

The Role of State Administration in Implementing the Principles of the Rule of Law in Indonesia

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Abstract

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State administration plays a strategic role in upholding the principles of the rule of law in Indonesia, as mandated by the 1945 Constitution (*Undang-Undang Dasar 1945/UUD 1945*) and its implementing regulations. This study aims to analyze the role of state administration from a legal perspective, highlighting its historical development, strategic position within the framework of the rule of law, and the challenges faced in implementing the principles of administrative law. Although a comprehensive legal framework is already in place, its implementation remains hindered by complex bureaucracy, low legal awareness among the public, and political interference. This research employs a normative juridical method, examining statutory regulations and administrative law doctrines, and comparing them with their application in governmental practice. The findings indicate the necessity of bureaucratic reform, capacity building for public officials, and strengthening public participation. An approach that integrates legal analysis with administrative practice is considered essential to achieving effective, transparent, and accountable governance in line with the principles of a just rule of law.

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1. Introduction

State administration has a very strategic role in ensuring the implementation of government runs in accordance with the principles of a state of law (rule of law) as stipulated in the 1945 Constitution (*Undang-Undang Dasar 1945/UUD 1945*) and related laws and regulations. In this context, state administrative law is an important instrument that regulates the relationship between the government as the state administrator and citizens as legal subjects, so that every government action has a clear legal basis, is accountable, and is in line with the principles of justice. The history of the development of state administration in Indonesia shows a significant paradigm shift, starting from the colonial era which was centralistic, to the reform era which emphasized decentralization, democratization, and transparency in public services. During the colonial period, state administration functioned primarily as a tool of power to regulate and control the people.

After independence, this function shifted to an instrument of service and protection for the community. The peak of this shift occurred after the reform era, when public demands for clean, accountable, and participatory governance became stronger.¹ Within the framework of the rule of law, state administration acts as the main driver of public policy as well as the executor of the law. This position demands legal certainty, due process of law, and legal protection for citizens. State administration is not only a technical executor of policy, but also an interpreter of

¹ Aris Maulana, Fibria Indriati, and Kemal Hidayah. "Analysis of Bureaucratic Reform Through Delaying of Government Institutions in Indonesia." *Jurnal Borneo Administrator* 18, no. 2 (2022): 155-170.

law in practice, so the quality of the bureaucracy greatly influences the quality of the implementation of the principles of the rule of law.

However, even though the legal framework is relatively adequate, the implementation of the principles of the rule of law in state administrative practice is often not optimal. Factors such as the low legal awareness of officials, convoluted bureaucracy, weak transparency and accountability, and the intervention of political interests often hinder the realization of a truly law-abiding government. The low participation of the community and weak public supervision also worsen this condition. This creates a gap between the ideal theory of state administrative law and the reality of its implementation in the field.

One of the fundamental problems that is rarely discussed in depth is the link between bureaucracy, legal awareness, and the effectiveness of law enforcement. An efficient and responsive bureaucracy will support law enforcement, while a rigid and slow bureaucracy will actually be an obstacle. The legal awareness of the community also plays an important role; without public understanding and support, policies and regulations will be difficult to implement effectively. The interaction between these three aspects of bureaucracy, legal awareness, and law enforcement is the key to improving governance in Indonesia.² Therefore, a research approach is needed that combines normative legal analysis with a study of state administrative practice. This approach allows for the identification of the gap between written regulations and

² Vellyadana Tiwisia, Andrie Wahyu Setiawan, and Agus Triono. "Bureaucratic reform of Indonesia attorney: building integrity of law enforcement and improving public trust." *International Journal of Humanities and Social Science* 10, no. 6 (2020): 125-131.

their implementation in the field, as well as providing more applicable recommendations for bureaucratic reform and strengthening the principles of the rule of law.

This research uses a normative juridical method with a focus on studying relevant laws and regulations, legal doctrines, and court decisions, which are then analyzed within the framework of state administrative practice. This article aims to: outline the history and development of state administration in the legal context in Indonesia, explain the position of state administration within the framework of the rule of law, analyze the challenges of implementing the principles of the rule of law in state administration, and offer an integrative approach between legal analysis and administrative practice for future improvements. By understanding the role and challenges of state administration from a legal perspective, it is hoped that solutions can be found to encourage the creation of an effective, transparent, accountable, and just government.

2. Literature Review

Scientific studies on the role of state administration from a legal perspective in Indonesia show that this issue is one of the topics that receives great attention in the literature on law and public administration. Various studies generally focus on the implementation of the principles of the rule of law in the administration of government, bureaucratic problems, and the reform steps needed to improve the

effectiveness of state administration. Nikolaevna,³ examined the application of legal principles such as due process of law, legal certainty, and legal protection in administrative processes. The results of their research show that, although legal norms have been formally established, practices in the field are often influenced by inefficient bureaucracy, low legal understanding, and corrupt practices. These findings confirm the disparity between the legal norms that are regulated and their implementation in the field.

Meanwhile, Usman,⁴ reviewed in more depth how the principles of the rule of law are translated into state administrative practice. They stated that although the legal framework is quite strong, obstacles are still encountered, such as the weak independence of the judiciary, limited public access to justice, and obstacles in the implementation of legal decisions. Therefore, they recommend continuous institutional reform and an increase in the capacity of state officials so that government administration can run in harmony with the principles of the rule of law. Rafique et al.⁵ found various fundamental challenges, including convoluted bureaucratic procedures, inadequate legal infrastructure, and the intervention of interested parties in the implementation of the law. According to them, these obstacles not only slow down the implementation of the principles of the rule of

³ Gribova Evangelina Nikolaevna. "The Principle of Legal Certainty: Concept and Main Characteristics." *Advances in Sciences and Humanities* 9, no. 2 (2023): 68-75.

⁴ Anwar Usman. "The role of Indonesian Constitutional Court in strengthening welfare state and the rule of law." *Lex Publica* 7, no. 1 (2020): 11-27.

⁵ Zain Rafique, Shahid Habib, and Yeni Rosilawati. "Legal, political and administrative barriers to citizen participation in local governance: An inquiry of local government institutions." *International Journal of Public Administration* 46, no. 4 (2023): 256-268.

law, but can also reduce the level of public trust in the government. The solutions they offer include comprehensive bureaucratic reform and strengthening legal awareness in the community.

The role of state administration must also be viewed through the lens of political and social dynamics. Factors such as political pressure, public demands, and technological developments affect the performance of state administration in carrying out its functions. Therefore, a study of state administration from a legal perspective cannot be separated from the influence of the external environment that has an impact on the decision-making process and policy implementation. The existing literature shows a consensus that the success of state administration in upholding the principles of the rule of law depends on three main pillars: the clarity and strength of the legal framework, the integrity and quality of the bureaucracy, and the involvement and supervision of the community. This foundation is the theoretical basis for research that combines a normative study of regulations with an empirical analysis of state administrative practices in Indonesia.

3. Method

This research applies a normative juridical method, which is a legal research approach that focuses on the study of positive legal norms that are in force, both those explicitly stated in laws and regulations and those that have developed through legal doctrine and court decisions. This method was chosen because the main objective of the research is to understand, analyze, and interpret the role of state administration from a legal perspective in Indonesia, especially in the context of the

principles of the rule of law. Within the framework of this method, the main data sources come from legal materials which are divided into three types, namely primary legal materials which include regulations such as the 1945 Constitution, Law Number 30 of 2014 concerning Government Administration, Law Number 5 of 1986 jo. Law Number 9 of 2004 jo. Law Number 51 of 2009 concerning the State Administrative Court, as well as relevant implementing regulations; secondary legal materials consisting of academic literature, scientific journals, previous research results, legal expert views, and publications that discuss state administrative law and the principles of the rule of law in Indonesia; and tertiary legal materials in the form of legal dictionaries, encyclopedias, and other supporting sources that help clarify legal concepts and terms.

The analysis approach used includes the statute approach and the conceptual approach. The statute approach aims to identify and examine the legal norms that regulate state administration within the framework of the rule of law, while the conceptual approach is used to understand the principles of state administrative law, the concept of the rule of law, and its relevance to the practice of governance. The research process is carried out through an inventory of relevant legal regulations, a normative analysis to assess the suitability of these regulations with the principles of the rule of law, and a literature review to compare the views of academics and previous research findings related to the implementation of state administrative law in Indonesia.

The systematic discussion is arranged by integrating normative findings and the reality of the implementation of state administration to produce a comprehensive

analysis. The research results are expected to provide a theoretical contribution to the development of the study of state administrative law as well as a practical contribution through policy recommendations that strengthen the implementation of the principles of the rule of law. The choice of the normative juridical method is considered relevant because it is able to explore the legal substance that is the formal framework of state administration while at the same time revealing the gap between legal norms and their application in government practice.

4. Results

4.1. The Development and Position of State Administration within the Framework of the Rule of Law in Indonesia

This research uses a normative juridical method, which is a legal research method that focuses on the study of positive legal norms that are in force in Indonesia, both those explicitly written in laws and regulations and those that have developed through the doctrines of legal experts and court decisions. This approach is considered the most appropriate because the main objective of the research is to understand in depth, analyze critically, and interpret the role of state administration from a legal perspective, especially in the framework of applying the principles of the rule of law as stated in the constitution and its derivative regulations. With this method, the research not only examines the legal text normatively, but also relates it to its implementation in the administration of government.

Within the framework of the normative juridical method, the legal materials used as the main data source are classified into three groups.⁶ First, primary legal materials consisting of main laws and regulations such as the 1945 Constitution of the Republic of Indonesia, Law Number 30 of 2014 concerning Government Administration, and Law Number 5 of 1986 concerning the State Administrative Court as amended by Law Number 9 of 2004 and Law Number 51 of 2009, as well as various relevant implementing regulations and technical regulations. Second, secondary legal materials which include legal literature, textbooks, scientific journals, previous research reports, academic articles, the views of state administrative law experts, and other publications that discuss aspects of state administrative law and the principles of the rule of law in Indonesia. Third, tertiary legal materials in the form of supporting sources such as legal dictionaries, encyclopedias, glossaries of legal terms, and various other references that help clarify the terminology and concepts used in this research.

The analysis approach used includes two main forms, namely the statute approach and the conceptual approach. The statute approach is used to identify, review, and examine the legal provisions that regulate state administration within the framework of the principles of the rule of law, with a focus on the suitability of these legal norms with the constitutional mandate and the principles of the rule of law. Meanwhile, the conceptual approach is used to understand and describe the basic

⁶ Achmad Irwan Hamzani, Tiya Vika Widyastuti, Nur Khasanah, and Mohd Hazmi Mohd Rusli. "Legal research method: Theoretical and implementative review." *International Journal of Membrane Science and Technology* 10, no. 2 (2023): 3610-3619.

principles of state administrative law, study the concept of the rule of law itself, and examine its relevance and application in the practice of governance in Indonesia.

The research process is carried out through several interrelated stages. The initial stage is an inventory of all legal regulations relevant to state administration and the principles of the rule of law, both general and specific.⁷ This is followed by a normative analysis of these regulations to assess the extent to which their provisions are in accordance with the principles of the rule of law and fulfill the legal goals of legal certainty, justice, and usefulness. After that, the research conducts a literature review from various literatures and previous studies to compare the views of academics and empirical findings related to the implementation of state administrative law in Indonesia. The final stage is to prepare a systematic discussion that combines normative findings with the reality of state administrative practice, thereby producing a comprehensive and thorough analysis.⁸

By using this method, the research is expected to provide a significant theoretical contribution to the development of the science of state administrative law, especially in the study of the role of state administration from a legal perspective. In addition, this research is also expected to provide a practical contribution in the form of policy recommendations to strengthen the implementation of the principles of the rule of law in Indonesia through the improvement of a state administration system that is more effective, efficient, transparent, and accountable. The choice of

⁷ Ana Fauzia, Fathul Hamdani, and Deva Octavia. "The revitalization of the Indonesian legal system in the order of realizing the ideal state law." *Progressive Law Review* 3, no. 01 (2021): 12-25.

⁸ Koen Bartels, and Nick Turnbull. "Relational public administration: a synthesis and heuristic classification of relational approaches." *Public management review* 22, no. 9 (2020): 1324-1346.

the normative juridical method is considered appropriate because it is able to explore the legal substance that is the formal framework of state administration, while also revealing the gaps that still occur between legal norms and the practice of government, so that the results of the study can be useful for policymakers, academics, and legal practitioners.

4.2. Challenges in Implementing the Principles of the Rule of Law in State Administration

Although the framework of state administrative law in Indonesia has been built comprehensively, the application of the principles of the rule of law in practice still faces various complex obstacles. These challenges are multidimensional, covering institutional, legal culture, political, and social aspects. A complicated and inefficient bureaucracy is one of the main obstacles.⁹ A hierarchical, layered, and often overlapping bureaucratic structure causes the decision-making process to be slow. This not only hinders the effectiveness of public services, but also has the potential to open up space for corrupt practices and abuse of authority. The bureaucratic reforms that have been carried out since the beginning of the reform era have brought some improvements, but these changes have not been evenly distributed and consistent in all government sectors.

The low legal awareness among state officials is a serious problem. Many officials view legal rules only as administrative formalities, not as ethical and moral guidelines for work. The lack of legal training and a deep understanding of the

⁹ Fangda Ding, Jiahuan Lu, and Norma M. Riccucci. "How bureaucratic representation affects public organizational performance: A meta-analysis." *Public Administration Review* 81, no. 6 (2021): 1003-1018.

principles of the rule of law makes administrative policies and actions often not in line with the principles of legality, legal certainty, and the protection of citizens' rights. This is also exacerbated by a paternalistic culture and greater loyalty to superiors than to the law. The intervention of political interests often disrupts the independence of state administration. In many cases, administrative decisions are influenced by pressure or direction from certain parties who have political or economic interests. This condition erodes the integrity of the bureaucracy and blurs the purpose of public policy which should be oriented towards the public interest. This phenomenon also weakens public trust in government institutions.

The weak enforcement of the law against administrative violations. Although mechanisms such as internal supervision, the state administrative court, and external supervisory bodies such as the Ombudsman are available, their implementation is not yet optimal. State Administrative Court (*Pengadilan Tata Usaha Negara/PTUN*) decisions are often difficult to execute, and sanctions against administrative violations are not always applied consistently. As a result, the deterrent effect against state administrative violations is still low. The lack of community participation and supervision. In a state of law, public supervision is one of the important pillars to ensure the accountability of state administration.¹⁰ However, the level of legal literacy in the community is still limited, so the ability to control government actions is not yet maximal. In addition, public access to information, even though it has been

¹⁰ Vicky Zaynul Firmansyah, and Firdaus Syam. "The role of public administration in preventing corruption of state officials." *Jurnal Magister Administrasi Publik (Jmap)* 1, no. 1 (2021): 31-39.

regulated through Law No. 14 of 2008 concerning Public Information Disclosure, often still experiences technical and bureaucratic obstacles.

In addition to these challenges, the development of information technology brings a new dimension to the implementation of state administration. The digitalization of public services does open up great opportunities to increase transparency and efficiency, but it also creates new risks such as violations of data privacy and the gap in access to technology in society. Given these various challenges, it is clear that the application of the principles of the rule of law in state administration is not enough just to form a good legal framework. A comprehensive effort is needed that includes institutional reform, increased capacity of officials, consistent law enforcement, and strengthening community participation. Without these steps, the gap between legal norms and the reality of practice will continue to persist, making the goal of realizing a law-abiding, effective, and just state administration difficult to achieve.

5. Discussion

The research results show that although the normative framework of state administrative law in Indonesia is adequate, there is a significant gap between the norms and implementation. This gap can be explained by using the perspective of the theory of the rule of law, the concept of good governance, and the principles of state administrative law. First, from the perspective of the rule of law, state administration ideally operates under the supremacy of law, guaranteeing legal certainty, justice, and the protection of citizens' rights. However, the reality in the

field shows that the bureaucracy often holds greater control than the law itself, especially when administrative decisions are influenced by political interests. This condition contradicts the principle of equality before the law which is one of the pillars of a state of law.

Second, the concept of good governance which emphasizes transparency, accountability, participation, effectiveness, and the supremacy of law has not been fully internalized in the work culture of state administration. Bureaucratic reform that has been running for more than two decades still faces major challenges, partly due to resistance to change among officials, the limited human resources who understand legal aspects comprehensively, and the weak internal supervision system. Third, in the context of state administrative law, principles such as the principle of legality, the principle of thoroughness, and the principle of openness have not been fully implemented. Many administrative decisions still contain procedural flaws, such as the absence of adequate legal considerations, a lack of public consultation, or violations of procedures established by law. This phenomenon indicates that good regulations will not be effective without being supported by a strong legal culture among state officials.¹¹

Fourth, the factor of legal awareness is a key factor. The low legal awareness of officials and the community contributes to the weak implementation of the law. State officials who do not deeply understand the principles of the rule of law tend

¹¹ Pradana Putra Tampi, Septa Diana Nabella, and Dewi Permata Sari. "The influence of information technology users, employee empowerment, and work culture on employee performance at the Ministry of Law and Human Rights Regional Office of Riau Islands." *Enrichment: Journal of Management* 12, no. 3 (2022): 1620-1628.

to see the law only as an administrative formality. Conversely, people who do not understand their rights find it difficult to control and supervise the actions of state administration. This gap in understanding weakens the function of check and balance between the government and citizens. Fifth, the weak execution of court decisions, especially PTUN decisions, shows that the supremacy of law is still weak in state administrative practice. This reduces the meaning of legal protection and worsens the image of the government as a protector of citizens' rights. If court decisions are not respected and implemented, the legitimacy of the legal system will continue to decline.

Therefore, the solution to this problem requires a multi-aspect approach. Institutional reform must be accompanied by an increase in the quality of human resources, especially through education and training in state administrative law for officials.¹² Law enforcement must be carried out consistently and free from political intervention, while community supervision needs to be strengthened through an increase in legal literacy and public access to information. The digitalization of public services can be an important instrument to increase transparency and reduce the potential for abuse of authority, but it must be accompanied by clear regulations regarding data protection and equal access to technology. By integrating the perspective of normative law and administrative reality, this research confirms that strengthening the role of state administration within the framework of the rule of law is not only a matter of building regulations, but also of forming a legal culture

¹² Hina Altaf, and Quratul Ain Shabir. "Reforming Pakistan's bureau-cracy; enhancing governance, institutional quality, and professionalism for effective public administration." *Int J Contemp Issues Soc Sci* 2 (2023): 1507-1527.

that supports its implementation. The principles of the rule of law can only be realized if state administration is not only formally subject to the law, but also makes it a substantive guide in every government policy and action.

6. Conclusion

State administration in Indonesia has a strategic position in realizing the principles of the rule of law as mandated by the 1945 Constitution and laws and regulations. Historically, this role has undergone a significant transformation, from an instrument of power during the colonial era to an instrument of public service after the reform era, with an orientation toward decentralization, transparency, and accountability. The legal framework that regulates state administration, including Law No. 30 of 2014 concerning Government Administration and related regulations, provides a strong normative basis to guarantee legal certainty, justice, and the protection of citizens' rights. However, this research shows that the implementation of the principles of the rule of law in state administration still faces serious challenges, including complicated bureaucracy, low legal awareness of officials and the community, intervention of political interests, weak enforcement of PTUN decisions, and limited public participation.

This gap between legal norms and administrative practice indicates the need for an approach that is not only normative, but also combines institutional, legal culture, and technological aspects. Therefore, consistent institutional reform is needed, an increase in the capacity and integrity of officials, law enforcement that is free from intervention, and the strengthening of the community's legal literacy. The

digitalization of public services with the principles of transparency and data protection can also be a strategic instrument. Only with the integration of a strong legal framework, an integrated bureaucracy, and active community participation can the role of state administration within the framework of the rule of law be realized effectively, fairly, and sustainably.

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