government, civilians and market players interact intensively so that if the government can improve the quality of public services, the benefits can be felt directly by the community and market participants. The values that have characterized the practice of good governance can be translated simply through public services. The implementers of these activities can develop an efficient and fair, transparent, accountable and participatory public service system and the success of carrying out these activities will transmit it to other domains so that good governance can gradually be institutionalized in every government activity (Lewis & Fleming, 2017; Purwanto, 2020).

2. Corruption in the Perspective of State Administrative Law

Corruption is generally carried out by people who have power in a position, so that the characteristics of corruption are always related to the abuse of power and authority, in the perspective of organized crime, as for some of the grounds to prevent acts of corruption that occur in the field of administration and state bureaucracy, including the following: The following are (1) the systemic-structural method, corruption can be sourced from the weaknesses contained in the political system and the state administration system with the bureaucracy as the main instrument. For this reason, the effort that must be made is to utilize all political structures and infrastructure and at the same time the government also needs to fix the holes that can be entered by corrupt practices. The political superstructure is the entire state administrative institution that has constitutional legal authority derived from the 1945 Constitution, such as the MPR, President, DPR, DPA, BPK, MA, and local governments and all their staff. Thus, the government apparatus or state administration is the implementing apparatus of the political superstructure, while the political infrastructure is the organizations of socio-political and social power that do not have constitutional legal authority but can act as a suppression group for acts of corruption in government organizations (Solechan, 2018; Odilla, 2020; Makiva, 2021).

3. Corruption Eradication Strategy in the Perspective of State Administrative Law

The strategy of eradicating corruption in the perspective of state administrative law includes several areas of change, namely as follows, through good leadership or governance the role of the elected legislative body is the main pillar of a national integrity system that is based on responsibility and adheres to state laws and a strong democratic system. , the main task of the legislature is to be able to realize the sovereignty of the people through elected representatives for the benefit of the nation and state, the next task is to ensure that the actions of the executive can be accounted for. The legislature as a supervisory, regulatory, and public service body is the center of the struggle to realize and maintain good governance to eradicate various acts of

corruption in Indonesia. Likewise, the executive as the executor who is also the representative of the people must run the best possible government according to the mandate of the state constitution and Pancasila as the nation's ideology.

In addition to making changes to specific state programs, other special attention is focused on the organizational structure of the government as a whole, these changes are very necessary to prevent systematic corruption, how to make these changes, namely by providing adequate salaries to live for civil servants and politicians so that a career in government becomes a pretty good choice for qualified people. By eliminating the impression and stigma in the community, regarding government institutions that are dirty and controlled by people who are thirsty for personal and group power. In addition, the government must also disseminate information to citizens about their right to receive the best services from the government in accordance with human rights values, publish a handbook for civil servants that can be easily obtained and studied by citizens and contractors related to government agencies.

Meanwhile, other enforcement can be carried out through the codification of the law, which is stated in Law Number 3 of 1971 concerning the Eradication of Criminal Acts of Corruption, which is an effort to formulate a fairly complete corruption offense 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, examination procedures are simplified, and the evidentiary process is made easier. Then Law Number 3 of 1971 was amended by Law Number 20 of 2001, especially with the existence of a reverse proof system, which would facilitate the process of proving corruption cases in court. In addition, Law No. 28 of 1999 was issued regarding the Implementation of a Clean and Free State from Corruption, Collusion, and Nepotism. 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 (Suudia et al., 2015; Poluakan et al., 2019; Nulhaqim & Sulastri, 2019; Sidiq et al., 2021).

4. Proposed Format of Corruption Eradication Policy

In the context of making public policies to minimize corrupt practices in the public service sector, there are several new public policy formats that are proposed to be further included in the Corruption Eradication Law as a refinement of the Corruption Crime Act which has been legalized by the government. This policy can also be used as material for regional regulations in both the province and city districts in order to prevent acts of corruption within the scope of the Indonesian state order. The new policy format basically departs from current needs and accommodates the values contained in the structure of society in Indonesia.

The format formulated in the regulation of eradicating corruption in the public service sector has so far been less effective because it adopts more liberal democratic values that have developed in the western world society while humanist values that have developed in the local community are ignored. The proposed policy format includes, community participation in the process of making government policies, the community in this case must be involved in every process and effort to improve public services so that the community is not merely an object of service, moreover the role of the community can be the subject of service on the basis of the aspirations issued by the government. the next step is to pay attention to community satisfaction and increase the trust given, with the implementation of development and good governance, the implementation of good public services is a real picture of the

performance of quality bureaucratic apparatus and is able to provide the best service for the wider community, good governance in the context of public services This is expected to create satisfaction for the people served so that it can create public trust in the community state apparatus, besides that a prosperous society and state are believed to be able to realize a responsible state administration order so that it can develop the state towards an active and corruption-free civil society administration order (Febrianda, 2009; Arisandi, 2021).

D. Conclusion

The role of administrative law in supervision in the field of public services, especially in the matter of public welfare services, basically functions as a supervisor in order to reduce the number of corrupt practices in Indonesia, especially in the scope of the bureaucracy and public government institutions. The instrument used by the state to manage a just and prosperous government system is through state administrative law. The instrument seeks to organize all aspects of state life through bureaucracy, governance, preparation, implementation, and supervision of all government actions so that the government system is stable and measurable with good. The measurability and stability is very necessary so that the intended results of government activities can be achieved with measurable quality and quantity, as in the initial design in the planning process for government activities. In addition, the role of the constitution as a form of social and political contract in it regulates public services as one of the main objectives of the establishment of the state, namely realizing the welfare of the people who are just and prosperous. efforts to realize public bureaucratic reform. This global change is based on universal value standards that can increase the government's participation in providing the best service for the wider community. State administrators, in this case, must be interpreted as state apparatus or public officials who of course fulfill 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 state equipment.

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