

Analysis of the Role of State Administrative Law in Public Policy

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ABSTRACT

State Administrative Law has a very important role in the formation, implementation and supervision of public policy in a country. This law regulates the relationship between state institutions and society, and provides a valid legal basis for government actions. This research aims to analyze the role of State Administrative Law in public policy, especially in terms of transparency, accountability and equity in public services. The method used in this research is a normative research method where this research was carried out based on secondary data in the research. The type of approach used is a qualitative approach with descriptive analysis. The research results show that State Administrative Law plays an important role as a legal basis in the preparation and implementation of public policies. HAN ensures that the policies taken by the government are in accordance with applicable laws and regulations, prevent abuse of authority, and guarantee justice for the community. Oversight and accountability in public policy, through supervisory institutions and administrative justice, ensure that policies are implemented correctly and transparently. Apart from that, HAN also protects community rights through an administrative lawsuit mechanism, providing space for the community to demand justice against detrimental policies. The transparency guaranteed by HAN increases public participation in the policy-making process, improves the quality of policies, and increases the legitimacy of policies in the eyes of the public. Overall, State Administrative Law supports the creation of legal, fair, transparent and accountable public policies, and ensures that people's rights are protected.

Keywords: *State Administrative Law, Public Policy, Government.*

1. INTRODUCTION

Public policy is a decision or action taken by the government to overcome problems that exist in society. This policy often becomes the starting point in the formation of social, economic and political structures in a country. In a rule of law, every policy taken by the government must be in accordance with applicable legal principles [1], [2]. State Administrative Law as a branch of law that regulates the relationship between state institutions and society, plays a very important role in ensuring that the public policies implemented can run fairly, legally, and in accordance with existing laws and regulations [3], [4]. State Administrative Law can be understood as the law that regulates various actions carried out by public officials in administering government, which includes policy making, policy implementation, and resolving disputes that arise as a result of these policies [5], [6]. In the context of public policy, State Administrative Law provides a legal framework that ensures that every policy taken by the government is not only legal according to law, but also does not harm the rights of citizens. In other words, state administrative law is not only tasked with regulating the methods of policy making, but also protecting the interests of the community in every existing policy process [7], [8].

The role of State Administrative Law in public policy can be seen from two sides. First, state administrative law provides a legal basis for every government action in formulating and implementing public policy [9]. Every policy issued by the government, whether in the form of laws, regulations, decisions or other administrative actions, must be based on valid regulations, where these regulations prioritize the principles of justice and legal certainty. Second, State Administrative

Law functions as a controller and supervisor of these policies, ensuring that the policies taken by the government do not deviate from its main objectives and do not harm the interests of society [7].

The importance of State Administrative Law in public policy is also related to transparency and accountability in government. In practice, public policies taken by the government can often cause problems for some parties, such as social inequality, injustice, or even abuse of authority. State Administrative Law exists as an instrument that guarantees that every policy taken can be legally accounted for and can be tested for its truth by the competent judicial institution. Therefore, State Administrative Law is vital in creating good government and protecting people's basic rights. However, the implementation of State Administrative Law in public policy in Indonesia often encounters challenges. Various problems such as corruption, inefficient bureaucracy, and lack of transparency in policy making, can hamper the goals of public policy itself. Therefore, there is a need for a deeper understanding of how State Administrative Law can be optimized in the formation of public policies that are in favor of the interests of the wider community, as well as how the role of this law can guarantee the implementation of fair and legitimate public policies [10], [11].

As a rule of law country, Indonesia also has several legal instruments that aim to realize good governance, one of which is by prioritizing the principles of transparency, accountability and participation in the preparation of public policies. State Administrative Law is the basis that regulates government administration which must be carried out in a manner that is in accordance with the law and democratic principles [12]. In this case, every policy taken by the government must prioritize openness, the community's right to participate, and provide space for the community to file a lawsuit if the policy harms their rights [13].

Apart from that, supervision of policies issued by the government is also very important to ensure that these policies remain within the legal corridor. This supervision can be carried out by state institutions such as administrative justice institutions, the Ombudsman, and internal government supervisory institutions. Through an effective monitoring mechanism, State Administrative Law can ensure that the resulting public policies not only benefit certain parties, but can also improve the welfare of society as a whole.

However, even though the role of State Administrative Law is crucial in ensuring fair public policies, it is not uncommon for policies taken by the government to cause controversy or even potentially harm certain groups in society [14], [15]. Therefore, it is important to carry out further studies on how state administrative law can be optimized to encourage the creation of public policies that are not only in accordance with the law but also support the interests of the wider community. This research aims to examine in more depth the role of State Administrative Law in public policy, as well as how these policies can be implemented well in accordance with the principles of law and social justice.

2. METHODS

In this research, researchers use normative research methods as an approach used to analyze and study law based on the norms, rules, or principles contained in the applicable legal system. In contrast to empirical methods which prioritize observations of practices and facts in the field, normative research methods focus more on legal texts, statutory regulations, legal doctrine and legal principles that exist in a legal system [16]. In this research, normative research methods are used to analyze how State Administrative Law regulates and limits government actions in making public policies, as well as how these policies can be accounted for based on applicable legal norms.

According to [17], normative research focuses on legal texts and their interpretation, and seeks to understand and structure the relationship between existing legal norms and the goals of the legal system itself. In this research, researchers will explore various statutory regulations that regulate public policy as well as State Administrative Law, and discuss how these norms support or limit public policies implemented by the government. The type of data used in this research consists of secondary data, namely:

1. Legislative Regulations where this research examines various statutory regulations that regulate public policy and State Administrative Law, such as Laws, Government Regulations, Presidential Decrees, as well as other legal regulations related to state administration and public policy. For example, Law Number 30 of 2014 concerning Government Administration, which provides a legal basis regarding basic principles in state administration and their implementation in public policy.
2. Court ruling. This research can also include analysis of relevant court decisions, which can provide an understanding of how legal norms are applied in cases related to public policy and state administration. These court decisions provide interpretations of existing laws and legal principles.
3. Legal Doctrine. Doctrines or views that develop among legal experts are also an important part of normative research. This doctrine provides a perspective on how law should be applied in public policy and how state administrative law can be used to solve problems that arise in policy implementation.

The main data collection technique is document study or literature study. This technique aims to analyze legal sources that can provide an understanding of the application of state administrative law in public policy [18]–[20].

3. RESULTS AND DISCUSSION

3.1 State Administrative Law as a Legal Basis for Public Policy

State Administrative Law (HAN) acts as the legal basis that regulates how public policies are prepared and implemented by the government. This law establishes procedures and conditions that the government must comply with in all its administrative actions, with the aim of maintaining a balance between state power and protecting the rights of the community. One of the basic principles in State Administrative Law is legality, which demands that public policies issued must be in accordance with applicable legal provisions.

The government, in formulating public policies such as infrastructure development, must follow predetermined procedures, such as in Presidential Regulation Number 70 of 2012 concerning Procurement of Government Goods/Services which regulates transparent and fair processes in the procurement of government projects. This procedure aims to avoid abuse of authority or corrupt practices in the procurement process. This shows that State Administrative Law acts as a control over government actions, to ensure that the policies taken do not violate higher regulations and apply fairly to all parties.

3.2 Oversight and Accountability in Public Policy

Supervision is an important instrument in ensuring that policies issued by the government run in accordance with the plans and objectives that have been set. State Administrative Law provides a monitoring mechanism through administrative justice institutions, which allows the public to challenge government policies that are deemed inappropriate or violate their rights. These institutions, such as the Supreme Court or the Public Information Commission, have an important role in maintaining government accountability, by providing opportunities for the public to demand accountability for the policies they take.

In Indonesia, the monitoring system for public policy also involves the Financial and Development Supervisory Agency (BPKP) and other supervisory institutions whose function is to monitor the use of the state budget, as well as to ensure that there is no abuse of authority or waste in policy implementation. With strict supervision, public policies can be implemented efficiently and transparently.

3.3 Protection of Community Rights

State Administrative Law not only regulates government obligations, but also provides protection for the community from policies that are detrimental to them. One form of this protection is through an administrative lawsuit mechanism which allows the public to file demands against government policies that are deemed to violate their rights. For example, in terms of policies relating to land acquisition for development projects, people who feel disadvantaged by an unfair land acquisition process can challenge it through administrative justice.

Apart from that, the State Administrative Law also regulates the procedures that the government must follow in making policies related to individual rights, such as Government Regulation no. 24 of 2007 concerning Land Acquisition for Public Interest, which guarantees that people whose land is acquired receive reasonable compensation and in accordance with legal procedures. With this legal instrument, people's constitutional rights are protected from policies that could cause harm or injustice.

3.4 Transparency in Public Policy

Transparency is a very vital principle in the process of making and implementing public policy. State Administrative Law guarantees that every policy issued by the government can be accessed by the public and can be accounted for. One concrete step in increasing transparency is by providing access to public information through Law no. 14 of 2008 concerning Openness of Public Information, which requires the government to disclose relevant information related to implemented public policies.

This openness of information allows the public to understand the policies taken by the government, as well as providing opportunities to participate in the policy-making process. Apart from that, transparency also improves the quality of policies because decisions taken are based more on accurate and accountable information. An open policy-making process provides space for the public to provide input and constructive criticism that can improve the policy, as well as increase the legitimacy of the policy in the eyes of the public.

CONCLUSION

Based on the explanation above, the conclusion is that State Administrative Law (HAN) has a very crucial role in the process of preparing, implementing and monitoring public policies. As a legal basis, HAN provides guidelines that regulate how government policies must be taken and implemented, ensuring that these policies are legally valid and do not violate people's rights. The principle of legality in State Administrative Law requires that every policy produced by the government must be in accordance with the provisions of applicable laws and regulations, which aims to avoid abuse of authority and ensure that the policy is fair and transparent. Oversight and accountability are important elements in the success of public policy. Through administrative justice mechanisms and supervisory institutions such as the Financial and Development Supervisory Agency (BPKP), the public is given space to file complaints against policies that are deemed to violate their rights, thereby creating an effective control system in government. This accountability also ensures that the use of the state budget and implementation of policies is carried out efficiently and without abuse of power. Overall, State Administrative Law plays a role as an important instrument in creating public policies that are not only legally valid, but also fair, transparent and accountable to the public. Through strict supervision, protection of people's rights, and the principle of

transparency, State Administrative Law helps ensure that the resulting public policies truly provide benefits to all levels of society, as well as strengthening government accountability in state management.

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