INTERNATIONAL JOURNAL OF RESEARCH CULTURE SOCIETY ISSN: 2456-6683 Volume - 4, Issue - 7, July – 2020
Monthly, Peer-Reviewed, Refereed, Indexed Journal Scientific Journal Impact Factor: 5.743
Received on : 10/07/2020 Accepted on : 25/07/2020 Publication Date: 31/07/2020

APPLICATION OF THE PRINCIPLE OF ULTIMUM REMEDIUM ON CORRUPTION CASE TO THE ABUSE OF AUTHORITY BY GOVERNMENT OFFICIAL IN INDONESIA

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Abstract: *The handling of corruption cases based on abuse of power perpetrated by Indonesian public official using Criminal Law are not effective, specially in the matter of the recovery of the state's loss, furthermore this type of approach negatively impact the nation's economic growth and development which are not intended by the important consideration of the enaction of Law Number 31 Year 1999 On Eradication of Corruption and it's alteration. Moreover, the matter of abuse of power falls in to the domain of Administrative Law to adjudicate, especially after the enaction of Law Number 30 Year 2014 On Government Administration, this results in the tug of war between Criminal Law and Administrative Law on the matter of handling abuse of power. This tug of war could be reducted by applying the principle of Criminal Law as Ultimum Remedium, but this principle is still not accepted as a base of mechanism of adjudication of abuse of power cases, and the Court still rely on conservative way which leaves legal issues to be dealt with.Problems in this research, pertaining to how the settlement of the abuse of authority by government official case that during this imposed in indonesia? And how the settlement of that matter if applied based on the principles of ultimum remedium? This study is using methods of juridical normative. Then types of data on this research is secondary data, namely the one that was already processed and gotten from literature research library (library research), consisting of a primary law covering regulations with that is going on, the secondary law covering textbooks, a writing articles and other legal a scientific writing, as well as material tertiary law covering a dictionary and encyclopedia. urthermore, the data will be analyzed by the with the methods descriptive analytical. Based on research conducted, obtained the conclusion that the abuse of authority by government official to those currently being imposed in Indonesia, it turns out that experienced dualism hat is the criminal law and the law of state administration. By harmonize them, be applied the principle of ultimum remedium criminal law. Based on that principles, means in the future the settlement of the abuse of authority by government official through law of state administration is precedence than a criminal law instrument. however, in application still needed that limitations serves as filtering tools. Limitations are criminal law used during the abuse was accompanied by malicious intent by offenders, Then criminal law use when the administrative not obeyed and the deed is done are more than once and sustainable, nest limitations, Namely settled through a legal instrument of state administration be done if a financial loss the state of being inflicted quite low. In this way, it will create a systematic, logical and symmetrical mindset in the resolution mechanism the corruption abuse of authority by government official case in Indonesia.*

Keywords : *Ultimum remedium, Corruption, Abuse of Authority.*

1. INTRODUCTION:

Indonesia as a state of law, implies that all aspects of community life, state and government must always be based on the law. The law must also be known to everyone, consistently, its implementation is clear, simple and enforced firmly. [1] As a reversal of that, in practice the law in Indonesia today more often reap criticism related to the quality of law, the obscurity of various legal products related to legislation process, and also the weak implementation of various laws and regulations.[2]

One of the problematics that is often found, there is a legal instrument in the resolution of criminal acts of corruption in Indonesia, especially those who ensnare government officials due to abuse of authority in the scope of his office that raises the state's financial losses, where the settlement process so far in Indonesia still invites a lot of debate.[3]

It is not undeniable that this is part of the law enforcement effort, especially in the domain of criminal law that should also be appreciated, but unfortunately one thing that sometimes is not realized, either by law enforcement officers, or by the public, that specifically for the eradication of corruption crimes, the process of imprisonment is merely a form of the feeding of the perpetrators, while further loss of state finances caused by the perpetrator is not

fully recoverable. This refers to the fact that, according to the data collected by the *Indonesian Corruption Watch* abbreviated ICW, in 2018 alone, the country suffered a loss of Rp 9.24 trillion based on 1,053 verdict issued a corruption criminal offence against 1,162 defendants, while the return of the state assets from the additional criminal substitute money only Rp 805 billion and USD 3,012 or equivalent to Rp 42 billion , then only about 8.7 percent losses of the country replaced by additional criminal in the form of substitute money.[4]

The country issued a small fee to settle the corruption criminal act through criminal justice mechanisms. For example, in prosecutors, the total cost of one case of corruption to complete was Rp 200 million, while in KPK, the budget phase of the investigation amounted to Rp 11 billion for the projected 90 matters. In addition, there are still costs used for criminal execution of Rp 45 billion.[5]

If speaking of the authorship of corruption crimes related to abuse of authority, among government officials suffered a serious concern, because only with the occurrence of an administrative error due to the policy he took to exercise his authority by being told or not, if it causes the financial loss of the state, even if they do not enjoy the benefits. The concern by these government officials in taking a policy is certainly a very sensible thing, if it is associated with the vibrant *trend* of government officials by law enforcement authorities due to abuse of authority, the dominant effect is the development in all lines that are precisely the interest of the public becomes impeded. Whereas the main consideration of the issuance of the Law PTPK itself is to resist the growth and continuity of the national development.

This issue can actually be solved if the law enforcement officers who complaint the matter of misuse of authority by government officials apply the principle of ultimum remedium. Where this principle requires a criminal legal norm is seen as the last effort or means to protect common interests. Ultimum Remedium approach in the eradication of corruption crimes, according to Marwan Effendy, in line with the fundamental principles of the *United Nation Convention Against Corruption* or abbreviated UNCAC year 2003 which still prioritizes the refund efforts of the state in corruption and instead puts the use of criminal law as an ultimum remedium or as a (*last resort*), by advancing the *restorative justice* approach.[6]

In fact, the actual settlement of criminal acts of corruption abuses authority by government officials by applying the principle of ultimum remedium, already able to be accommodated with the issuance of law number 30 year 2014 about the Government Administration, hereinafter called Law AP. Where in the law is specifically regulating the efforts and administrative sanctions as a form of settlement of legal abuse, Including if it poses a state loss.

Provisions in Article 21 Law AP if examined, should be normatively have shifted the pattern of law enforcement that has been running, where the element of abuse of authority has always been part of the proving in the resolution of the case through the corruption criminal Action Court in relation to Article 3 Law PTPK. This opinion is also in line with Lie Oen Hock who has the view that the pattern of settlement against irregularities in misuse of authority or arbitrary is through judicial administration or PTUN.

According to the supreme Judge Supandi, who is in the state Administrative room position confirms that the testing of the abuse of authority under the Law AP is fully located in the PTUN, this at once also restores the principle of criminal law which currently adheres to the premium remedium (criminal allotment as the first attempt) returned to the ultimum remedium in the handling of abuse authorities by officials.[7]

2. CONCEPTUAL FRAMEWORK:

a. Resolutions

According to J. S Badudu and Sutan Mohammad Zain, completion is the process, manner, deed, resolve.[8] As for Lukman Ali, the settlement comes from the word finish. Completion has the meaning in the noun class or noun so that the completion can state the name of a person, place, or all objects and all that is to be carried.[9]

b. Principle of Ultimum Remedium

Principle Ultimum Remedium is one of the principles contained in Indonesian criminal law which states that criminal law shall be made a final attempt in the case of law enforcement. Mertokusumo Sudikno defines that ultimum remedium as the last tool. This means that criminal sanctions can be used if other sanctions are not able to provide a deterrent effect on the perpetrer.

c. Corruption crimes

The word corruption comes from Latin; *Corrupti* or *Corruptus* which literally means corruption, infirmity, dishonest, can be brieved, immoral, deviations from chastity, insulting or defamatory words as can be read in *The Lexion Webster Dictionary*.[10] From the Latin it is down to many European languages such as English: *Corruption, Corrupt*; French: *Corruption*, and Dutch: *Corruptive* (*Koruptie*).

d. Misuse of authority

"Misuse of authority" and "misuse of authority" is a term born of the doctrine of the Administrative law and is commonly used in the realm of the law. Etymologically, the term "misuse" and "misuse" comes from two

syllables "misappropriation". Noun-shaped abuse means the process, manner, deed of misuse, misappropriation, while "abusing" the verb form does not do something as it should, smudging.[11]

e. Government officials

Strong C.F. government officials interpret the government in a broad sense as a intact state organization with all state fittings that have legislative, executive and judicial functions. In other words, the country with all its tools is a sense of governance in a broad sense. While the notion of governance in a narrow sense, refers only to one function, the executive function.[12]

3. THEORITICAL FRAMEWORK:

- **Utilitarian theory**
  The fundamental principle of the utility theory as conveyed by one of its supporters, Jeremy Bentham, is that by nature humans are in two absolute power namely (*pain and pleasure*). The human beings determine what to do and which also affects the person's choice. But one will eventually bow to the consideration of grief and pleasure. The principle of utility recognizes human submission to consideration of sadness and pleasure. Such consideration is the end result of the consideration process of the pleasures born of any reason and the law.[13]
- **The *theory of Restorative Justice***
  Restorative Justice approach is assumed to be the most advanced shift of various models and mechanisms that work in the criminal justice system in dealing with criminal matters at this time, although this movement has already begun in the era of 1970 in North America and Europe which marked the presence of *Victim Offender Reconciliation Program* in Ontario, then *discovery* in Indiana and England.[14]
- **Penal theory of criminal law**
  Speaks of the subsia of criminal law, the principle inherent in this theory is the principle of ultimum remedium. This principle is one of the popular principles in the application of criminal law in Indonesia, which states that criminal law shall be made a final effort in the case of law enforcement.[15]

4. LITERATURE REVIEW:

Regarding the parameters of abusing the authority from the perspective of criminal law, in fact both in the Book of Criminal Law and the law of PTPK is not found in the expressis verbis, even this is recognized by legal experts, one of which is Indriyanto Seno Adji who stated that the notion of abuse of authority in the criminal law of corruption has no definition of its exploitation of its nature. It is also conveyed by Adami Chazawi who stated that what is the meaning of abusing the authority is no further information in law.[16]

In contrast to the perspective of criminal law, from the perspective of the law of the State, there are precisely many more comprehensive doctrines explaining the misuse of authority. One of them is the administrative jurist Indriyanto Seno Adji, giving a sense of misuse of authority by citing his opinion Jean Rivero and Waline, misuse of authority in administrative law can be interpreted in 3 (three) forms:[17]

a. Misuse of authority to perform actions contrary to the general interest to benefit personal interests, groups or group.
b. Misuse of authority in the sense that the act of the officer is properly filed for the public interest, but deviates from the purpose for which the authority is granted by law or other regulations.
c. Misuse of authority in the sense of misuse of the procedure should be used to achieve certain objectives, but has used other procedures to be done.

5. METHOD:

The method used in this research is (*normative legal research*) so called because this research is a literature study or document study conducted or intended only on the written rules or other legal materials The types of data used in this study, using secondary. Material that has been involved and obtained from (library research).

6. DISCUSSION:

In general, today's society is assumed, the growing number of government officials dragged by the Corruption Eradication Commission or hereinafter referred to as the KPK, the prosecutor and the police and finally terminated by the corruption criminal Court because of involvement of corruption criminal, making an indicator of the success of the law enforcement in combating corruption in the country. The lively direction of such law enforcement, was warmly welcomed with the intended law enforcement officers, who increasingly the onslaught dragged the government officials into the line of pipetting.

It is compoated again with the fact that the country is issuing a fee that does little to settle the Corruption criminal act through criminal justice mechanisms. For example, in prosecutors, the total cost of one case of corruption to

complete was Rp 200 million, meanwhile, for the prosecution and execution phase was allocated Rp 14.329 billion for 85 cases. In addition, there are still costs used for criminal execution of Rp 45 billion. From these facts, it can look so much the cost of the State incurred for the law enforcement in the program of corruption criminal acts, while the loss of the country returned due to the deed is still very little compared to that caused by the perpetrants.

This issue can actually be solved if the law enforcement officers who complaint the matter of misuse of authority by government officials apply the principle of ultimum remedium. Still related to the foundation of the Ultimum Remedium, Sudarto stated that sanctions in criminal law were negative sanctions, therefore it is said that criminal law is a negative system of sanctions. Sudarto also said that criminal nature as a ultimum remedium (the latter drug) would be if not necessary to use a criminal as a means, otherwise the criminal rule should be revoked, if there is no benefit.

The approach of Ultimum remedium in the eradication of corruption crimes, according to Marwan Effendy, in line with the fundamental principle in the *United Nation Convention Against Corruption* or abbreviated UNCAC year 2003 which still prioritizes the refund efforts of the state in corruption and instead puts the use of criminal law as an ultimum remedium or as the (*last resort*), with a restorative justice approach.

In fact, the actual settlement of criminal acts of corruption abuses authority by government officials by applying the principle of ultimum remedium, already able to be accommodated with the issuance of Law Number 30 of 2014 about Government Administration. Where in the law, the legislation specifically governs the effort and administrative sanctions as a form of resolving the abuse of authority, including if it raises the state's losses.

7. ANALYSIS:

A. Pattern of Settlement of Cases of Abuse of Authority by Government Officials in Indonesia

- **Pattern of Case Settlement to Save Obligations by Government Officials According to Criminal Law**

The criminal element of corruption abuse authority in Article 3 Law PTPK, dominance will always be related to the position of public officials, then it can be analyzed through a case approach of corruption of abuse criminal act by government officials in Indonesia, one of them ensnare former governor of Central Sulawesi period 2006 to 2011. The Bandjela Paliudju, which was targeted by the central Sulawesi investigators ' investigation in breach of Article 3 Law PTPK.

H. The Palliudju Bandjela has been suspected of misuse of authority by not performing duties as a budget user, but rather appoint another person namely H. Gumyadi, SH as a budget user in the year 2006 and 2007. Thus raises the state's financial losses amounting to Rp. 8,259,660,600,-(eight billion two hundred and fifty nine million six hundred sixty thousand six hundred). Through the verdict No. 43/Pid.Sus-TPK/2015/PN. dated 21 April 2016 stated that H. Bandjela Paliudju was not proven legally and convinced guilty of committing criminal corruption abuse authorities as of Article 3 of Law PTPK.

From the example of such cases, it can be seen a pattern of resolving abuse of authority by government officials in Indonesia through a criminal law instrument, the discussion will cover the mechanism of investigation, prosecution and inspection until the case of the issue in court until someone undergo pipetting in correctional institution. Article 1 Figure 2 of Law No. 8 of 1981 Concerning Criminal Code.

In the settlement of criminal Authority Police is the investigation and investigation in the case of corruption criminal act, not included in the prosecution. While the authority of prosecutors under Law No. 16 of 2004 about Prosecutors, the attorney general's authority received only the results of the police investigation for prosecution and authority in certain criminal acts or special crimes.

- **Pattern of Settlement of Cases of Abuse of Authority by Government Officials According to State Administrative Law**

In practice there are some matters of misuse of authority by government officials. One of them is related to the alleged misuse of authority by IR. Sarjono as the head of food crops, horticultural and food security of Tebo district. The beginning of the case was rolling as the construction of the building of the village of Sungai Abang District Tebo with a work value of Rp. 1,620,669,000,-(one billion six hundred and twenty million six hundred sixty of Thousand), which is done by the provider cv. Persada Antar Nusa, with a period of employment for 60 (sixty) days from 19 October 2015 until 20 December 2015.

On the way the police investigation process is declared invalid and has no legal force binding based on the pre-judiciary verdict of the Tebo District Court. Then on 30 November 2017, Ir. Sarjono filed an application or no misuse of authority to PTUN Jambi. Then on January 4, 2018 through the verdict Number: 2/P/PW/2017/PTUN. JBI, PTUN Jambi decided to declare the policy of Ir. Sarjono as the job-maker Commitment office that conducts an extension of the time of construction of a lot of river Abang Regency Tebo District and the way the payment is not an element of misuse of authority.

In consideration, the Council of Judges of the PTUN Jambi said that changing the letter of agreement/contract in terms of extending the execution time of the work is allowed as stipulated in Article 87 Paragraph (1) Letter D of Presidential Regulation Number 54 year 2010 about the Procurement of Government Goods and Services. This is in line with the opinion of experts in the trial namely Prof. Dr. Sukamto Satoto, S.H., M.H. and Prof. Dr. Bahder Johan Nasution, S.H., M. Hum who stated that Ir. Sarjono's actions should be done as long as they can be accounted for and given the greater benefit will be felt by the community, especially if the development is not done, it will be very detrimental to the country.

With regard to the mechanism of completion of the above, it can be seen that the pattern of settlement of the Authority abuse, referring to the Law AP , will begin with a supervisory approach, as stated in the provisions of Article 20 Paragraph (1) of Law AP. Settlement pattern through the approach of financial return of the State through State administration mechanisms, as in the above provisions, actually does not necessarily Such a thing may happen, if the relevant government officials receive the examination results by the APIP and are willing to return the state's financial losses.

- **Inconsistency in Pattern of Settlement of Corruption Cases of Abuse of Authority by Government Officials in Indonesia**

In examining the pattern of settlement of criminal acts of corruption abuse authorities by government officials in Indonesia on the level of practice, can be conducted a discussion of several court decisions relating to alleged criminal corruption abuse of the authority as intended. In particular, the ruling is published in the aftermath of the Law AP, to compare the contact with the Law PTPK.

One of the relevant decisions discussed in this research is the verdict of the High Court of DKI Jakarta Number: 25/PID/TPK/2016/PT. DKI on behalf of the convicted Suryadharma Ali of the former minister of Religious Affairs period 2009 to 2014 which is declared guilty of violating the provisions of article 3 of Law PTPK with imprisonment for 10 (ten) years and a fine of Rp. 300 million,- Subsidair 3 (three) months confinement and criminal substitute money Rp 1,821,698,840. In short Suryadharma Ali was allegedly committed to abuse authority in his position as Minister of religious Affairs as well as budget users at the Ministry of Religious Affairs in 2010 to 2014. Suryadharma Ali has appointed certain persons who do not meet the requirements of the Saudi Arabian Pilgrimage Organizing Committee (PPIH). Due to his actions Suryadharma Ali was considered to have detrimental to the state financial of Rp. 1,821,698,840,-

In the ruling, the Tribunal gives consideration that in essence, the judges with the Central Jakarta District Court of Justice in the Decree No. 93/Pid. Sus/TPK/2015/PN/JKT. Stating that the defendant Suryadharma Ali has been proven legitimate and convincing guilty of misuse of authority in his position as Minister of religious Affairs by pointing out certain persons who do not meet the requirements of the Committee of Hajj Worship (PPIH) Saudi Arabia, appoint an escort officer Amirul Hajj is not compliant, using the operational fund of the minister (DOM) is not in accordance with the direct the Jemaah Haji Indonesia housing Rental team in Saudi Arabia to appoint Indonesian hajj pilgrims in Saudi Arabia not in accordance with the provisions, and make use of the remaining national Hajj quota not based on principles of fairness and proportionality, as opposed to the various laws and regulations.

B. Pattern of Corruption Settlement Cases Abuse of Authority by Government Officials in Indonesia Based on the Ultimum Remedium Principle of Criminal Law

- **Implementation of the Ultimum Remedium Principle Against the Pattern of Settlement of Corruption Cases of Abuse of Authority by Government Officials in Indonesia**

One of the cases that have occurred is the case of the principal Hadi Poernomo BPK, which was established by KPK as a suspect regarding the alleged misuse of the authority concerning letter of objection tax on PT. BCA, TBK. On the other hand the Inspectorate of the investigation of Inspectorate General of the Treasury Department as APIP of the Ministry of Finance conducted an investigation into the audit of Hadi Poernomo regarding alleged misuse of authority in this matter, and based on the report of the audit results of the investigation number: LAP-33/IJ. 9/2010 dated 17 June 2010 Later, the investigation of the audit report was also made by KPK as the basis to designate Hadi Poernomo as the suspect.

Later, Hadi Poernomo filed an assessment of the presence or absence of authority abuse in his actions to the PTUN, but the PTUN rejected it, and appealed to the PTTUN but the PTTUN rejected it, eventually submitting it to the Supreme Court, then the Supreme Court accepted the request by Hadi Poernomo and stated that the investigation of the investigative audit However, the process is legally settlement mechanism executed by the KPK.

So there were 2 conflicts between the 2 judiciary that handled the case in different competencies. The most appropriate step to solve the problem is to prioritize one of the solutions, question which pattern of completion will

be more precedence and which pattern to be ruled out?, to answer it can be applied ultimum principle of remedium criminal law in its completion, whereby the means of criminal law is seen as a last resort in the case of law enforcement, meaning that the State Administration law will be placed as a top priority and waives criminal law in the settlement of legal abuse

The principle of remedium ultimum can be applied to minimize the occurrence of an unnecessarily necessary action to apply criminal sanctions, or Yenti Ganarsih call it *over criminalization*. As stated by Philipus M. Hadjon that a government official in organizing the government has a power that is incarnated in the form of freedom to take a policy, or is commonly called a discretionary. This disclaimer includes the authority to terminate itself and the authority of interpretation of (*Vage normen*).

- **Limitation of the Application of the Ultimum Remedium Principle of Criminal Law in Settling Cases of Abuse of Authority by Government Officials in Indonesia.**

Potential disputes can be minimized with the implementation of a limitation on the application of Ultimum remedium criminal law in the resolution of misuse of authorization by government officials in Indonesia. Such limitation will be *filtering tools* against the use of the State Administration law in the completion of the intended case. Parameters that can be considered for imitation of the principle of ultimum remedium criminal law in the settlement of criminal acts of corruption abuses such authority, among others:

a. It does not contain evil intent elements of the culprit.

Misuse of authority is a concept of administrative law that many create misunderstood in understanding it. In practice misuse of authority is often interpreted as misuse of means and opportunities, against the law (*Werrechtelijkheid, Onrechtmatige daad*), or even expand it with any action that violates any rule or policy and in any field. With the use of this vast and free concept, it is easy to become a weapon of abuse of other authorities and precisely the freedom of government acting in the face of a concrete situation (*freies Ermessen*) becomes meaningless.

b. Unoutlined administrative remedies are not complied with and deeds are carried out more than once and ongoing

The limitation of the implementation of ultimum principle of criminal law remedium that can then be applied is to enforce provisions that the mechanism of criminal law can only be applied if the administrative completion step is not complied with or the deed is carried out more than once.

c. The country's financial losses are relatively small

The weight or light of a criminal offense can be measured one of them from the consequences incurred by a criminal offence, including corruption crimes, especially in this case, regarding the misuse of authority resulting in the financial loss of the state. The greater the value of the state's financial losses, the more reprehensible the deed is in the eyes of society.

8. CONCLUSION:

From the results of the research and discussion as described in the preceding chapters, it can be concluded as follows:

- The pattern of a settlement of abuse by government officials who have been running in Indonesia has been dualism. On the one hand apply criminal legal instruments, but on the other hand apply the state administrative law. In criminal law instruments, the pattern begins with investigation and investigation by the police, prosecutors or KPK, then the prosecution process by the prosecutor and the KPK, then tried and terminated by the Court of Corruption criminal act, thereafter the implementation of criminal sanctions in correctional institutions. While through the State administration's legal instruments, the pattern begins with a surveillance approach by APIP, which later if it finds an act of misuse of authority and raises the state's financial losses, Then the officer is obliged to make the return, in addition to the imposed administrative sanctions against it. In the pattern of settlement through the law of the State administration, the relevant officials can also apply to the PTUN to assess whether or not an act of abuse is authorized against the decision and/or action it performs.
- The pattern of settlement of criminal acts of corruption abuses authority by government officials in Indonesia based on the principle of ultimum remedium criminal law, beginning with the coordination between law enforcement officers and APIP in the follow up a suspected abuse of authority. The completion process will be handed over to the APIP in advance for inspection until the return of the state's financial losses by the checked officials and followed by the completion of administrative sanctions against it. In this pattern of completion, the authority to assess whether or not the misuse of authority at the court level, is not the corruption of the Court of Crime, but is at the PTUN after the first proceeding by the officer in question.

9. SUGGESTIONS:

From the results of the research and discussion as described in the preceding chapters, it can be suggested as follows:

- The concept of the implementation of Ultimum Foundation Remedium in the resolution of misuse of authority by government officials in Indonesia need to be fed firmly in the regulation of legislation – invitation, means that the legislator will need to make additions and/or changes in some chapters either in the PTPK or Law AP which accommodate the provisions must put the State administrative legal instrument instead of the criminal law instrument in the completion of the case. Later, the leaders of law enforcement agencies such as the police, prosecutors, KPK, and APIP perform their duties and authorities in accordance with the post-amendment provisions and/or additions of the intended norms, realized in the operational standards of the procedures set internally to adopt the provisions that have been enforced.
- In the application of administrative law of the State as the main instrument for resolving criminal acts of abuse corruption authorities by government officials in Indonesia as the implementation of ultimum principle of criminal law remedium, need to be accompanied by a limitation-a limitation that serves as a filtering tools. Limitation – such limitation among other criminal law is used when misuse of authority committed accompanied by malicious intent of the perpetration, then the criminal law is used when administrative provisions are not adhered to and the deed is done more than once and ongoing, the next limitation, i.e. settlement through the instrument of the State Administration law is done if the financial loss of the country is classified as small. Some of the limitations also need to be eaten, So that the legislator will need to make changes and/or additions of several articles, both in the Law PTPK and Law AP. Thus means that the function of criminal law is not completely abolished, but it is still possible under certain circumstances, the matter of misuse of authority by government officials can be resolved through criminal law instruments.

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