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The Legal Role of State Administration in Dealing with Conflicts of Interest of Public Officials

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Abstract: Administrative law has a crucial role in regulating governance, including in the context of the roles and responsibilities of public officials. Analysis of legal views on the role of public officials is important to understand the legal basis that governs their behavior and decisions in carrying out public service duties. This study uses a normative legal approach by collecting data from various administrative law sources, including laws, regulations, and related court decisions. A critical analysis examines the legal view of public officials' roles and their implications for administrative practice. In-depth literature reviews were conducted to develop a conceptual framework grounded in relevant theories of administrative law.

Keywords: Administrative Law, Governance, and Public Officials.

INTRODUCTION

Public officials have a central role in decision-making at the administrative level of government. They are involved in the formulation of policies and strategies that will affect the community's development and welfare. In this context, good and sustainable policies require active contributions and a deep understanding from public officials. Their involvement in the decision-making process not only requires rational analysis but also the ability to respond to societal dynamics and evolving needs. The success of public officials in decision-making also depends heavily on their integrity. Administrative integrity is a key aspect in maintaining public trust in the government. Public officials with integrity will ensure that policies and decisions taken are based on the public interest, not the interests of individuals or certain groups. Integrity also includes transparency and accountability in every action and policy implemented. (M. Administrasi et al., 2024)

Restrictions on state administrative power are realized through several layers of supervision. First, through the principle of legality, which requires that every government action has a clear and adequate legal basis in laws and regulations. Any action taken without a valid legal basis is considered an unlawful act and can be declared invalid. Second, restrictions are implemented through the General Principles of Good Governance, which serve as ethical and normative guidelines for the administration of government. An administrative decision may have a formal legal basis. Still, if it conflicts with the principles of legal certainty, prudence, prohibition of abuse of authority, or propriety, the decision can still be annulled.

These principles help fill the legal void not covered in detail in written regulations. Third, restrictions are enforced through judicial supervision, which serves as the last bastion of protection for citizens' rights. Through the State Administrative Court, the public can file a lawsuit challenging government decisions or actions considered detrimental. The court has the authority to assess the validity of the decision and to annul it, so the government is encouraged to act prudently, in accordance with procedure, and in accordance with the law. (D. A. N. P. Administrasi, n.d.)

METHODS

The normative legal research method is one approach to legal research. In this method, the researcher examines theory and legal principles, as well as laws and regulations relevant to the research, often referred to as library research because it involves an in-depth analysis of books, laws, regulations, and other documents. Normative research methods focus more on the scope of legal conception, legal principles, and legal institutions. Data analysis in the context of normative legal research aims to understand the characteristics of the data and serves as the basis for solutions to legal problems.

RESULTS AND DISCUSSION

The state administrative law (HAN) plays an important role in addressing conflicts of interest among public officials by providing a framework of rules and oversight mechanisms, including principles of transparency, accountability, and the prohibition of abuse of authority. Its main function is to control the actions of public officials to keep them within the legal corridor, prevent abuse of power that can harm the state, and ensure that the administration operates according to the principles of justice.

The role of public officials in government administration has a huge impact on various aspects of people's lives. As the main pillar of government, public officials are responsible for delivering public services, formulating and implementing policies, and upholding integrity and ethics in governance. In this paper, the importance of public officials in government administration will be explained in detail through three main aspects: public service, decision-making, and administrative integrity. First of all, public services are the main focus of public officials' roles in government administration. Public officials have the responsibility to provide effective, efficient, and just services for the community. In this context, public officials act as intermediaries between the government and the community, bridging the community's needs and expectations with the policies implemented. Good public services will positively impact community satisfaction, fostering a harmonious relationship between the government and its citizens. (Batara & Prinaldi, 2024)

One of the most basic demands that emerged from the womb of reform was the realization of clean and good governance. These demands are a direct response to the entrenched practices of Corruption, Collusion, and Nepotism (KKN), which have been a systemic disease within the government bureaucracy for decades. In this context, society craves an effective oversight mechanism to ensure that state administrators no longer act arbitrarily and that public services provided to citizens are truly quality, efficient, and free from illegal levies. (Authority & Of, 2025)

By involving the active participation of the community, encouraging transparency and accountability in the management of public resources, and adopting a sustainable approach in designing policies, the government can create conditions conducive to achieving sustainable prosperity for all its citizens, thus, through strong collaboration between the government, the community, and the private sector, the Republic of Indonesia can achieve its goal of creating a society that is fair, prosperous, and sustainable. By understanding the challenges it faces and

adopting the right approach, Indonesia can serve as an example for other countries in their efforts to fight for the welfare of all. (Dewi et al., 2024)

The General Principles of Good Governance (AUPB) serve as a guide for the government to prevent abuse of power, provide legal certainty for the community, and ensure efficiency and accountability in public services. These principles are the basis for the enforcement of justice and the protection of citizens' rights, so that every government decision or action can be legally tested. (Hukum et al., 1945)

The field of constitutional law and state administration carried out by the government has activities, one of which is the implementation of state government administration. The implementation activity is a way of carrying out government functions, and it is issued as a policy decision by government officials. (Sawo et al., 2022) For government administration to run fairly and transparently, and to avoid abuse of authority, several basic principles must be adhered to by every institution and state administrative official. The four main principles in the Public Administration Law, namely:

1. Principle of Legality

The principle of legality is a fundamental principle in public administration law, which states that every government action must have a valid legal basis. This means that all government policies and administrative decisions must be based on applicable laws and regulations. This principle prevents the government from taking arbitrary actions and guarantees accountability in its administration. The principle of legality is a crucial element in public administration law that ensures that the government operates within the corridor of law, protects the rights of citizens, and prevents abuse of power. Although this principle has been recognized as normative in the Indonesian legal system, its implementation still faces various structural and cultural challenges. Therefore, strengthening law enforcement and increasing legal awareness among the state apparatus are important steps towards a law-based government.

2. Principle of Legal Certainty

Legal certainty serves as a foundation that enables interaction between the state and citizens to occur in an orderly and transparent manner. He demands not only the existence of written legal norms but also consistency in their application and compliance with the principles of procedural and substantive justice. In public administration law, this principle determines the quality of public services, the validity of official actions, and the legitimacy of the regulatory system as a whole. Therefore, the following discussion will elaborate on the definition, dimensions, legal basis, and implementation of the principle of legal certainty in more depth, both theoretically and in daily administrative practice.

The principle of legal certainty is not only important in theory but also essential for building a democratic and efficient state of law. It is the foundation for public trust, investment, and the protection of citizens' rights. With the support of a professional bureaucracy, consistent law enforcement, and active community involvement, this principle can be realized.

3. Openness and Transparency

Openness and transparency are two fundamental principles in public administration law that ensure government accountability and protect citizens' rights. In the context of a democratic state of law, this principle is the main pillar to prevent abuse of power, corruption, and bureaucratic inefficiency. Openness refers to public access to public information. In contrast, transparency refers to the clarity of decision-making processes and accountability of public institutions. This principle is increasingly relevant in the era

of globalization, where the demand for public participation in government is getting stronger. The law of public administration, as an instrument for regulating relations between the state and citizens, must ensure that the administrative process is open and can be supervised by the community. Openness and transparency are essential principles in public administration law that ensure a democratic, accountable, and responsive government. To optimize its implementation, it is necessary:

- a. Strengthening the legal and institutional framework
- b. Increasing the awareness and capacity of the state apparatus, and
- c. Active participation of the community in supervision and policy formulation.

4. Accountability

Accountability is one of the main pillars of public administration law, guaranteeing that every government action and decision is legally, morally, and politically accountable to the community. This principle creates a control mechanism to prevent abuse of authority, corruption, and inefficiency in public services. In the context of state administration, accountability is not only vertical (to superiors or supervisory institutions), but also horizontal (to society and the law). (Wibowo, 2025)

The government's performance as a public servant has been in the spotlight, especially since the post-reform period, because a more democratic climate has begun to emerge in Indonesia. People began to question the value and quality of the public services provided by government agencies. None of these problems need to happen dramatically if the government and its apparatus have credibility and authority that their people respect. A government that upholds high ethics and morality in exercising its authority certainly demonstrates high accountability and respect for the aspirations and interests of the people it serves. Such a government can create a climate of openness, active participation, and community empowerment, as a manifestation of the idea that is beginning to take shape today, namely, the application of ethics in public service. (Bisri & Asmoro, 2019)

The ethics of public officials are part of the ethics of public administration. Public administration ethics is a field of knowledge about moral teachings and principles of good behavior for public officials in fulfilling their duties. Public administration ethics provide various ethical principles, standards, behavioral guidelines, and moral virtues that every public official can apply to fulfill their duties to the public interest. Public administration ethics seeks to determine the norms regarding what public officials should do in carrying out their functions and holding their positions, and to identify the rules of correct behavior that public administrators or government apparatus must obey as public service providers. (Daulima, 2018)

The government should uphold the principles of good governance to achieve the expected life. According to Article 10 of Law No. 30 of 2014 on Government Administration, the General Principles of Good Governance (AUPB) are fundamental principles used as a reference in the implementation of government in Indonesia. The AUPB aims to ensure that the administration of government is carried out in a clean, efficient, and accountable manner. The consistent and sustainable implementation of AUPB will benefit all Indonesian people. These benefits include improving the quality of government, encouraging cleaner, more efficient, and more accountable government implementation. This can be achieved by enacting and implementing clear, easy-to-understand laws and regulations. (Dewi et al., 2024) For example, Legal protection and welfare: To improve legal protection and fishermen's welfare, the proposed solution is to establish a dedicated institution to handle this aspect. Such an institution could be established through the regulations of the Ministry of Maritime Affairs and Fisheries on the protection of the law and the welfare of fishermen, with integrated legal service centers in major ports. Partnerships with insurance and health institutions can be regulated

under the relevant regulations of the Ministry of Maritime Affairs and Fisheries. In contrast, information campaigns can be regulated under the Ministry of Home Affairs regulations on socialization and public campaigns. (Suryadi et al., 2024)

However, public expectations and pressure to create a government or state free of corrupt practices are also growing. There are actually quite a lot of laws and regulations that show a political will to uphold the ethics of state officials. Starting from the Philosophy of Pancasila and the 1945 Constitution/Constitution of the Republic of Indonesia, then the MPR TAP No. XI/MPR/1998 concerning the Implementation of a Clean and Free State from Corruption, Collusion and Nepotism; then Law No. 28 of 1999 concerning the Implementation of a Clean and Free State from Corruption, Collusion and Nepotism and Law No. 43 of 1999 concerning Amendments to Law No. 8 of 1974 concerning Personnel Matters (LN No. 169 and Supplement LN No. 3090); then Law No. 32 of 2004 concerning Regional Government which was amended by Law No. 3 of 2005 and Law No. 12 of 2008 concerning Regional Government; and Government Regulation (PP) No. 60 concerning Civil Servant Discipline. (Djamil, 2016)

Surveillance is an attempt to ensure that an activity or object complies with applicable regulations and to prevent *detournement de pouvoir* or abuse of authority. Public service itself is a form of interaction between the community and the government or bureaucratic apparatus. The quality of public services will help shape good governance and, therefore, become a basic need of the community across various aspects of life.

This disparity can also be analyzed using the Legal Effectiveness Theory. Soerjono Soekanto argues that the effectiveness of the law is judged by how well a regulation or legal norm realizes its purpose. The law is considered adequate if it creates a useful legal impact and successfully directs or influences changes in people's behavior in accordance with the regulations enforced. In other words, the law is considered successful if it can change human behavior into law-abiding behavior. (Authority & Of, 2025)

Transparency and accountability in the management of public resources are also key factors in ensuring the success of development policies. Too often, corruption and nepotism hinder the efficiency and effectiveness of development programs, leading to an unfair allocation of public resources and causing huge losses to society. Therefore, governments need to adopt good governance practices by increasing transparency in decision-making, strengthening oversight and inspection mechanisms, and strictly enforcing laws against ethical and integrity violations.

The quality of public services is another crucial aspect in the relationship between the government and the community. Excellent public services will increase the government's positive image in the eyes of the public. On the other hand, low service quality can lead to dissatisfaction and administrative conflicts, both at small and large scales. The government's response to public complaints is an important indicator in assessing the effectiveness of this relationship. Therefore, public participation in the drafting of KTUN not only reflects democratic principles but also enhances the legitimacy of public policy. In the face of these challenges, governments need to adopt a holistic and sustainable approach in designing development policies. It involves not only economic and social aspects, but also the environment and culture, and takes into account the needs and aspirations of different groups of people. By involving the active participation of the community, encouraging transparency and accountability in the management of public resources, and adopting a sustainable approach in designing policies, the government can create conditions conducive to achieving sustainable prosperity for all its citizens, thus, through strong collaboration between the government, the community, and the private sector, the Republic of Indonesia can achieve its goal of creating a society that is fair, prosperous, and sustainable. By understanding the challenges it faces and adopting the right approach, Indonesia can serve as an example for other countries in their efforts to fight for the welfare of all. (Sulistyowati, Maharani, Maharaja, & Carnely Kahe, 2024)

In an increasingly dynamic government, the challenges of building harmonious relations with society are becoming more complex. Conflicts between the community and the government often arise from dissatisfaction with policies that are perceived as failing to respect the community's rights and needs. For example, development projects that lack public consultation often elicit resistance and protests. Therefore, every policy and administrative decision needs to be evaluated and adjusted to align with the community's aspirations. An in-depth study of KTUN and its legal basis is key in efforts to improve the quality of relations between the government and the community. (Negara et al., 2025)

Abuse of office authority may be as old as human civilization. In general, the abuse of office authority is the use of an opportunity by a person or group in office to take advantage of their position. Abuse of office authority violates Article 3 of Law Number 31 of 1999 jo Law Number 20 of 2001, in essence..." if a person or group takes advantage of himself or another person or a corporation, abuses the authority, opportunity or means available to him by virtue of his position and harms the finances of the state or the economy of the state shall be punished with imprisonment for life or imprisonment for a term of not less than one year and not more than twenty years and a fine..." This study uses a qualitative method, with data collected through observation and supported by literature reviews. The results of the study show that state administrative officials, in carrying out their duties, must, in addition to having professional technical skills, also have high moral standards (ethics). If he does not have that ability, he can be subject to dismissal as an administrative official under HAN (state administrative law) and to criminal sanctions under criminal law.

Cases of abuse of authority by officials still occur; this often makes ordinary people confused and wonder, especially those who do not understand state administrative law and criminal law. Based on the above explanation, the researcher is interested in examining whether the action is permitted by law, the legal basis for the action, and how to sanction the abuse of that authority. (Malian, 2020)

The issue of public services in Indonesia is a must, as an official is mandated by law to provide the best service to the community as a basic aspect of government formation, and, in its dynamics, public services always follow the needs of citizens, who are dynamic (flexible). The government is often overwhelmed when the implementation of public services is guided solely by laws and regulations (legislation), which leads to ambivalence in government decisions/actions. Regarding matters that have not been regulated (*leemten in het recht*), while the government must handle them to serve citizens, government organs exercise discretion.

Discretion, as an instrument of public service in this case, is correlated with the government's performance in carrying out state administration. Therefore, it aligns with the opinion of M. Ryass Rasjid, who said that the government is essentially a service to the community. The government is not created to serve itself, but to serve the community and create conditions that allow each member of the community to develop their abilities and creativity to achieve the common goal of creating justice and prosperity. (Asyikin & Setiawan, 2021)

In the concept of the Rule of Law Theory, this theory teaches that the government derives its power not from God, the king, or the state itself but based on law. The law is sovereign. Both the government and the people derive their power from the law. The principles of people's sovereignty and the rule of law must be applied simultaneously as two sides of the same coin. Since the Republic of Indonesia, according to Article 1, Paragraph 3 of the 1945 Constitution of the Republic of Indonesia, is a democratic state based on the rule of law, it is a democratic state governed by law (*democratische rechtsstaat*) and constitutional democracy that are inseparable from each other. (Salim, 2021)

Article 3, letter c, of Law Number 30 of 2014 states that the purpose of this law is to prevent abuse of authority. That means this law expressly prohibits all forms of abuse of

authority, and the Law on Government Administration is intended as one of the legal bases for Government Agencies and/or Officials, Citizens, and other parties related to Government Administration, in an effort to improve the quality of government administration.(Yudistira, 2023)

Special regulations governing conflicts of interest, such as laws, Government Regulations, Presidential Regulations, and Presidential Instructions, are currently unavailable. It is known that the regulation regarding conflicts of interest is contained in Law Number 31 of 1999, together with Undsnng-Law Number 20 of 2001 concerning the Eradication of Corruption Crimes. Article 12i prohibits conflicts of interest, but only in the procurement of goods and services.

The impact of conflicts of interest is rampant corruption among government employees. According to the Global Corruption Barometer Report, corruption in Indonesia is widespread and systemic, from public services and financial activities carried out by the bureaucracy to other political and judicial institutions. From the description above, a common thread emerges: conflicts of interest have been identified as the main driver of corrupt behavior, but, unfortunately, regulations to address and control them are still poorly implemented by the Government and the private sector.(Collins et al., 2021)

Broadly speaking, the existence of rules of order fulfills the existence of order; the provisions related to this order in rules or norms are contained in their position in society as legal norms. Given these norms, the most emphasized is the legal norm, although other norms are no less important in society's life. To maintain social order, the state establishes and ratifies laws and regulations. These regulations carry coercive legal sanctions. This means that if the regulation is violated, the violator can be punished. The type of punishment to be imposed on the offender will depend largely on the rules broken. The success of the application of the law depends on three main aspects in the legal system, namely the substance of the law (the content of the law), the structure of the law (the organization and mechanism of the law), and the culture of the law (the norms and values that govern the behavior of society related to the law).(Sulistyowati, Maharani, Maharaja, & Manoppo, 2024)

In principle, every regulation has a coercive nature, meaning that people who do not want to submit are sanctioned for violating it. The law used as a means of reform can take the form of a law, jurisprudence, or a combination of both. In Indonesia, the most prominent is legislation. Jurisprudence also plays a role, but not a major one. In other words, in countries that adhere to the precedent system, of course, the role of jurisprudence will be much more important.

As mentioned in the previous discussion, authority is a power (right) given to public officials or the government to rule or act. In exercising this authority, public officials are obligated to comply with the rule of law. Because, such as that the emergence of corruption is inseparable from uncontrolled power or abuse of power. Therefore, the authority holder should obey certain limits.(Panjaitan, 2017)

In the practice of government administration, the two functions of the State Administrative Law, namely granting authority and restricting authority, must be carried out in a balanced and dynamic manner. If the granting authority's role is too prominent, the state risks shifting towards authoritarianism. On the other hand, if the restrictive function is applied excessively, the government can experience policy paralysis, unable to respond quickly and effectively to social and economic problems. The ideal State Administrative Law is one that balances the need for effective government with the protection of citizens' rights.(D. A. N. P. Administrasi, n.d.).

CONCLUSION

State Administrative Law plays a very important role in preventing, supervising, and cracking down on conflicts of interest among public officials. Through the arrangement of authority, decision-making procedures, supervision, and sanction mechanisms, the State Administrative Law ensures that every action of a public official is carried out in accordance with the principles.

Conflicts of interest that are not properly managed can damage public trust in the government and hinder the creation of good governance. Therefore, the role of the law in regulating the behavior of public officials and enforcing rules against violations is crucial in maintaining the neutrality and fairness of state administration.

The government needs to strengthen regulations related to conflicts of interest, both through law updates and the application of stricter sanctions against violations by public officials, an independent and transparent supervisory system is needed, including the obligation of officials to report potential conflicts of interest before taking certain decisions or policies, as well as conducting training and coaching of administrative ethics needs to be tightened to increase public officials' awareness of The importance of maintaining integrity and avoiding conflicts of interest.

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