

## Legal Review of Corruption Crime Abuse of Authority in the Position of Government, According to Law Number 30 the Year 2014

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### Abstract

Corruption is a serious problem that could endanger the social development of both economic and political, as well as damage the values of democracy and morality because sooner or later this act of seeming to be a culture. Corruption is a threat to the ambitions towards a just and prosperous society. The problem of corruption is not a new problem in matters of law and economics for a country because of the problem of corruption has existed for thousands of years in both the developed and developing countries including in Indonesia. Corruption has crawled and slipped in various forms or mode of operation thus undermining state finances, the state's economy and detriment of public interest. Corruption is a misappropriation or embezzlement of money of a State or a corporation or otherwise for personal or other interests. While the world International understanding of corruption by Black's Law Dictionary means that an act is undertaken with a view to gain some advantage which is contrary to official duties and other truths. In Law Number 30 the Year 2014 differentiated two concepts, namely authority and authorization. Authority is the right owned by the Agency and/or Government Officials or other state organizers to make decisions and/or actions in the administration of government. While authorization is the power of the Agency and/or Government Officials or other state organizers to act in the realm of public law. Government administration is the product of administrative decisions.

**Keywords:** Criminal Act, Corruption, Position, Authority, Authorization.

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### INTRODUCTION

Criminal Act of Corruption is a serious problem that could endanger the social development of both economic and political, as well as damage the values of democracy and morality because sooner or later this act of seeming to be a culture. Criminal Act of Corruption is a threat to the ambitions towards a just and prosperous society. The Criminal Act of corruption is also not a new issue in the law and economy of a country because corruption has existed thousands of years ago, both in developed countries and in developing countries, including in Indonesia. Corruption Criminal Act has crawled and slipped in various forms, or modus operandi, thus undermining state finances, the state economy and detriment of the public interest [1].

Criminal Act of Corruption in Indonesia has been widely spread in the community. Its growth also continues to increase every year, both the number of cases and the amount of financial loss of the state or the quality of the Criminal Act made more systematically and its scope has entered into all aspects of community life. Therefore, the Criminal Act of corruption has been

regarded as a "seriousness crime." A serious crime which is very disturbing the economic and social rights of the society and the state on a large scale, so that its handling should be done by the extraordinary treatment [2].

Lately, this Criminal Act corruption by government officials has often been a trending topic of news coverage in various media. The growing number of criminal cases of corruption among government officials is a phenomenon that is very worrying and adds to the issue of governance. Criminal Act corruption among government officials can be the receipt of gratuities or bribes. This problem certainly has disrupted the governance process and potential stagnation of governance that can cause great harm to the country. Government officials are supposed to represent the country that every decision is part of a legal product which they hold, but often it stuck while faced with policy areas which are still unclear. In order to address the growing criminal act of corruption and abuse of authority, the government established policy through Law No. 30 of 2014 on Government Administration. This policy is a legal umbrella or material law for the administration of government

administration. Law Number 30 the Year 2014 About Governance Administration governs legal relations between government agencies and individuals or communities within the jurisdiction of the state administration.

According to Article 21 paragraph (1) of Law Number 30 Year, 2014 on Government Administration stated that the court has the authority to receive, investigate, and decide whether or not there is an element of abuse of authority committed by public officials. The presence or absence of an abuse of authority can be examined in courts of general jurisdiction. Among others, argues that abuse of authority is the domain of administrative law so as to test whether or not the alleged abuse of authority is the duty of the State Administrative Court.

Another thing that is also behind the establishment of Law No. 30 Year 2014 on Government Administration in order to use authorized by the agency and / or government officials constantly refer to the general principles of good governance (hereinafter referred UPB) (Article 1 point 12 of Law No. 30 Year 2014 on Government Administration) or *Algemene Beginselen van Behoorlijk Bestuur* and under the laws and regulations. Determination Act is intended that there is legal protection for the parties involved in the governance process, better protection of citizens as well as the affected party against the government itself as the organizers of government. Under the Act, the use of state power in the framework of governance require a specific prerequisite. Government action must always be based on the law and meets the people's rights. On the other hand, people also can not necessarily blame the government but should be based on legal arguments and through legal mechanisms and procedures that have been determined.

The categories of abuse of authority by government officials as stipulated in Article 17 of Law Number 30 the Year 2014 regarding Government Administration, include actions beyond the Authority, confronting authority and/or acting arbitrarily. A government official has categorized take action beyond its authority when it made its actions beyond the term of office or authority into the effect of time limits; beyond the jurisdiction of authority; and/or contrary to the provisions of the laws and regulations. The actions of the government officials are categorized as confronting authority when their decisions and/or actions are carried out beyond the scope of the subject or the authority material provided; and/or contrary to the purposes of the authorization granted. While acting arbitrarily, when its decision and/or action is done without the basis of authority; and/or contrary to the Constitutional Court Decision.

The provisions of the above clause show clearly that the testing of the presence/absence of

abuses of authority by government officials is the absolute competence of the Administrative Court. The assessment of whether the discretionary freedom in accordance with the purposes of the stipulation is consistent with the authority or final destination is the domain of administrative judge or the state administration so that the government policy cannot be judged by criminal judges focusing on the question of *rechtmatigheid*, and not on *doelmatigheid*. This paper aims to elaborate on the Criminal Act of corrupting the abuse of authority in government officials according to Law Number 30 the Year 2014 on Government Administration (Case Study of Judicial Decision No. 79 / Pid.Sus.Tpk / 2017 / PN.Mdn).

In the matter of corruption Criminal Act on behalf of the defendant, Masry Ady detained in state custody since April 27, 2017, to August 20, 2017. In case the defendant alleged Extortion Criminal Act and punishable as provided in Article 12 A (2) of the Act Number 20 of 2001 on the amendment of Law No. 30 the Year 2014 on Government Administration. Where based on the entire legal considerations, as mentioned above, was accused Masry Ady has proven acts as charged by the Public Prosecutor of the money received IDR 3.000.000 (three million rupiahs). The enactment of Law No. 30 of 2014 concerning the Administration at least give an answer to the debate. According to Supandi, the abuse of authority (*detournement de pouvoir*) is a concept of state administration law that has caused a lot of misunderstandings in its interpretation. In practice, *detournement de pouvoir* is often confounded by arbitrary acts (abuses of *droit*), abuse of means and opportunities, against the law (*wederrechtelijkheid*, *onrechtmatige daad*), or even extend it to any act that violates any rule or policy and in any field. The use of this broad and free concept will eventually become a weapon of abuse of other authorities and the freedom of acting the government in the face of the concrete situation (*freies ermesen*) does not mean [3].

Abuse of authority may occur in the type of authority bound or in the type of free authorization (discretion). The indicator or benchmark of abuse of authority on the type of bound authority is the basis of legality (the purpose set forth in the law), whereas in the type of free authorization (discretion) is used parameters of the general principles of good governance because the fundamental "*wetmatigheid*" is not sufficient. In the judicial practice are often interchangeable / misinterpreted between abuse of authority and procedural defects as if the procedural disability was amenable to the abuse of authority. Here are some characteristics of abuse of authority in government departments [4], as follows: 1) Notwithstanding the purpose or purposes of a grant of authority; 2) Notwithstanding the purpose or intent in relation to the principle of legality; and 3)

Notwithstanding the purpose or intent in relation to the general principles of good governance.

In the perspective of the law of state administration, the parameters that restrict the free movement of state apparatus (discretionary power) are an abuse of authority (*detournement de pouvoir*) and arbitrary (*abus de droit*). While in the context of criminal law the criterion which restricts the free movement of state apparatus authority is called against the law (*wederechtelijkheid*) and abuses authority. While in the context of civil law the act of defamation is referred to as *onrechtmatigedaad* and torture. This last definition is often understood to be diverged by law enforcement because it considers the broad understanding of the *onrechtmatige daad* in civil law has the same meaning as the definition of criminal law against the term *wederrechtelijkheid* material. *Wederrechtelijkheid* in some of the terms of the literature can be interpreted as indefinitely, contrary to the law in general, contrary to one's personal rights, contrary to positive law including civil law, administrative law or abusing authority and so forth [5].

Law No. 30 of 2014 on Government Administration affirms that the state administrative court is a judicial institution that has the absolute competence to check whether or not there is alleged allegation of abuse. If during an official named as a suspect of corruption directly examined in courts of general jurisdiction, now with the regime of this Act to an official concerned may apply to the Administrative Court prior to check and verify the presence or absence of an abuse of authority in the decision and/or action taken. The provisions are contained in Article 21 of Law Number 30 the Year 2014 on Government Administration [6], as follows: 1) The court shall be authorized to receive, examine, and decide whether or not there is an element of abuse of authority committed by Government Officials; 2) The Agency and/or Government Officials may apply to the Court to assess whether or not there is an element of abuse of Authority in Decisions and/or Actions; 3) The Court shall terminate the application as referred to in paragraph (2) no later than 21 (twenty-one) working days since the application is filed; 4) The Court referred to in paragraph (3) may be appealed to the State Administrative High Court; 5) State Administrative High Court shall decide upon the appeal referred to in paragraph (4) no later than 21 (twenty-one) days after the appeal is filed; 6) The decision of the State Administrative High Court as referred to in paragraph (5) shall be final and binding.

The above provisions of the article are the legal umbrella of State Administration officials in conducting government administrative action. The provisions also provide protection against the State Administration's Office / Agency in making a decision. It is certainly in accordance with the principle of pre

*sumptio iustae causa* or legal presumption (*rechmatig / vermoeden van rechtmatigheid praesumptio iustae causa*), in which this principle implies that every action must always be considered legitimate ruler (*rechmatig*) until its cancellation. The decision of the official (true or false) by the public must be considered right and promptly executed unless the court of competent law states otherwise.

The existence of Article 21 of Law Number 30 Year 2014 is the response of the practice that has been applied, where there is a tendency of law enforcement officers who are still very positive in carrying out the function of supervision and enforcement of law so that the alleged abuse of authority is often directly related to the criminal process. This situation would have an impact on law enforcement in the state administration act, which in turn interferes with the performance of the state administration office. In the context of the further in turn often lead to character assassination against the practice of good governance, especially when exploited by political opponents for political purposes.

When referring to the definition of corruption as the wording of Article 3 of Law Criminal Corruption Act, abuse of authority has become one formulation Criminal Act corruption. However, there are differences between the elements of "abuse of authority" as mentioned in Article 3 of Law No. 31 of 1999 on the Eradication of Criminal Act of Corruption with the element of "abuse of authority" as referred to in Article 21 paragraph (1) of Law Number 30 Year 2014 concerning Government Administration. According to Supandi, the provisions of Article 21 paragraph (1) of Law No. 30 of 2014 is deemed to have revoked the authority of the investigator in the investigation in order to determine whether there has been an abuse of authority committed by a suspect as the government officials who go by it should be the object to be tested first in the State Administrative Judgment.

Substantially, the basic specialities (*specialialiteit beginsel*) implies that each authority has a specific purpose. Deviation to this principle will result in abuse of authority (*detournement de pouvoir*). The legislation and the general principles of good governance are used to prove the instrument or mode of abuse of authority (abuse of authority in Article 3 UUPTPK), while the abuse of power can only be classified as a Criminal Act if the implications for the loss of state or the country's economy (except for criminal act of corruption bribery, graft and extortion), the alleged benefit, the public is not served, and the act is reprehensible actions.

It is often said that "the criminal law is a double-edged sword or the criminal law has even sliced its own flesh". Not merely deprivation of liberty, property deprivation, but also the possession of life's deprivation as a legally sanctioned criminal offence. On

the basis of the above reasoning the thought that the criminal law is used carefully and operationalized as the last remedy (*ultimum remedium*) and not as a primary drug (*primum remedium*). The application of criminal sanctions as a last resort (*ultimum remedium*) for the purpose of providing legal certainty but also to criminal law process that is long enough to give justice both to victims and to the perpetrators themselves.

## **DISCUSSION**

### **Factors causing abuse of authority by Government Officials**

That in factors and elements of abusing the authority is not the same as elements of the law, especially on the understanding of the study in the Criminal Act of corruption. The implication of the meanings that abusing authority is implicit in the law (though it arouses widespread debate, whether it is against the law to be interpreted formally or materially). However, it does not mean that it meets the element against the law which means it also fulfils the elements of abuse of authority. The two elements are clearly different, both from the *feit material* and the *barefeit straf*. Therefore, the placement of these two provisions is separate clauses in the Criminal Law Act of Corruption in Indonesia.

Often found to be misleading or even incomprehensible by law enforcement officials, including judicial bodies as the ultimate pillar of the law, the abusive element of discretion, based judgment on the principle of *wederrechtelijkheid* material principle which is principally a very misleading mistake. This was found in the case of Akbar Tanjung at the first level of the Central Jakarta District Court (which was later cancelled by the Supreme Court). Similarly, former Director of Bank Indonesia in connection with a regulation (public policy) [7].

In the correlation between *privaatrechtelijkheid* and the Criminal Act of corruption, there is a noticeable development that is the understanding of law enforcement on the national banking community. The misunderstandings include, for example, deviating credit processing, negligence in returning credits, and banking leaders' decisions in determining credit approval which resulted in bad credit and prudential banking principles. These are all perceived as a Criminal Act of corruption, both in the form of acts of lawlessness and abuse of authority. Even more alarming, the bad loans are considered as the Criminal Act of corruption. In terms of parameters such as policy rules as positive law is not in accordance with the development of society and the state to determine whether or not abuse of authority, the principle of merit is one of the parameters, and these parameters are not written in nature and fall into the category as criteria to determine proven and whether or not the element is abusing authority. However, in the area of State Administration Law, although this discretionary

authority often transcends the principle of fairness, this act is justified in terms of active authority. It does have to be implemented on the basis of the condition of urgency, and or emergency nature.

Given the Indonesian Criminal Law System, in particular in most of the matters Criminal Act corruption strict lean principles in determining the legality of proven or not proven formula of offences. If there are no ground rules or there are basic rules regarding the policy concerning the assessment of whether or not the abuse of this authority, the element of abusing the authority must have its relation to the habits or profits that develop in society, because the criteria or measure to determine if the principle of fairness and precision in the State Administration Law known as *Algemene Baginselen Vanbehoorlijk Berstuur* (general principles of good governance). That is the basis of material precision (substantive precision) that aims not to cause a person's loss and is needed to protect the interests of the wider society and nation.

The accountability comes from a word of responsibility, that is, according to Koesnadi Hardjosoemantri, that the offence of liability and crime is an audible and used expression in everyday conversation of both moral, religious, and legal. These three elements are connected with each other and rooted in a similar situation, that is a criminal violation of the rules of the system can be wide and varied, covering the field of criminal law, civil law and moral standards and many more. The similarities between these three elements include a set of rules about behaviour, which is followed by a specific group.

Thus, the system which gives rise to the concept of error, accountability, and conviction is a normative system. The responsibility of a Criminal Act means that the lawful person may be subject to criminal penalties for the actions he has committed. A Criminal Act may be subject to a valid witness if for such action there is already a rule in such a relationship system and the scope of the laws applies to the actions taken. In other words, the action is not allowed by the system. This is the basic concept of the law is to achieve fairness and justice prevalent defined in common. In the use of the criminal sanction as a means of social sanctions in all the limitations, as quoted by H. Setiyono Muladi said that the conditions of use of the criminal sanction optimally should include: 1) The act prohibited by most members of the community were prominently considered dangerous to society, is considered important by society. 2) The application of the criminal sanction against the prohibited acts, consistent with the purposes of sentencing. 3) Elimination of the crime, will not hinder or impede the desired behaviour. 4) Such behaviour can be understood by means of an impartial and non-discriminatory. 5) Arrangements through criminal law proceedings will not give the impression of being aggravated, either

qualitatively or quantitatively. 6) There are no options based on the criminal witness, to deal with such behavior [8].

In Indonesia, the principle of corporate responsibility (corporate liability) is not set in the general criminal law (Penal Code) but dispersed in criminal law special (it does not recognize the principle of corporate responsibility in the connotation of natural biological (*natuurlijke persoon*). The subjects of law in the Law on the Eradication of Criminal Act Corruption is any person or corporation (Article 2 (1) and Article 3). the subject of Laws can be charged as offenders Criminal Act of corruption is not just one person individually (capacity as a private person or public servant), but also a corporation.

### **How to Build a Law Number 30 the Year 2014 About Government Administration**

The Criminal Act is a basic understanding of criminal law. The Criminal Act is a juridical sense, other than the term evil or crime. Formal judicial, crime is a form of behaviour that violates criminal law. Therefore, any act prohibited by law should be avoided and rarely anyone violating it would be subject to criminal. Thus, certain restrictions and obligations to be obeyed by every citizen must be included in the Laws and Government regulations [9].

The Criminal Act is the act of doing or not doing something that has the element of error as an act prohibited and threatened with criminal, in which the criminal offence of the perpetrator is for the sake of maintaining the order of law and the assurance of public interest. The Criminal Act is a human act that is formulated in the Law, against the law, which should be punished and committed in error. The person who commits a crime shall be responsible for the offence of a criminal offence if he has an offence, a person has an offence when at the time of committing an act in the community expresses a normative view of the offence committed [10].

Corruption comes from the Latin word that is a corruption from the verb *corumpere* which has the meaning of rotten, broken, bribed, swaying, twisting. Literally, corruption means deception, depravity, dishonesty, bribery, non-moral, deviation from purity, defamatory words or words. The definition of corruption in the Indonesian Dictionary of Dictionaries is fraudulent, bribe and immoral. Corruption is a misappropriation or embezzlement of money of a State or a corporation or otherwise for personal or other interests. While in the world Internationally the definition of corruption based on Black Law Dictionary has the meaning that an act is done with a purpose to gain some benefits that are contrary to official duties and other truths [11]. The definition of the Criminal Act of corruption may also be interpreted as an act relating to the public's interest or the wider community for

personal and/or specific interests. Thus, specifically, there are three phenomena covered in the term corruption [12], namely bribery, extortion, and nepotism (nepotism). Crime corruption is essentially included in economic crimes, this can be compared to the anatomy of economic crimes [13], as follows: 1) Impersonation or hidden nature of the crime intents and purposes, 2) Confidence offender against ignorance and carelessness of the victim, and 3) Concealment violations.

Criminal Act Corruption as a Criminal Act exclusively outside the Criminal Code is expressly stated in Article 25 of Government Regulation No. 24 of 1960 which came into force on June 9, 1960, about the Criminal Act's prosecution, prosecution and examination. Special Criminal Law is a criminal law set for special groups or related to special acts, including military criminal law (special persons) and fiscal criminal law (special acts) and economic criminal law. In addition to these specific criminal laws, general criminal law (*ius commune*) remain in force as a law that adds (*aanvullend za*).

It contains special criminal provisions of the general penal provisions addressing a group of people or certain acts. Especially from the special criminal law can be found a provision regarding the cancellation of an act, the provisions of the criminal and the action and of the actionable claim. So the deviations from this general rule are the characteristics of a special criminal law. The symptoms of the criminal offences specifically refer to the differentiation of the criminal law, a tendency that is opposed to the unification and the general provisions of criminal law specific purpose and function of its own, but the principles of criminal law, especially the "no criminal without fault "must be respected.

In addition to the division of criminal law in criminal law codified by uninformed criminal law, there is another division being the general criminal law (*ius commune*) and special criminal law (*ius singulare* or *ius speciale*). General criminal law and this special criminal law shall not be construed as a general section and a special section of criminal law, as it is part of the general criminal law under general rules or teachings, while the section specifically includes the formulation of the Criminal Act. It was originally meant that a codification contained a complete legal material, but we noticed that the establishment of a criminal code outside of codification is inevitable given the growth of society, especially in the field of social and economic (in the Criminal Code) in both books, offence a crime, while in the third book published fraction of offences such as assault. The Special Criminal Law is a criminal act other than the Criminal Law Act which is the parent of criminal law regulation.

### **How the Criminal Act Corruption Abuse Authority In Government Officials According to Law Number 30 the Year 2014 About Government Administration**

The term of authority or authorities can be equated with "authority" in English and "bevoegdheid" in Dutch. Authority in Black's Law Dictionary is defined as the authority or authorities is the rule of law, the right to command or to act; the rights or powers of public authorities to comply with the rule of law in the sphere of public obligations [14].

According to Budihardjo authority are institutionalized power, the ability to perform certain legal actions intended to cause legal consequences, and the right of freedom to do or not do a certain action or claim of any other person to perform certain actions [15]. According to Stout authority is derived from the notion that the government organization law, which can be described as the overall rules concerning the acquisition and use of the authority-the authority of the government by the subject of public law in a public law relationship [16]. According to Tonaer, authority is the ability to implement positive law, and thus, it can be established a legal relationship between government and citizens. Authorities are often defined as powers, the power that orders the obedience of the power puts its powers over the dominated authority. The concerned authority is the right that has been established, in any social order, to set policy, to announce the results of consideration of issues that are relevant, and to reconcile the contradictions, or mentors for others [17].

Based on the above definition, the authors conclude that the meaning of the authority is the authority instituted by the regulations is expected that these regulations can be complied with. Thus, the fear is a provision in the power that can be used by an authorized person to run the wheel of his leadership. The authority as a public law concept is at least consisting of three components: the influence, the legal basis and the legal conformity. 1) The component of influence is that the use of authority is intended to control the behaviour of the legal subject. 2) The basic legal component that such authority can always be shown is the basis of its law. 3) Components of conformity contain the meaning of the standard of authority, which is the general standard (all types of authority) and the special standard (for certain types of authority).

In line with the main pillar of the State of law is the principle of legality (*legaliteits beginselen* or *wetmatigheid van bestuur*), on the basis of the principle that the authority of government comes from the legislation. In the administration law library, there are two ways to obtain governmental authority: attribution and delegation; sometimes also, the mandate is placed as a separate means of obtaining authority.

Likewise, every government action is required to rely on legitimate authority. Without a legitimate authority, an official or state administration body cannot perform a government act. Authoritative authority is an attribute for each office or for each body. Legitimate authority when viewed from sources where the authority is born or obtained, there are three categories of authority, namely Attributes, Delegates and Mandates, which can be explained as follows 1) The authority attributes normally prescribed or arising from the division of powers by the regulatory legislation. In the exercise of this attributive authority, the implementation is carried out by the officer or body stated in its basic rules. On the authority of the attribution of responsibility and accountability lies in the office or body as stated in its basic rules. 2) Delegative authority is derived from the transfer of a governmental organ to another organ on the basis of the laws and regulations. In the case of a delegate delegation of responsibility and accountability transfer to the authorized authority and transfer to the delegate. 3) The mandate authority is the authority derived from the process or procedure of delegation from the office or higher body to the lower office or body. Mandate authority is in the routine relationship of superior and subordinate unless strictly prohibited.

Abuse of authority is a policy that granted an office to other offices that are intended to carry out work not in accordance with the authority of the office is, in other words, to deviate from the official authorities. According to Rivero and Waline in Book of Willy, Abuse of Authority in Administrative Law consists of 3 kinds, namely as follows: Abuse of authority to take the actions that are contrary to the public interest or for the benefit of personal interest, group or faction. The second abuse of authority is that the actions of such officials are true for the public interest but deviate from the purpose for which such authority is provided by the Law or other regulations. The abuse of the latter's authority is misusing the procedures that should be used to achieve certain goals, but have used other procedures to be implemented.

Acting arbitrarily can also be interpreted using the authority (right and power to act) beyond what is supposed to be done so that the action is in contravention of the terms. For example, the Budget User (Head of Hygiene Department will purchase a waste management tool), the Head of the Office appoints one of the Head of Section as a Budget User Power, on the basis of a delegation of authority, then the Section Head forming the Auction Committee (Tender Committee). The designated Auction Committee and Head of Section shall not execute auction in accordance with the authority it has delegated to him but by way of direct appointment with the intention to win certain partners, in such a manner as to cause harm to state finances.

Given the unlawful nature of the general nature of law, the non-compliance of the element against the law in an act indicates that the act was not a Criminal Act. If an act is not a Criminal Act, then any criterion of that act will not be a Criminal Act. Whether the Criminal Act acts against the law or otherwise vice versa, the law is merely a character, element or main core part of any Criminal Act. The practice of judicial practice has put that a Criminal Act is one of a kind of group of unlawful acts. This concept causes no special meaning to the law in criminal law but is the same as generally against the law, including the meaning given in civil law or administrative law.

In Law Number 30 the Year 2014 differentiated two concepts, namely authority and authority. Authority is the right owned by the Agency and/or Government Officials or other state organizers to make decisions and/or actions in the administration of government. While authority is the power of the Agency and/or Government Officials or other state organizers to act in the realm of public law. Products from Government administration are decisions of Government Administration. The definition of Government Administration Decree which is also called the State Administration Decree or the State Administration Decision hereinafter referred to as Decision is a written decree issued by the Agency and/or Government Official in the administration of the government.

Whereas the mandate is the delegation of the Authority of the Agency and/or Government Officials to the lower Agency and/or Government Officers with responsibility and accountability remaining on the mandate. The mandate is the delegation of the Authority of the Agency and/or Government Officials to the lower Agency and/or Government Officers with responsibility and accountability remaining on the mandate. The mandate recipient only acts for and on behalf of the mandate, the final responsibility of the decision taken by the recipient of the mandate remains with the mandate. Bodies and/or Government Officials who accept the Mandate should state on behalf of the Agency and/or Government Official who provide the Mandate.

## CONCLUSION & SUGGESTION

### CONCLUSION

- The factors and elements of abusing the authority are not the same as elements against the law, especially against the understanding of the study in the Criminal Act of corruption. The implication of the meaning that abuse of authority is implicit in the law (though it arouses a widespread debate, whether this law is interpreted formally or materially). However, it does not mean that the elements are against the law, the law does not comply with the elements of abuse. The two elements

are clearly different, either from the "feile material" or the barefeit straf. Therefore, the placement of these two provisions constitutes separate articles in the Criminal Act of the Corruption Act in Indonesia.

- The Criminal Act is the act of doing or not doing something that has the element of error as an act prohibited and threatened with a criminal offence, in which criminal penalties against perpetrators are for the sake of maintaining the order of law and the assurance of public interest.
- In Law Number 30 the Year 2014 differentiated two concepts, namely authority and authority. Authority is the right owned by the Agency and/or Government Officials or other state organizers to make decisions and/or actions in the administration of government. While authority is the power of the Agency and/or Government Officials or other state organizers to act in the realm of public law.

## SUGGESTION

- To governments and all law enforcers in the territory of Indonesia, may act more firmly and optimize their authority in upholding and abolishing the perpetrators of the Criminal Act of corruption, which may damage the interests of human rights, the state ideology, the economy/state finances, national morals.
- To all / all elements of society, it may participate in assisting state apparatus in facilitating the mandate and task entrusted to them in eradicating corrupt Criminal Act actors based on the value of justice.
- Need to be increased law-enforcement law-wide number, law enforcement who dare to collide with power. Law enforcers should not only be brave to those who are weak in power, former officials or entrepreneurs who do not have a strong back up of power, so it does not seem like a scapegoat of corrupt judges. In order for the perpetrators of corruption to be imprisoned to the perpetrators of Criminal Act corruption in the beloved Republic of Indonesia.

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