



## Legal Aspects of Government Action in the Indictment of the Corruption Eradication Commission Public Prosecutor

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Dikirim:	Direvisi:	Dipublikasi:
<b>Info Artikel</b>	<b>Abstract</b>	
<b>Keywords:</b> Corruption, Government Acts, Corruption Eradication Commission Public Prosecutor's Indictment	<i>Law of the Republic of Indonesia number 19 of 2019 concerning the second amendment to law number 30 of 2002 concerning the Corruption Eradication Commission was formed with the aim of increasing the efficiency and effectiveness of efforts to eradicate corruption. In carrying out its duties, the Corruption Eradication Commission was given the authority to conduct investigations, investigations, and prosecutions (indictments) of corruption crimes involving law enforcement officers, state administrators, and other people related to corruption crimes committed by law enforcement officers or state administrators.</i>	
<b>Kata Kunci:</b> Korupsi, perbuatan pemerintah, komisi pemberantasan korupsi, surat dakwaan kejaksaan	<b>Abstrak</b>	
<b>DOI:</b> Xxxxxxx	<i>Undang-Undang No 19 tahun 2019 tentang perubahan kedua atas Undang-Undang No 20 tahun 2002 tentang Komisi Pemberantasan Korupsi dibentuk dengan maksud meningkatkan efisiensi dan efektifitas dalam upaya pemberantasan korupsi. Dalam menjalankan tugasnya, Komisi pemberantasan korupsi diberikan kewenangan untuk melakukan penyelidikan, penyidikan, dan penuntutan (dakwaan) terhadap tindak pidana korupsi yang melibatkan penegak hukum, penyelenggara negara, dan pihak lain yang berhubungan dengan tindak pidana korupsi yang dilakukan oleh aparat penegak hukum atau penyelenggara negara.</i>	

### 1. Introduction

In Indonesian literature, the concept of a rule of law has been accommodated and contained in article 1 paragraph 3 of the 1945 Constitution which is a direct translation of the term Rechtsstaat. The Corruption Eradication Commission, whose authority belongs to the Corruption Eradication Commission, must put forward the principle of a rule of law to uphold law and justice so that equality before the law is guaranteed.

Equality is a principle that guarantees equal treatment of all people based on fair and civilized humanity, without discriminating one from another on the basis of differences in religion, ethnicity, race, skin color, gender, marital status, physical condition, socioeconomic status, age, political views or other similar reasons. This principle of justice is essentially inherent in the attitude of every judge to always treat all parties in the trial equally according to their respective positions in the judicial process.

Crime is a term that contains a basic understanding in the science of law, as a term formed with awareness in giving certain characteristics to criminal law events. Criminal acts have an abstract meaning from concrete events in the field of criminal law, so that criminal acts must be given a scientific meaning and clearly defined so that they can be combined with terms used in everyday life in society.

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According to Sudarto, the elements of corruption include: a. Doing an act of enriching oneself, another person or an entity "the need for enrichment" means doing anything, for example taking, transferring, signing a contract and so on so that the maker becomes rich. b. The act is against the law, against the law here is defined formally and materially. This element needs to be proven because it is expressly stated in the formulation of the offense. c. The act is directly or indirectly detrimental to state finances and/or the state economy, or the act is known or reasonably suspected by the perpetrator to be detrimental to state finances or the state economy.

The Corruption Eradication Commission (KPK) as stated in the Law of the Republic of Indonesia number 19 of 2019 concerning the second amendment to law number 30 of 2002 concerning the Corruption Eradication Commission has a mandate to take actions to prevent and eradicate corruption through efforts to coordinate, supervise, monitor, investigate, investigate, prosecute and examine before a court based on the applicable laws and regulations.

Whereas the legal process is a series of actions that reduce a person's human rights that can be carried out by law enforcement officials on behalf of the State. So that the law enforcement process does not violate human rights, a procedure is needed to carry it out. This legal procedure is a series of requirements that must be met to protect a person's human rights. So basically the procedural law contains two matters of process and procedure, there cannot be a process without a procedure, a procedure cannot be carried out without a process. So if there is a legal process and the legal process can and has the potential to violate or reduce a person's human rights, then the legal process that can reduce a person's human rights must be carried out procedurally, not allowed to reduce what has been regulated and determined according to law. Because the procedure is a measure to assess whether the process of upholding justice is being used or not being used.

Regarding the alleged criminal act of corruption in the form of giving bribes because it was related to the position carried out by the Defendant Tagop Sudarsono Soulisha, Regent of South Buru Regency (Period I of 2011 SD. 2016 and Period II of 2016 SD. 2021) and was accepted by the Defendant in the a quo case as stipulated in the Article 12C Paragraphs (1) and (2) of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes and because it is based on Law Number 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, the receipt of the money is gratuity received by The defendant in the a quo case (as in the indictment of the Public Prosecutor m, On the Corruption Eradication Commission).

That the alleged criminal act of corruption committed by the Defendant in the a quo case includes responsibility in his position as South Buru Regent and/or as one of the positions in the Government's Goods/Services Procurement Organization, and the legality of governmental acts in this case the indictment of the Public Prosecutor of the Corruption Eradication Commission which includes authorities, procedures, and substance, as well as Aspects of Algemene Beginselen Van Behoorlijk Bestuur (General Principles of Good Governance).

The issues raised in this paper are: First, Aspects of Government Actions committed by Government Officials, especially the Public Prosecutor's Indictment from the Corruption Eradication Commission? And Second, the Legality Aspect of Acts of Government, in this case the Indictment of the Corruption Eradication Commission Public Prosecutor which includes authority, procedure, and substance.

The research method used is juridical-normative, with the type of research "problem-identification". Research that aims to identify problems. The data collection method used was through the library research method

(library method) by examining document materials and library materials used in this study.

## 2. Method

This study uses normative research, a statutory approach (Statute Approach) which regulates criminal acts of corruption combined with a Conceptual Approach regarding the application of the systematic lex principle. So this research is understood as library research, namely research on secondary data. The legal materials used are primary, secondary and tertiary legal materials which are then analyzed qualitatively to answer the problems studied.

## 3. Results and Discussion

### 3.1. Aspects of Government Actions Committed by Government Officials, Especially the Prosecutor's Indictment from the Corruption Eradication Commission

Government action (*bestuurshandeling*) is an action or deed carried out by government apparatus in carrying out government functions. Regarding government actions, Sudarsono revealed that government administration actions in UUAP are still so vague. To clarify this concept, Sudarsono uses a conceptual approach by departing from the elements of Article 1 point 8 UUAP and linking it systematically with several meanings in UUAP, it is known that there are three elements of government administration actions, namely:<sup>1</sup>

1. Actions of government officials or other state administrators; Namely the actions of government officials or other state administrators in carrying out government functions, both within the government and other state administrators.
2. Doing and/or not doing concrete actions; and UUAP does not explain the concrete concept in Article 1 number 8 of this. The concrete meaning in Article 1 number 3 of Law Number 5 of 1986 concerning the TUN judiciary, namely: "...not abstract, but tangible, certain or can be determined...".
3. In the context of administering government, namely the implementation of procedures for making decisions and/or actions by government agencies/or officials.

Departing from the provisions of Article 1 point 8 UUAP, government administration actions can be interpreted as actions of government officials or other state administrators in carrying out government functions, both within the government and other state administrators, in the form of actions (or not taking

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<sup>1</sup> Sudarsono, *Legal Issues Pada Peradilan Tata Usaha Negara Pasca Reformasi Hukum Acara Dan Peradilan Elektronik* (Jakarta: Kencana, 2019), hlm. 37.

actions) that create concrete/real things.<sup>2</sup>

In the realm of administrative law, acts of self-government can be classified into legal actions (*rechtshandeling*) and factual or material actions (*feitelijk or materielehandeling*). Government legal actions are actions taken by the government that are based on certain legal norms and are intended to cause legal consequences in certain areas of law. Government factual/material actions are actions taken by the government in order to serve the factual/material needs of the people and are not intended to cause legal consequences.<sup>3</sup>

In this regard, it can be seen that there are 2 (two) forms of government action (*bestuurshandeling*) carried out in carrying out government duties and functions, namely Factual Actions (*Feitelijk Handelingen*) and Legal Actions (*Rechtshandelingen*).

*Feitelijk Handelingen* (commonly called Material Actions, or Factual Actions/Concrete Actions.<sup>4</sup> Factual actions (*Feitelijk Handelingen*) will always be one-sided (*eenzijdige*) because they are one-sided; and *Rechtshandelingen* (Legal Actions).

This Legal Action (*Rechtshandelingen*) theoretically has legal implicit administratively. Some of these legal actions (*Rechtshandelingen*) are one-sided (*eenzijdige*) because they are unilateral in nature, and some are two-sided (*tweezijdige or meerzijdige*). Government Legal Actions (*Rechtshandelingen*) can be divided into:

1. One-sided Government Administration Legal Action (*Eenzijdige publiekrechtelijk handelingen*);
2. Two-sided Government Administration Legal Action (*Tweezijdige or Meerzijdige publiekrechtelijk handelingen*).

Meanwhile, factual action (*Feitelijk Handelingen*) will always be one-sided (*eenzijdige*) because it is one-sided. Factual Actions are real or physical actions carried out by the Government. This action is not only limited to active actions but also passive actions. Factual action (*Feitelijk Handelingen*) will always be one-sided (*eenzijdige*) because it is one-sided. Therefore all types of *Feitelijk Handelingen* enter the realm of public law. Legal actions are one-sided (unilateral in nature) because government apparatus have special powers in taking or not taking action depending on the unilateral will of the state administration agency or official who has government authority to do so. Because it is a unilateral statement of will from a government organ, a one-sided government legal action may not contain elements of defects such as:

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<sup>2</sup> Suanro Suanro and Mizan Malik S, "Makna Tindakan Administrasi Pemerintahan Dalam Penafsiran Hukum," *Jurnal Ilmu Hukum Tambun Bungai* 6, no. 2 (2021), <https://journal.stihtb.ac.id/index.php/jihtb/article/view/198>.

<sup>3</sup> W Riawan Tjandra, *Hukum Administrasi Negara* (Jakarta: Sinar Grafika, 2018), hlm. 145.

<sup>4</sup> Bagir Manan, "Mengenal Macam Penggolongan Hukum Dan Bentuk-Bentuk Hukum Tindakan Atau Perbuatan Penyelenggara Negara Dan Pemerintahan," *Majalah Hukum Varia Peradilan Tahun XXXIII No. 385* (Jakarta: Ikatan Hakim Indonesia, 2017).

oversight (*dwaling*), fraud (*bedrog*), and coercion (*dwang*) as well as other matters that give rise to legal consequences invalid.

The principle of legality is used in the field of administrative law and has the meaning "that the government is subject to the law". The principle of legality determines that all provisions that bind citizens must be based on law. The principle of legality is a rule of law principle which means that every legal action by the government, both in carrying out regulatory and service functions, must be based on the authority granted by the applicable laws and regulations.<sup>5</sup>

Related to the Corruption Eradication Commission's Public Prosecutor's Indictment in the a quo case and the explanation with the description above shows that the Corruption Eradication Commission's Public Prosecutor's Indictment in the a quo case is an act of government in the form of *Beschikking*, but is included in the *Beschikking* category which cannot be sued at the Administrative Court as arrangements in Article 2 and Article 49 of Law Number 5 of 1986, which confirms:

Article 2 "Not included in the meaning of State Administrative Decisions according to this Law:

- a. State Administrative Decisions which are civil law acts;
- b. State Administrative Decisions which are general arrangements;
- c. State Administrative Decisions that still require approval;
- d. State Administrative Decisions issued under the provisions of the Criminal Code or the Criminal Procedure Code or other laws and regulations that are criminal in nature;
- e. State Administrative Decision issued on the basis of the results of an examination of the judiciary based on the provisions of the applicable laws and regulations;
- f. State Administrative Decree concerning the administration of the Armed Forces of the Republic of Indonesia;
- g. Decisions of the Election Committee, both at the central and regional levels, regarding the results of the general election.<sup>6</sup>

Article 49 The court does not evaluate, decide and settle certain State Administrative disputes in the event that the disputed decision is issued:

- a. in times of war, in a state of danger, in a state of natural disaster, or in an extraordinary situation which is dangerous, based on the prevailing laws and regulations;
- b. in an urgent situation for the public interest based on the applicable laws and regulations. KPK based on Law Number 19 of 2019 Article

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<sup>5</sup> Hera Yulindasari, "Tindakan Pemerintah Dalam Implementasi Hukum Administrasi," *Universitas Sriwijaya*, 2019.

<sup>6</sup> Ridwan, Despan Heryansyah, and Dian Kus Pratiwi, "Perluasan Kompetensi Absolut Pengadilan Tata Usaha Negara Dalam Undang-Undang Administrasi Pemerintahan," *Jurnal Hukum Ius Quia Iustum* 25, no. 2 (2018), <https://doi.org/10.20885/iustum.vol25.iss2.art7>.

1 point 3 states "The Corruption Eradication Commission, hereinafter referred to as the Corruption Eradication Commission, is a state institution within the executive branch of power that carries out the task of preventing and eradicating Corruption

Crimes in accordance with this Law". Whereas in this provision, the KPK is part of an executive institution outside the Legislative and Judiciary Institutions, so that the government actions issued by the KPK, in this case the Indictment, are *beschikking*. Because the indictment of the Public Prosecutor at the Corruption Eradication Commission in the a quo case is a form of government action that is categorized as *Beschikking* (even though it cannot be used as an object of dispute in the Administrative Court), however, the issuance of the Public Prosecutor's Indictment at the Corruption Eradication Commission in the a quo case must fulfill legality aspect of government action

### **3.2. The Legality Aspect of Acts of Government, in this case the Public Prosecutor's Indictment of the Corruption Eradication Commission which includes authority, procedure, and substance**

The legality aspect of government action includes aspects of authority, procedure, and substance or based on the formulation of Article 66 paragraph (1) of Law Number 30 of 2014 concerning Government Administration, that "Decisions can only be canceled if there is a defect:<sup>7</sup>

- a. Authorized;
- b. Procedure; and/or
- c. substance.

Whereas as explained above related to the principle of legality becomes the main element in every government action. The principle of legality means that every government action must be based on applicable laws and regulations, and to test whether the object of dispute in the a quo case fulfills the legality aspect of government action, it will be analyzed using aspects of authority, procedure and substance as described below:

#### **1. Aspect of Authority**

Every act of government implied must be based on legal authority. Authority as the basis for the implementation of government functions and is carried out based on the applicable laws and regulations.

This authority is obtained through three sources, namely attribution, delegation and mandate. Attribution authority is usually outlined through the distribution of state power or determined by law, regulatory authority and mandate are powers that originate from delegation.

Regarding attribution, delegation, and mandate can be explained as follows: Attribution. Attribute; *toekenning van en bestuurs bevoegheid* dan or *een wetgever aan een bestuursorgaan*. This means that attribution is giving government by legislators to government organs. Another formulation

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<sup>7</sup>Hidayat Pratama Putra, "Penilaian Terhadap Batal Atau Tidak Sahnya Suatu Keputusan Dan/Atau Tindakan Administrasi Pemerintahan," *Jurnal Hukum Peratun 3*, no. 1 (2020): hlm. 41, <https://doi.org/10.25216/peratun.312020.35-50>.

says that attribution is the formation of certain authorities and dedicating them to certain organs. The formation of authorities and the distribution of authorities are stipulated in the Constitution and laws.<sup>8</sup>

Regarding *tasbih*, it is stated that "*Delegatie; overdracht van een bevoegheid van het eene bestuursorgaan aan een ander*. This means that delegation is the delegation of government authority from one government organ to another government organ. Delegation is defined as the transfer of authority (to make "*besluit*") by a government official (TUN official) to another party and this authority is the responsibility of that other party. Regarding the mandate, it is formulated as follows, namely "*een bestuursorgaan laat zijn bevoegheid namens hem uitoefenen door een ander*, (mandate occurs when a government organ allows its authority to be exercised by another organ on its behalf). A mandate is a delegation of authority to subordinates. The delegation intends to give authority to subordinates to make decisions, namely TUN officials who give mandates. The decision is the decision of the TUN Officer who gives the mandate. Thus accountability and responsibility remain with the mandate giver. There is no need for statutory provisions for a mandate.

Whereas as explained above, the KPK is based on Article 1 point 3 of Law Number 19 of 2019 which states "The Corruption Eradication Commission, hereinafter referred to as the Corruption Eradication Commission, is a state institution within the executive family that carries out the task of preventing and eradicating Corruption Crimes in accordance with this law".

Based on the provisions of Article 1 number 3, the KPK is part of an executive institution outside the Legislative and Judiciary Institutions so that the government actions issued by the KPK, in this case the Indictment, are *beschikking*.

Regarding the source of authority referred to above, the KPK has attributional authority to carry out investigations, investigations and prosecutions of criminal acts of corruption (Article 6 letter c of Law Number 30 of 2002 concerning the Corruption Eradication Commission Jo Law Number 19 of 2019 Regarding the Second Amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission).

Thus, the Corruption Eradication Commission indictment in the *a quo* case has fulfilled the authoritative aspect as one of the legal aspects of government action. This means not committing acts of abuse of authority in the form of authorized use contrary to laws and regulations which are the legal basis for the authority given so that the Corruption Eradication Commission indictment in the case *a quo* as a form of government crime does not contain juridical defects.

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<sup>8</sup> Ali Marwan HSB and Evelyn Martha Julianthy, "Pelaksanaan Kewenangan Atribusi Pemerintahan Daerah Berdasarkan Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah," *Jurnal Legislasi Indonesia* 15, no. 2 (2018), <https://doi.org/10.31219/osf.io/utw97>



## 2. Aspect of Procedure

The general principle of procedure is stacked on top of the three main foundations of administrative law, namely the rule of law principle, the principle of democracy, and the principle of instrumentality.

The rule of law principle in its main procedures relates to the protection of basic human rights, such as the occurrence of discriminatory acts in the implementation of government functions. Discriminatory acts under the rule of law principle are interpreted as an act of applying the law that is not evenly distributed in the administration of government.

The principle of democracy in procedures relates to the principle of enforcement in governance. The principle includes the government's obligation to actively provide information to the public about a request or a government action plan and the obligation to provide an explanation to the public on the matter requested. Government openness allows public participation in decision making. In addition, as an enforcement of the government's obligation to announce every government decision. The instrumental principle includes the principle of efficiency (*doelmatigheid*: usability) and the principle of effectiveness (*doeltreffendheid*: usability).

If procedural defects occur, this will have implications for the authorities if the authorized use deviates or conflicts with a purpose that has been stipulated in statutory regulations. Thus, if this occurs in connection with the Corruption Eradication Commission's indictment in the *a quo* case, the Government Action taken if it contains a Juridical Disability can be canceled

Whereas the requirements for the validity of a decision in accordance with Article 52 paragraph (1) and paragraph (2) of Law Number 30 of 2014 concerning Government Administration state:

Article 52 paragraph (1) Requirements for a valid decision include:

- a. Determined by government officials;
- b. Made according to the procedure; and
- c. Substance that corresponds to the object of the decision.

Article 52 paragraph (2) The validity of the decision referred to in paragraph is regulated in the provisions of laws and regulations and AUPB.

Whereas in fact what is meant by formal procedures is a series of work procedures that are interrelated with one another so that they can show a clear and definite step-by-step sequence as well as solutions that must be taken in order to complete the main tasks and functions.

Based on the rule of law principle as described above, namely the rule of law principle in its main procedures relating to the protection of basic human rights, such as the occurrence of discriminatory acts in the implementation of

government functions. Discriminatory acts under the rule of law principle are interpreted as an act of applying the law that is not evenly distributed in the administration of government. Then related to the Corruption Eradication Commission's Public Prosecutor's Indictment in the a quo case which regulates the provisions in 12 B Jo Article 12C Paragraph (1) 2) law number 31 of 1999 concerning criminal acts of corruption as amended by law number 20 of 1999 2001 concerning changes to law number 31 of 1999 concerning corruption, even though the juridical facts are good in the indictment of the General Commission for Corruption Eradication with gifts from Ivana Kwelju, main director of PT. vidi Citra Kencana against the accused in the a quo case and charges in the corruption case against Ivana Kwelju, the main director of PT. vidi Citra Kencana in the case of criminal acts of corruption as a giver with Article 5 paragraph (1) letters of law number 20 of 2001 concerning amendments to law number 31 of 1999 concerning criminal acts of corruption.

Article 5 of Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Corruption Crimes states: "Article 5 Paragraph (1) Shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and/or a fine of a minimum of Rp. 50,000,000.00 (fifty million rupiah) and a maximum of Rp. 250,000. 000.00 (two hundred and fifty million rupiah) each person who:

- a. give or promise something to a civil servant or state administrator with the intention that the civil servant or state administrator do or not do something in his position, which is contrary to his obligations; or
- b. give something to a civil servant or state administrator because of or in connection with something that is contrary to obligations, done or not done in his position.

Paragraph (2) Civil servants or state administrators who accept gifts or promises referred to in paragraph (1) letter a or letter b, shall be punished with the same punishment as referred to in paragraph (1). Thus, based on the rule of law principle as one of the general procedural principles that apply rules that cannot be discriminated against, the corruption eradication commission has the authority to deviate from the purpose of granting the authority itself, related to the use of the article that should be placed for indictment in the a quo case and should not be discriminatory. This means that the government action taken by the Corruption Eradication Commission in the form of an indictment in the a quo case does not fulfill the procedural aspect as one of the legal aspects of government action, so that it contains procedural defects and therefore can be canceled.

### 3.3. Aspects of Substance

Aspects of Substance relating to Government Power which contains the authoritative arrangements and control over people's lives, is limited substantially. Substance defects are related to the questions "what" and "what for". "What" relates to arbitrary actions (*kennelijk onredelijk*); substantial defects

related to "what for" is an authorized action (*detournement de pouvoir*) by the government. "

Whereas the use of authority is not supposed to, in this case the official uses his authority for other purposes that deviate from the purpose that has been given to the authorized person. Whereas the substance aspect was not fulfilled in the issuance of the indictment in the a quo case, because the issuance of the indictment in the a quo case contained a substantial principal error, namely it contradicted the statutory regulations as a juridical basis for exercising the authority of the Corruption Eradication Commission in issuing the indictment in the a quo case and because it does not meet the substance aspect, as one aspect of the legality of acts of government which contain defects in substance and therefore can be canceled.

Abuse of authority in accordance with the formulation of Article 53 paragraph (1) point b of Law no. 5 of 1986, namely using authority for purposes other than the purpose for which the authority is given, and the explanation states "the basis for this cancellation is often called prohibited". This means that the occurrence of theft is not an oversight, but is done consciously, namely diverting the purpose that has been given to the authority.

The reasons that can be used in a lawsuit before the State Administrative Court are: (a) The State Administrative Decision being sued is contrary to the applicable laws and regulations, and (b) The State Administrative Decision being challenged is based on the principles of governance good general public (Article 53 paragraph (2) point b No. 5 of 1986` as amended by Law Number 9 of 2004). Reasons not contradicting laws and regulations have been analyzed in the section on the legality of government violations which include authority, procedure and substance.

In relation to this aspect, is the Government Action carried out by the Corruption Eradication Commission by issuing an Indictment in the a quo Case contrary to or not contrary to the General Principles of Good Governance (*Algemene Beginselen Van Behoorlijk Bestuur*), as referred to in Article 53 paragraph (2) letter "b" along with its explanation states that what is meant by the principles of good public administration include:

1. Legal certainty
2. Orderly administration
3. Transparency;
4. Proportionality;
5. Professionalism;
6. Accountability, as referred to in Law Number 28 of 1999 concerning the Implementation of a State Clean from Corruption, Collusion and Nepotism.

The principles of good public administration are regulated in Law Number 30 of 2014 concerning Government Administration, it is stated in Article 10 paragraph (1) that the General Principles of good governance referred to in this Law include:

- a. principle of legal certainty,

- b. as benefit,
- c. as impartiality,
- d. principle of precision,
- e. the principle of not abusing his authority
- f. principle of openness,
- g. the principle of public interest, and
- h. good service principle.

#### 4. Conclusion

The indictment of the Public Prosecutor of the Corruption Eradication Commission in the a quo case is an Act of Government in the form of *Beschikking* because it fulfills the provisions in Article 1 number (9) of Law Number 51 of 2009 concerning the second amendment to Law Number 5 of 1986 concerning State Administrative Court (although as a *Beschikking* which cannot be sued at PTUN), with the character of a "State Administrative Decision", namely:

- a. Written determination
- b. TUN Agency/Officer
- c. TUN legal action
- d. Concrete-Individual
- e. Final
- f. Legal consequences for a person or civil legal entity

The indictment of the Corruption Eradication Commission by the Public Prosecutor as an act of government not fulfilling the legal aspects of government action which includes aspects of authority, procedure and substance, as well as the Aspect of *Algemene Beginselen Van Behoorlijk Bestuur* (General Principles of Good Governance) so that it contains a Juridical Flaw

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## Legislations

Undang-undang No. 19 tahun 2019 tentang perubahan kedua atas undang-undang No. 30 tahun 2002 tentang Komisi Pemberantasan Tindak Pidana Korupsi

Undang-Undang No. 30 Tahun 2014 tentang Administrasi Pemerintahan