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The Role of State Administrative Law in Achieving Good Governance

Nor Hasanah^{1*}, Nur Fadilah¹

¹ Sekolah Tinggi Ilmu Syariah As-Salafiyah Sumber Duko, Pamekasan, Indonesia

* Corresponding author: Nor Hasanah (norhasanah234@gmail.com)

Abstract

Good governance requires a legal system capable of directing the use of government authority while protecting the rights of the people. State Administrative Law plays a crucial role because it regulates the relationship between the government and citizens and serves as an instrument for controlling government actions. This study aims to analyze the role of State Administrative Law in supporting good governance and examine how administrative law provides legal protection to the public in implementing government actions. The study uses a qualitative approach with descriptive methods through a review of relevant literature and legal sources. The results indicate that State Administrative Law provides a normative basis for the exercise of government authority, directs government actions through the principle of legality and general principles of good governance, and establishes mechanisms for oversight and legal protection. As a state based on law under Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, government authority must remain subject to legal limitations and accountability. Legal protection is implemented preventively through regulations, procedures, legality, and good governance principles, and repressively through oversight, administrative remedies, and dispute resolution. Therefore, State Administrative Law maintains a balance between government authority and public protection to support transparent, accountable, effective, and public-interest-oriented governance.

Keywords

Administration; Government; Legal Protection; Public Governance; State Law.

1. Introduction

State Administrative Law is a field of law closely related to government administration. Its existence is necessary because the government not only serves the public but also exercises various authorities that can have legal consequences for citizens. Over time, State Administrative Law has become an instrument that regulates how these authorities are exercised within the law. Thus, administrative law deals not only with regulations regarding government actions but also with the relationship between state authority, public interests, and the protection of citizens' rights.

The importance of State Administrative Law is increasingly evident in efforts to create good governance. Good governance requires openness, accountability, effectiveness, efficiency, and compliance with the law. These principles are necessary so that government processes are not only oriented towards achieving administrative goals but also consider the interests and rights of the community. State Administrative Law is one tool that can ensure that the use of government power has a clear and accountable basis. Zamzami (2020) places the function of administrative law as a crucial part in supporting the realization of good governance through the regulation and control of the implementation of government functions.

In a state governed by the rule of law, the government cannot freely exercise its authority without limits. Every government action must have a legally justifiable basis for its authority. This principle is related to the principle of legality, which places laws and regulations as the basis for the exercise of government authority. With these limitations, the actions of government officials can be monitored and tested for potential harm to the public. The development of contemporary State Administrative Law is inseparable from the need to regulate the use of government authority in national life.

In addition to regulating authority, State Administrative Law is directly related to public protection. The relationship between government and citizens fundamentally places the public at risk of being impacted by any policy or administrative action. Therefore, legal mechanisms are necessary when there is abuse of authority or government action that violates regulations. Zuliah and Pulungan (2020) demonstrate that the study of State Administrative Law is linked to the protection of human rights in the provision of public services. This means that good governance is not only measured by administrative effectiveness but also by the government's ability to guarantee public rights.

The concept of good governance also requires the application of principles that can serve as guidelines for officials in making decisions and carrying out government actions. These principles serve to prevent arbitrary use of power and provide direction so that government decisions remain in line with the public interest. Kusdarini (2020) places general principles of good governance as a crucial part of government implementation because they can serve as guidelines for the use of administrative authority.

Problems arise when there is a gap between the existence of legal regulations and the practice of governance. Broad government authority can become problematic if not accompanied by adequate oversight and accountability mechanisms. Under certain circumstances, the government does require space to make decisions to resolve societal issues, but this space must remain within the boundaries of the rule of law. Therefore, an understanding of the function of State Administrative Law is necessary, not only as a regulation that limits the government, but also as an instrument that enables the government to provide public services in an orderly and responsible manner.

Based on this description, this study aims to answer two research questions. First, what is the role of State Administrative Law in supporting good governance?

Second, how does State Administrative Law provide legal protection to the public in implementing government actions? These two questions form the basis for discussing the relationship between government authority, the principle of legality, good governance, and legal protection for the public.

2. Methods

This research uses a qualitative method with a descriptive character. This approach is used to obtain a systematic overview of the role of State Administrative Law in supporting good governance. Descriptive research aims to describe and analyze a problem based on the information obtained without intending to generalize to all existing conditions.

The research was conducted through a library study utilizing various literature and legal sources related to State Administrative Law, governance, government authority, the principle of legality, and legal protection for the public. The materials used primarily consisted of books, scientific articles, and statutory provisions relevant to the topic of discussion.

The approach used in this research is tailored to the nature of the legal issues being studied. The analysis aims to examine the relationship between administrative law provisions and the practice of governance, particularly regarding the exercise of government authority and the government's obligation to act according to the law. The collected legal materials and literature are then analyzed descriptively and qualitatively by identifying, connecting, and interpreting various concepts related to good governance and legal protection for the public.

Through this method, research not only positions State Administrative Law as a set of rules that regulate government actions, but also examines its function as an instrument to direct the use of authority, create orderly governance, and provide guaranteed protection to the community.

3. Results and Discussion

3.1 State Administrative Law as an Instrument for Good Governance

The findings show that State Administrative Law plays a strategic role in supporting good governance because it provides a legal framework for the exercise of government authority. In a state governed by law, government power cannot be exercised solely according to the wishes of officials but must have a clear legal basis. This principle is reflected in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which requires government administration to remain subject to law. State Administrative Law therefore connects government authority with legal boundaries, while also providing a basis for protecting public rights, limiting power, and establishing oversight.

Good governance is not only concerned with the achievement of government programs but also with how authority is exercised. Government administration must therefore be conducted openly, responsibly, effectively, and in accordance with the law. The general principles of good governance provide guidance so that government actions remain consistent with propriety, justice, and public interests (Zamzami, 2020; Kusdarini, 2020). Government authority must have a legitimate source and clear limits because government decisions and actions may produce legal consequences for the public. The principle of legality ensures that government actions have a legal basis and enables the public to assess whether an action has been carried out by an authorized official and in accordance with applicable regulations.

Thus, State Administrative Law functions not only as a limitation on government power but also as an instrument that enables government to carry out administrative

functions and public services in an orderly and effective manner. The implementation of good governance requires a balance between sufficient government authority and appropriate legal limitations. Government officials may require discretion when dealing with concrete issues that are not regulated in detail, but such discretion cannot be understood as unlimited freedom. Its use must remain within a legal framework and be directed toward the public interest. The principles of good governance are therefore important in ensuring that discretionary decisions remain rational, proportional, and responsible.

From this perspective, State Administrative Law performs three interconnected functions: providing a normative basis that defines the limits of government action, providing instruments for the implementation of administrative functions and public services, and providing mechanisms for protection when government actions harm public interests. These functions demonstrate that administrative law does not merely restrict government authority but also directs the exercise of authority toward orderly and effective governance (Zamzami, 2020; Voll, 2022). Accordingly, the answer to the first research question is that State Administrative Law supports good governance by establishing legal boundaries for government authority, directing administrative actions through legality and good governance principles, and maintaining accountability through oversight. Good governance can therefore be achieved when government authority is sufficient to perform public functions but remains controlled by law, principles of good governance, and oversight.

3.2 Government Actions, Principles of Legality, and Legal Protection for the Community

State Administrative Law also provides legal protection to the public by placing government decisions, policies, services, and administrative actions within a legal framework. Government actions that affect the legal position of citizens must have a valid basis of authority and must be assessed not only according to their objectives but also according to their procedures, authority, and legal basis. The principle of legality provides certainty regarding the limits of government power and protects the public from arbitrary administrative action (Hr, 2018).

Legal protection can be provided preventively through legal certainty, accuracy, transparency, public interest, and good service during the decision-making process. The general principles of good governance also function as parameters for assessing whether government authority has been exercised appropriately, because an action with a formal legal basis may still create problems if its implementation ignores propriety or public interests (Zuliah & Pulungan, 2020; Kusdarini, 2020). Oversight is another important element because it enables government actions to be examined against legal provisions and principles of good governance. The public must have mechanisms to question decisions considered detrimental, while administrative remedies and administrative justice provide opportunities to examine whether authority, procedures, and relevant public interests have been properly considered (Syuhudi, 2017; Sugiharto & Abrianto, 2018).

Legal protection in State Administrative Law therefore has both preventive and repressive dimensions. Preventive protection operates through regulations, procedures, the principle of legality, and the general principles of good governance before government action is taken. Repressive protection operates through oversight, administrative measures, administrative remedies, and dispute resolution when government actions cause harm to the public. The quality of public services is also closely connected to this protection because citizens are not merely recipients of government policies but subjects who have the right to adequate services, legal

certainty, transparent procedures, and fair treatment (Oktarina et al., 2021). Although government may require discretion to respond to specific problems, such discretion must have a clear purpose and must not become a means of ignoring the law.

When government actions cause harm, corrective mechanisms are necessary to test whether authority and procedures have been exercised in accordance with legal requirements and relevant interests. Thus, the answer to the second research question is that State Administrative Law provides public legal protection by limiting government authority through legality and good governance principles, preventing arbitrary action through oversight, and providing corrective mechanisms through administrative remedies and administrative justice. Ultimately, State Administrative Law acts as a bridge between the government's need to exercise authority and the public's need for protection, ensuring that government actions have a legal basis, remain accountable, and provide legal certainty and protection to the community (Is et al., 2021; Darda Syahrizal, 2013).

4. Conclusion

The research findings indicate that State Administrative Law plays a crucial role in achieving good governance. This role extends beyond establishing regulations governing government activities, but also encompasses controlling the use of authority, providing direction for government actions, and providing legal protection for the public. In a state governed by the rule of law, government authority must be exercised based on legal provisions, ensuring that every administrative decision and action has a justifiable basis. This principle is crucial for preventing excessive use of power and ensuring that public interests remain a key consideration in governance.

The application of the principle of legality is a key element in ensuring that government actions remain within the limits of its authority. While the government does require adequate authority to provide services and resolve various public issues, this authority cannot be separated from legal limitations. Under certain circumstances, the government may require discretion to address issues not yet specifically regulated. Nevertheless, the use of discretion must remain directed toward the public interest, exercised responsibly, and not conflict with the principles of good governance.

This research also shows that good governance requires the application of general principles of good governance and effective oversight mechanisms. The AUPB can serve as a guideline for government officials in making decisions, ensuring that administrative actions not only meet formal requirements but also adhere to propriety, legal certainty, accuracy, and public interest. Meanwhile, oversight and dispute resolution mechanisms are necessary as a means of correcting errors or abuse of authority.

From a legal protection perspective, the public must be assured that government actions are accountable and can be tested if they cause harm. This protection can be implemented preventively through regulations, procedures, and the application of good governance principles, or repressively through administrative measures and judicial mechanisms. Thus, State Administrative Law has a dual function: enabling the government to exercise its authority effectively while simultaneously limiting the use of power to prevent harm to the public.

Ultimately, the realization of good governance depends heavily on consistent application of laws, principles of good governance, oversight, and public protection mechanisms. State Administrative Law must be positioned as an instrument that creates a balance between the interests of government officials and the rights of citizens. Strengthening the application of these principles is crucial to ensure that

government administration not only runs procedurally and in an orderly manner but also produces a government that is transparent, accountable, effective, and oriented toward the public interest.

References

Journal:

- Darda Syahrizal, S. H. (2013). *Hukum administrasi negara & peradilan tata usaha negara*. MediaPressindo.
- Hr, R. (2018). *Hukum administrasi negara*.
- Is, M. S., Budianto, K., & M. (2021). *Hukum administrasi negara*. Prenada Media.
- Kusdarini, E. (2020). *Asas-asas umum pemerintahan yang baik dalam hukum administrasi negara*. UNY Press.
- Musta'ana, M. A. (2026). *Hukum administrasi negara*.
- Oktarina, E., Deshaini, L., & Sugianto, B. (2021). Aspek hukum dalam pelaksanaan administrasi pemerintahan di Indonesia. *Lex Librum*, 7(2), 151–162.
- Sugiharto, H., & Abrianto, B. O. (2018). Upaya administratif sebagai perlindungan hukum bagi rakyat dalam sengketa tata usaha negara. *Arena Hukum*, 11(1), 24–47.
- Syuhudi, I. (2017). Penerapan asas-asas umum pemerintahan yang baik dalam lingkungan peradilan tata usaha negara. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 17(1), 10–19.
- Voll, W. D. (2022). *Dasar-dasar hukum administrasi publik*. Sinar Grafika.
- Zamzami, A. (2020). Implementasi fungsi hukum administrasi negara dalam mewujudkan pemerintahan yang baik. *Jurispruden: Jurnal Fakultas Hukum Universitas Islam Malang*, 3, 200–210.
- Zuliah, A., & Pulungan, M. A. (2020). Pelayanan publik dalam kajian hukum administrasi negara dan hak asasi manusia. *Law Journal*, 1(1), 32–42.

Laws and Regulations:

The 1945 Constitution of the Republic of Indonesia (UUD NKRI 1945), Article 1 paragraph (3), government authority must remain subject to legal limitations and accountability.

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Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.



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