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MALADMINISTRATION AS A THREAT TO THE RULE OF LAW AND GOOD GOVERNANCE PRINCIPLES IN PUBLIC SERVICE*

Ardiana
Universitas Pancasila
Email: ardiana@gmail.com

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Abstract
Maladministration in public service delivery poses a fundamental challenge to governance quality in Indonesia, threatening constitutional rule of law principles and international good governance standards. This study examines how maladministration undermines legal and administrative frameworks while analyzing legal accountability systems for addressing misconduct. Utilizing a normative juridical methodology with conceptual and statutory approaches, the research analyzes primary legal materials—including Law No. 37/2008 on the Ombudsman, Law No. 25/2009 on Public Service, and Law No. 30/2014 on Government Administration—complemented by secondary sources. Findings reveal that maladministration erodes the rule of law through three mechanisms: displacing legal supremacy via unchecked discretion, compromising equality through discriminatory service, and weakening oversight. Simultaneously, it impairs good governance by creating accountability deficits, transparency gaps, efficiency losses, and participation barriers. Although the legal framework establishes administrative, civil, and criminal accountability pathways, implementation gaps persist, evidenced by a 64.7% compliance rate with Ombudsman recommendations. This study contributes to administrative law scholarship by providing an integrated analysis of maladministration's dual threat and mapping accountability mechanisms within the Indonesian context. Future empirical and comparative research is recommended to explore institutional practices beyond normative legal frameworks.

Keywords: Maladministration; Rule of Law; Good Governance; Public Service; Legal Accountability; Ombudsman; Administrative Law

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A. INTRODUCTION

Indonesia is constitutionally established as a state based on law. This fundamental character is explicitly enshrined in Article 1 paragraph (3) of the third amendment to the 1945 Constitution of the Republic of Indonesia, which declares that "the State of Indonesia is a state based on law." The concept of legal sovereignty embodied in this provision signifies that law serves as the determining factor in state administration and governance. Globally, two dominant conceptualizations of the rule of law have emerged: the Continental European Rechtsstaat tradition and the Anglo-Saxon Rule of Law doctrine. Hamid Attamimi explains that a state based on law can be simply understood as a state that positions law as the foundation of state power and the exercise of governmental authority (Asshiddiqie, 2006). Consequently, every form of action, policy, and decision within the governmental system must consistently be grounded in applicable legal provisions.

The implementation of rule of law principles, however, requires robust support from a system of good governance. One of the essential pillars of good governance is the delivery of public services that are clean, transparent, and accountable. Nevertheless, empirical practice reveals that public service delivery in Indonesia remains significantly affected by maladministration, manifesting in forms such as protracted delays, abuse of authority, illegal levies, discrimination, and neglect of legal obligations. These phenomena not only diminish public trust in government institutions but also threaten the foundational principles of the rule of law by generating injustice and legal uncertainty (Kurniawan & Puspitasari, 2021).

According to the Ombudsman of the Republic of Indonesia, throughout 2024 there were more than 10,000 public complaints concerning maladministration in public service delivery, with the most prevalent forms being protracted delay (33.86%), failure to provide services (30.31%), and procedural deviation (20.61%). This data, derived from the Ombudsman's annual reporting, indicates the weak implementation of the general principles of good governance, including the principles of legal certainty, openness, and accountability. The persistence of such complaints despite existing legal frameworks suggests significant implementation gaps between normative standards and administrative practice (Prasetyo & Haryanto, 2022).

The prevalence of maladministration in Indonesia reflects deeper structural problems within the bureaucracy. Despite comprehensive legal frameworks governing public service delivery, administrative procedure, and anti-corruption measures, implementation deficits persist, creating significant gaps between normative prescriptions and empirical realities. These implementation gaps raise fundamental questions about the effectiveness of existing oversight mechanisms, the adequacy of accountability structures, and the capacity of the legal system to correct administrative deviations before they evolve into more serious forms of governance failure (Setiawan & Indrawati, 2023).

Within the conceptual framework of the rule of law as articulated by L.J.A. Damen and cited by Ridwan (2014), governmental involvement in societal life must be grounded in the principle of legality. This tendency toward legal positivism carries the consequence that law must be consciously created by legislative bodies. Such conditions create dilemmatic situations for government in executing its duty to promote public welfare. Frequently, a gap emerges between the principle of legality and the realities confronting government administrators. Within this framework, government authorities are granted discretionary power to act on their own initiative in resolving issues facing society, referred to as freies Ermessen or discretionary authority (Permana & Wibowo, 2020).

The granting of authority inherently contains consequences of accountability. The subsequent problem that emerges is that in every governmental administration there exist two entities: the office (government) and the official (individual) as a person exercising governmental affairs. On one hand, as noted by Hadjon, governmental policy cannot be challenged based on the principle of beleidsvrijheid held by authorities. Nevertheless, there remains vulnerability that such policies may potentially harm citizens, necessitating validity testing of those policies until determining which entity can be held legally accountable (Ridwan, 2014).

The intersection of discretionary authority and accountability requirements creates complex legal terrain. While discretionary power is necessary for effective governance, particularly in responding to dynamic and unforeseen circumstances, the potential for such power to devolve into maladministration requires careful institutional design. The challenge lies in constructing accountability mechanisms that constrain arbitrary behavior without unduly hampering legitimate administrative flexibility. This tension between administrative efficiency and legal accountability constitutes a central problematic in modern administrative law, with particular salience in developing governance contexts (Hertanto & Rahayu, 2022).

The significance of addressing maladministration extends beyond individual grievance resolution to encompass systemic governance quality.

When maladministration becomes pervasive and inadequately addressed, it erodes the legitimacy of governmental institutions, undermines the social contract between citizens and the state, and creates conditions conducive to more severe forms of corruption and governance failure. The cumulative effect of unresolved maladministration is the progressive deterioration of public trust, without which even well-designed policies and programs cannot achieve their intended objectives (Nugroho & Sulistyaningsih, 2021).

Contemporary scholarship has examined various dimensions of maladministration and its consequences. Widodo and Kusuma (2023) analyzed the role of the Ombudsman in addressing public service complaints, identifying institutional capacity constraints as significant barriers to effective oversight. Santoso and Firmansyah (2022) examined the relationship between bureaucratic culture and maladministration prevalence, finding that hierarchical and closed organizational cultures correlate with higher maladministration rates. Pratiwi and Handayani (2021) investigated citizen satisfaction with public service quality, demonstrating significant negative relationships between perceived maladministration and trust in government institutions.

Despite this scholarly attention, significant research gaps persist requiring further investigation. First, the simultaneous threat that maladministration poses to both rule of law and good governance principles has not been comprehensively analyzed, with existing studies typically examining these relationships separately. Second, the integrated analysis of administrative, civil, and criminal accountability mechanisms for maladministration remains underexplored in Indonesian legal scholarship. Third, the conceptual connections between maladministration typologies and specific governance principle violations require more systematic theoretical development. This study addresses these gaps by providing integrated analysis of the dual threat maladministration poses to legal and governance foundations, and by comprehensively examining the accountability frameworks available for addressing administrative misconduct.

The novelty of this research lies in its comprehensive examination of the interconnected mechanisms through which administrative misconduct undermines constitutional principles and governance standards simultaneously, and in its integrated analysis of the multiple legal accountability pathways available for addressing such misconduct. The research pursues three primary objectives. First, to analyze the threat posed by maladministration practices to the principles of the rule of law in Indonesia. Second, to examine the threat posed by maladministration practices to good governance principles in Indonesia. Third, to investigate the legal accountability mechanisms applicable to maladministration actions in public service delivery.

B. METHODS

This study employs normative legal research methodology, which constitutes the dominant paradigm in doctrinal legal scholarship. Normative legal research is conducted through examination of library materials or secondary data, conceptualizing law as that which is written in statutory regulations (law in books) or as rules and norms that serve as benchmarks for appropriate human behavior (Ali, 2005). According to Peter Mahmud Marzuki (2010), normative legal research is a process of discovering legal rules, legal principles, and legal doctrines to address legal issues under examination. The normative approach is particularly appropriate for investigating the legal dimensions of maladministration, as it enables systematic analysis of statutory frameworks, identification of legal boundaries, evaluation of regulatory coherence, and examination of doctrinal principles governing administrative conduct and accountability.

The research combines conceptual and statutory approaches to provide comprehensive analytical coverage. The conceptual approach proceeds from perspectives and doctrines developing within legal scholarship, enabling examination of the theoretical foundations underlying rule of law and good governance principles, and facilitating analysis of how maladministration conceptually relates to and threatens these principles. The statutory approach involves examination of legislative regulations related to the legal issues under investigation, enabling systematic analysis of the legal framework governing public service delivery, administrative procedure, oversight mechanisms, and accountability structures.

The research data sources comprise three categories of legal materials. Primary legal materials include binding legal instruments, specifically the 1945 Constitution of the Republic of Indonesia, Law No. 37 of 2008 on the Ombudsman of the Republic of Indonesia, Law No. 25 of 2009 on Public Service, Law No. 30 of 2014 on Government Administration, Law No. 28 of 1999 on Clean and Corruption-Free State Administration, and related implementing regulations. Secondary legal materials encompass scholarly publications including textbooks, journal articles, theses, dissertations, and other academic works addressing administrative law, governance studies, constitutional law, and related fields. Tertiary legal materials include legal dictionaries, the Great

Dictionary of the Indonesian Language, and other reference works supporting terminological clarity and conceptual precision.

Data collection employed systematic library research and documentary analysis, involving identification, retrieval, examination, and synthesis of relevant legal materials from institutional repositories, legal databases, and academic platforms. Data analysis employed qualitative methods, which fundamentally constitute methods of meaning-making or interpretation of phenomena or symptoms, whether concerning actors or the products of their actions. The analytical process involved systematic inventory and classification of relevant statutory provisions, interpretive analysis of legislative texts employing established canons of statutory interpretation including textual, contextual, teleological, and systematic approaches, and doctrinal synthesis integrating individual provisions into comprehensive understanding of the legal framework governing maladministration and its consequences.

As a normative legal study relying exclusively on publicly available documentary sources, this research does not involve human subjects, personal data, or confidential information. The research maintains academic integrity through accurate representation of legal sources, appropriate citation of scholarly work, and transparent analytical reasoning throughout the study. The qualitative interpretive approach enables deep understanding of legal texts, their meanings, and their systemic implications, consistent with the normative character of the research.

C. RESULTS AND DISCUSSION

1. The Relationship Between Maladministration Practices and Rule of Law Principles in Indonesia

The concept of the rule of law *(rechtsstaat)* within the Indonesian constitutional system positions law as the foundation, direction, and boundary for all governmental actions. Based on Article 1 paragraph (3) of the 1945 Constitution, Indonesia explicitly declares itself as a state based on law. This constitutional designation means that all forms of state administration, including public service delivery, must be grounded in legal norms and uphold principles of justice and protection of citizens' rights. Maladministration, defined under Article 1 paragraph (3) of Law No. 37 of 2008 on the Ombudsman of the Republic of Indonesia as conduct or actions contrary to law, exceeding authority, using authority for purposes other than intended, including negligence and neglect of legal obligations in public service delivery, constitutes a form of administrative behavioral deviation directly contrary to the essence of the rule of law (Santoso & Firmansyah, 2022).

Aristotle provided foundational insight into the rule of law concept, asserting that a state based on law must stand upon law that guarantees justice for its citizens. The positioning of law as the highest pillar within the state signifies that state administration, particularly governmental power, must be based upon law. Authority in exercising governance within this conception must be grounded in legal sovereignty or legal supremacy with the objective of realizing legal order in governmental administration (Jurdi, 2016). The principles of the rule of law continuously develop alongside societal and state development, generating a modern rule of law concept containing new, more dynamic elements such as modern legality, discretion, and legislative delegation (Ridwan, 2011).

The rule of law concept in Indonesia encompasses several fundamental principles: supremacy of law, whereby law occupies the highest position in national life above individual or governmental power or will; equality before the law, ensuring every citizen without exception possesses equal standing before the law; legality and due process of law, requiring government action to be based upon legislation with all legal processes conducted fairly and transparently; separation of powers, dividing state power among legislative, executive, and judicial branches to prevent absolute power; and protection of human rights, obligating the state to protect and guarantee the human rights of every citizen (Huda, 2014). These principles collectively establish the normative framework within which governmental administration, including public service delivery, must operate.

The principle of supremacy of law means that law must serve as the controller and director of all governmental and citizen activities. No power exists above the law, and every governmental action must possess a valid legal basis. In the practice of public service delivery, however, the supremacy of law is frequently threatened by maladministrative behavior of bureaucratic apparatus acting arbitrarily without legal basis. Examples include public officials who refuse to provide services without clear legal justification or who alter service procedures for personal interest. Such phenomena demonstrate a shift from rule of law toward rule by discretion, where subjective official policy replaces legal authority. As a consequence, law loses its controlling power, and public service delivery is no longer oriented toward legal certainty and public justice (Prasetyo & Haryanto, 2022). The displacement of legal standards by discretionary preferences represents a fundamental challenge to constitutional governance.

When officials can disregard legal requirements with impunity, the normative order established by legislation becomes merely advisory rather than binding, undermining the very concept of law as authoritative directive (Widodo & Kusuma, 2023).

In an ideal state based on law, every administrative decision must be tested against the principle of legality and the General Principles of Good Governance (AUPB) as regulated in Article 10 paragraph (1) of Law No. 30 of 2014 on Government Administration. These principles include legal certainty, proportionality, non-discrimination, and protection of legitimate expectations. The systematic violation of these principles through maladministration indicates not merely individual misconduct but institutional failure to maintain the legal standards essential for constitutional governance. The Ombudsman's finding that procedural deviation constitutes 20.61% of reported maladministration cases indicates significant patterns of administrative conduct inconsistent with the supremacy of law. When procedures established by law are systematically disregarded, the regulatory framework loses its steering capacity, and administrative action becomes unpredictable, undermining the legal certainty essential for both individual rights protection and effective governance (Setiawan & Indrawati, 2023).

The principle of equality before the law constitutes one of the primary pillars of the rule of law as enshrined in Article 27 paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution. This principle guarantees that every citizen possesses equal standing without discrimination in obtaining legal protection and public services. However, in the practice of public service delivery in Indonesia, this principle is frequently diminished by various forms of discriminatory maladministration. Discrimination in public service occurs when services are provided not based on principles of justice and public interest but are influenced by factors of proximity, social status, power, or the economic capacity of service users (Kurniawan & Puspitasari, 2021). Such discrimination violates the constitutional guarantee of equality and undermines the legitimacy of governmental institutions as servants of all citizens equally.

Empirical data demonstrates that discriminatory maladministration practices remain significantly prevalent. Based on the 2024 Annual Report of the Ombudsman of the Republic of Indonesia, there were 10,846 reports of alleged maladministration, of which more than 70% related to protracted delays, abuse of authority, and incompetent service. Among these, regional government, education, police, and land affairs sectors were the most frequently reported agencies. These data indicate that discrimination is not isolated but systemic, affecting multiple sectors and institutions across Indonesian governance. Discriminatory practices in public service represent a particularly insidious form of maladministration because they attack the fundamental premise of equal citizenship underlying constitutional democracy (Pratiwi & Handayani, 2021). When citizens cannot access services on equal terms, their substantive membership in the political community is compromised, and the social contract between state and citizen is undermined.

The principle of separation of powers aims to prevent the concentration of power and abuse of authority by any single institution. Within the context of public service delivery, this principle is realized through a system of checks and balances among executive, legislative, and judicial institutions. In Indonesian bureaucratic practice, however, maladministration frequently occurs due to weak oversight mechanisms over executive power. Internal supervisory institutions often do not function effectively, while external control from society and independent institutions such as the Ombudsman of the Republic of Indonesia has not been fully optimized. When supervision fails to operate effectively, public officials tend to exercise their authority freely without accountability, and phenomena of abuse of power emerge that threaten the separation of powers principle itself (Hertanto & Rahayu, 2022). The weakness of oversight mechanisms reflects deeper structural problems in Indonesian governance, where internal supervisory units often lack independence, resources, and authority to effectively constrain the behavior of senior officials (Permana & Wibowo, 2020).

In a healthy state based on law, the separation of powers must be accompanied by strong legal supervision to prevent maladministration that harms citizens. The Ombudsman and Administrative Courts (PTUN) play important roles as corrective mechanisms within this system. The effectiveness of these mechanisms depends on institutional capacity, political support, and compliance by supervised entities. The data indicating that only 64.7% of Ombudsman recommendations were fully implemented by government agencies demonstrates the limitations of existing oversight mechanisms. When recommendations can be disregarded without consequence, the oversight function is substantially compromised, and the separation of powers becomes formal rather than substantive (Widodo & Kusuma, 2023).

2. The Relationship Between Maladministration Practices and Good Governance Principles in Indonesia

The principle of accountability requires that every public official be responsible for the policies and actions taken in the exercise of their authority. Accountability constitutes one of the nine characteristics of good governance identified by the United Nations Development Programme, emphasizing clear and measurable responsibility for the use of power and public resources by officials and institutions to those who grant mandate, whether superiors or society, in accordance with principles of good governance. When maladministration occurs, such as abuse of authority or administrative negligence, it demonstrates the weakness of accountability systems (Nugroho & Sulistyaningsih, 2021). According to the 2024 Annual Report of the Ombudsman of the Republic of Indonesia, there were 10,846 maladministration reports, with the highest categories being abuse of authority and protracted delay, representing approximately 37% of cases. This data confirms that apparatus accountability mechanisms have not been effective, resulting in public policy and services frequently being conducted without adequate vertical or horizontal control.

In the context of good governance, this situation represents an accountability deficit, which results in declining public trust in government institutions. Accountability is not merely a technical requirement but a fundamental democratic principle, ensuring that those entrusted with public power remain answerable to those on whose behalf that power is exercised. When accountability mechanisms fail, the democratic chain of delegation is broken, and governance becomes disconnected from the citizenry it is meant to serve (Dwiyanto, 2005). The accountability deficit in Indonesian public administration reflects multiple contributing factors: weak internal control systems fail to detect and correct maladministration before it causes significant harm; limited transparency prevents external scrutiny that could identify problems; inadequate sanctions for non-compliance reduce the deterrent effect of accountability mechanisms; and cultural factors within bureaucracy may prioritize loyalty and hierarchy over responsibility and answerability (Santoso & Firmansyah, 2022).

Transparency encompasses government openness in decision-making processes and public information delivery. Transparency built upon freedom of information constitutes one of the fundamental pillars of good governance, enabling citizens to monitor governmental performance, participate in decision-making, and hold officials accountable for their actions. However, various findings indicate that bureaucratic closure remains high in Indonesian governance. According to the 2024 National Public Information Openness Index released by the Central Information Commission, the national average score reached only 75.65 points. This score remains below the 2020-2024 National Medium-Term Development Plan target of 85 points for public information openness. These data indicate that transparency has not yet become bureaucratic culture, and significant resistance to openness persists within governmental institutions (Setiawan & Indrawati, 2023).

The condition of limited transparency indicates that public information access remains restricted, and society loses control mechanisms over potential maladministration. When government operations are shielded from public view, opportunities for misconduct multiply, as the probability of detection and exposure diminishes. The relationship between transparency deficits and maladministration operates through multiple pathways: limited transparency reduces the probability that misconduct will be detected, lowering the expected costs of engaging in maladministration; transparency deficits prevent citizens from understanding their rights and the procedures for asserting them, reducing demand-side pressure for quality service; and opacity prevents learning and improvement, as problems remain hidden rather than being identified and addressed (Prasetyo & Haryanto, 2022).

One of the primary pillars of good governance is the fair and non-discriminatory enforcement of law. The rule of law principle within the good governance framework emphasizes that legal frameworks should be fair and enforced impartially, particularly regarding human rights protections. In the practice of governmental administration, however, many maladministrative actions are not followed by consistent law enforcement. Based on the 2024 Performance Report of the Corruption Eradication Commission, 142 corruption cases were at the investigation stage, with the majority relating to procurement of goods and services and licensing as primary modus operandi. These data demonstrate that maladministration that is not promptly corrected often develops into criminal acts of corruption, representing the progression from administrative misconduct to criminal violation (Kurniawan & Puspitasari, 2021). The progression from maladministration to corruption indicates that weak rule of law opens space for bureaucrats to act beyond the boundaries of their authority without adequate sanctions. Maladministration constitutes the initial form of law enforcement failure within the good governance framework, as administrative deviations that should be corrected through internal controls instead persist and escalate into more serious violations (Hertanto & Rahayu, 2022).

The principle of efficiency demands that public services be provided quickly, accurately, and with minimal cost, while responsiveness emphasizes the capacity of apparatus to respond to community needs. Maladministration, such as protracted delay or discriminatory service, constitutes the antithesis of both principles. According to the 2024 Ombudsman Public Service Perception Index Survey, the national average score decreased to 76.5 (category B) from 77.7 in 2023. This decline was caused by service delays and lack of response to public complaints. The efficiency costs of maladministration extend beyond individual inconvenience to encompass broader economic and social consequences, including impeded investment, exacerbated hardship for vulnerable populations, and wasted public resources (Permana & Wibowo, 2020).

Good governance requires active community participation in the formulation, implementation, and evaluation of public policy. In many maladministration cases, however, society is positioned merely as recipient of decisions rather than as policy subject. Limitations on public participation space weaken the social control system over potential maladministration, and public decisions frequently do not reflect community aspirations but rather internal bureaucratic interests (Dwiyanto, 2005). The suppression of participation through maladministration creates self-reinforcing cycles of governance failure: without participation, maladministration is less likely to be detected and corrected, and uncorrected maladministration further discourages participation, progressively alienating citizens from governance institutions (Pratiwi & Handayani, 2021).

3. Legal Accountability for Maladministration Actions in Public Service

Administrative accountability constitutes the most fundamental form of accountability in addressing maladministration actions by state apparatus. This mechanism emphasizes that every public official must be responsible for every administrative action or decision that violates law or deviates from established procedures. Based on Article 1 number 3 of Law No. 37 of 2008 on the Ombudsman of the Republic of Indonesia, maladministration encompasses various forms of deviation, including unlawful actions, abuse of authority, use of authority for purposes other than intended, negligence, protracted delay, and procedural deviation in public service (Widodo & Kusuma, 2023). Article 53 of Law No. 30 of 2014 on Government Administration affirms that officials who commit maladministrative acts may be subject to administrative sanctions, including written reprimand, postponement of promotion, demotion, and permanent dismissal from position. These administrative sanctions function as corrective and preventive tools to prevent state apparatus from repeating the same conduct and serve as warning to other officials to act in accordance with the general principles of good governance.

In practice, however, the effectiveness of administrative accountability remains weak. Based on the 2024 Performance Report of the Ombudsman of the Republic of Indonesia, of 1,726 recommendations issued to government agencies, only approximately 64.7% were fully implemented. This data indicates that many agencies do not seriously follow up on recommendations regarding maladministration violations, caused by weak leadership commitment, absence of firm legal sanctions for non-compliance, and persistent closed bureaucratic culture (Santoso & Firmansyah, 2022). Government Regulation No. 94 of 2021 on Civil Servant Discipline strengthens the administrative accountability aspect, providing that every civil servant who commits maladministration such as abuse of authority, negligence in service, or violation of official ethics may be subject to disciplinary punishment ranging from minor to severe, depending on the level of violation. The gap between normative accountability provisions and practical implementation indicates the need for strengthening enforcement mechanisms (Nugroho & Sulistyaningsih, 2021).

Civil liability in the context of maladministration emerges when the actions of public officials cause real loss, whether material or immaterial, to society. This principle is grounded in the general legal maxim that every unlawful act causing loss must be compensated, as contained in Article 1365 of the Indonesian Civil Code. In the governance context, this principle is also affirmed in Articles 80-81 of Law No. 30 of 2014 on Government Administration, which grant rights to society to claim compensation when suffering losses due to invalid governmental decisions or actions. These provisions establish that government and public officials are not immune from legal liability and may be held civilly responsible when their actions violate citizens' rights (Ridwan, 2011). In practice, forms of compensation that can be provided by the Administrative Court include annulment of harmful administrative decisions, orders for restoration of rights, such as provision of permits or documents previously denied without valid reason, and financial compensation for losses suffered by society. The availability of civil liability mechanisms serves multiple functions: compensation provides remediation for harmed citizens, the prospect of liability creates deterrence, and civil claims provide additional oversight enabling citizens to initiate accountability processes independently (Prasetyo & Haryanto, 2022).

Not all maladministration actions have only administrative or civil consequences. In certain cases, administrative deviation can develop into criminal acts when containing elements of criminal law violation, such as abuse of authority, corruption, gratification, or document falsification. Criminal liability for maladministration-related conduct is regulated explicitly in Article 3 and Article 12 letter e of Law No. 31 of 1999 in conjunction with Law No. 20 of

2001 on Eradication of Criminal Acts of Corruption, addressing officials who abuse authority to enrich themselves or others, and Article 421 of the Criminal Code, regulating penalties for officials who intentionally abuse power to harm others (Kurniawan & Puspitasari, 2021). Maladministration frequently serves as an entry point for criminal acts of corruption, because weak oversight systems and lack of bureaucratic apparatus integrity create conditions conducive to escalation of misconduct. The relationship between administrative, civil, and criminal accountability mechanisms should be understood as complementary rather than alternative: administrative accountability provides internal correction and discipline, civil liability provides remediation for harmed citizens, and criminal liability provides punishment and deterrence for the most serious violations (Setiawan & Indrawati, 2023).

D. CONCLUSION

This study has examined the threat posed by maladministration to rule of law and good governance principles in Indonesian public service, and analyzed the legal accountability mechanisms available for addressing maladministration actions. The findings contribute to understanding of the multifaceted relationship between administrative misconduct and governance quality.

Regarding the threat to rule of law principles, maladministration practices directly threaten several fundamental principles. The principle of supremacy of law is threatened when officials act arbitrarily without legal basis, shifting governance from rule of law toward rule by discretion. The principle of equality before the law is threatened by discriminatory service provision based on proximity, status, or economic capacity rather than equal citizenship. The principle of separation of powers is threatened when weak oversight mechanisms enable abuse of authority without effective correction. When state administrators act arbitrarily, exceed authority, or abuse power in public service, law loses its controlling function over power, causing rule of law principles to operate ineffectively because law no longer serves as the primary guide in governmental administration.

Regarding the threat to good governance principles, maladministration threatens core values including transparency, accountability, participation, effectiveness, and justice in public service delivery. Accountability is weakened when officials avoid responsibility for their actions. Transparency is compromised when bureaucratic closure prevents public scrutiny. Rule of law within governance is undermined when administrative deviations are not consistently corrected, potentially escalating into corruption. Efficiency and responsiveness are impeded by delays and non-response to citizen needs. Participation is suppressed when citizens are positioned as passive recipients rather than active subjects of governance. Maladministration thus constitutes a primary inhibiting factor in the enforcement of good governance principles in Indonesia.

Regarding legal accountability for maladministration, the Indonesian legal framework provides multiple accountability pathways. Administrative accountability operates through internal discipline mechanisms and external oversight by the Ombudsman, with sanctions ranging from written reprimand to permanent dismissal. Civil liability enables citizens to claim compensation for losses suffered due to maladministration, through both Administrative Court proceedings and general civil claims. Criminal liability addresses the most serious maladministration-related conduct that contains elements of criminal violation. The effectiveness of these accountability mechanisms is limited by implementation gaps, including incomplete follow-up on Ombudsman recommendations and weak enforcement of administrative sanctions.

This research acknowledges several limitations. The normative methodology, while appropriate for legal analysis, does not capture empirical dimensions of maladministration prevalence, citizen experience, or institutional practice. The focus on Indonesian law limits direct applicability to other jurisdictions. Future research should incorporate empirical methods to investigate actual maladministration patterns, oversight effectiveness, and accountability outcomes. Comparative analyses examining maladministration and accountability frameworks across jurisdictions would provide additional insights for reform efforts.

RECOMMENDATION:

Based on the findings of this study, the following recommendations are proposed:

For Government and Public Service Providers: Strengthening of internal and external oversight systems is necessary to enable early prevention of maladministration practices. This includes capacity building for inspectorate general units, establishment of clear performance standards for service delivery, and implementation of regular compliance monitoring. Public service providers should develop and implement service standards that specify timelines, procedures, and costs, enabling citizens to identify deviations and demand corrective action.

For the Ombudsman of the Republic of Indonesia: Institutional capacity strengthening is required, along with enhanced effectiveness in following up on public complaints. The Ombudsman should more actively conduct socialization regarding citizen rights in public service and the mechanisms for reporting maladministration. Strengthening the legal framework to provide consequences for non-implementation of Ombudsman recommendations would enhance the institution's effectiveness as an oversight body.

For Legislative Reform: Consideration should be given to strengthening the legal framework governing maladministration accountability, including provisions ensuring implementation of Ombudsman recommendations and strengthening the connection between administrative misconduct findings and disciplinary consequences. The legal framework should also be reviewed to ensure coherence among administrative, civil, and criminal accountability mechanisms, preventing gaps through which maladministration can escape appropriate legal response.

For Future Research: Empirical studies investigating actual maladministration patterns, citizen experiences with public service, and the effectiveness of accountability mechanisms would complement the doctrinal foundation established in this research. Comparative analyses examining maladministration frameworks across Southeast Asian jurisdictions would provide insights for regional reform efforts. Research examining the relationship between maladministration prevention and corruption reduction would contribute to integrated governance reform strategies.

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