



Administrative Law Analysis of Strategies for Improving Public Policy Quality in Indonesia

Analisis Hukum Administrasi terhadap Strategi untuk Meningkatkan Kualitas Kebijakan Publik di Indonesia

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Abstract

This study examines strategies for improving public policy quality in Indonesia through an administrative law lens, focusing on the weak integration of normative and empirical aspects. Using normative legal research, the findings indicate that policy formulation is dominated by legalistic approaches, limited evidence-based implementation, and low public participation. These deficiencies frequently lead to maladministration and the criminalization of policies, which inhibits bureaucratic innovation. Moreover, the lack of Regulatory Impact Assessment (RIA) integration results in regulatory overlaps. The research concludes that enhancing policy quality requires internalizing the General Principles of Good Governance (AAUPB) and shifting toward substantive participation. This study offers a theoretical contribution by moving administrative law toward a preventive function. Practically, it provides recommendations for strengthening oversight and implementing digital platforms for engagement. By adopting these strategies, the Indonesian government can create more accountable, responsive policies that align with good governance standards and effectively mitigate future administrative legal disputes.

Abstrak

Penelitian ini mengkaji strategi peningkatan kualitas kebijakan publik di Indonesia melalui perspektif hukum administrasi, berfokus pada lemahnya integrasi antara aspek normatif dan empiris. Menggunakan metode penelitian hukum normatif, temuan menunjukkan bahwa perumusan kebijakan didominasi oleh pendekatan legalistik, implementasi berbasis bukti yang terbatas, serta partisipasi publik yang rendah. Defisiensi tersebut sering kali menyebabkan maladministrasi dan kriminalisasi kebijakan yang menghambat inovasi birokrasi. Selain itu, kurangnya integrasi Regulatory Impact Assessment (RIA) mengakibatkan tumpang tindih regulasi. Penelitian menyimpulkan bahwa peningkatan kualitas kebijakan memerlukan internalisasi Asas-Asas Umum Pemerintahan yang Baik (AAUPB) serta pergeseran menuju partisipasi substantif. Studi ini menawarkan kontribusi teoretis dengan mengarahkan hukum administrasi menuju fungsi preventif. Secara praktis, riset memberikan rekomendasi penguatan pengawasan serta penerapan platform digital untuk keterlibatan masyarakat. Dengan mengadopsi strategi tersebut, pemerintah Indonesia dapat menciptakan kebijakan yang lebih akuntabel, responsif, selaras dengan standar tata kelola pemerintahan yang baik serta efektif dalam memitigasi segala bentuk potensi sengketa hukum administrasi masa depan.



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A. INTRODUCTION

1. Background

The quality of public policy in Indonesia is currently challenged by the need to balance accelerated development with legal certainty. Frequent regulatory overlaps reveal that policy formulation processes often lack precision and comprehensive impact analysis.¹ Discretion exercised by government officials, intended to resolve legal impasses, frequently results in inconsistent policies that lack a robust theoretical foundation.² This suggests that public policy quality depends not only on regulatory substance but also on formulation procedures, which must comply with the General Principles of Good Governance as the ethical and legal benchmarks of modern bureaucracy.

The increasing prevalence of maladministration in public service delivery directly results from poor-quality policies. Maladministration extends beyond technical administrative errors, representing a systemic failure to fulfill legal obligations by state officials.³ Oversight reports reveal that, despite the existence of complaint mechanisms, the resolution of maladministration cases is often impeded by insufficient institutional commitment across government agencies.⁴ This challenge is compounded by the incomplete implementation of recommendations from oversight bodies, such as the Ombudsman of the Republic of Indonesia, which leaves the public exposed to losses from procedurally flawed policies that remain largely unaddressed.

From the perspective of administrative law, maladministration reflects a failure to internalize good governance principles during the policy-planning stage. Public officials frequently become entrenched in formalistic bureaucratic routines, neglecting the

¹ Deni Setiawan, Siti Rodhiyah, and Dwi Istinah, "Executorial Power of State Administrative Court Decisions Associated with General Principles of Good Government," *Jurnal Daulat Hukum* 6, no. 3 (December 2023), <https://doi.org/10.12345/ius.v2i4.164>.

² Nurmayani and Mery Farida, "Problematika Konsep Diskresi Dalam Penyelenggaraan Pemerintahan Pasca Undang-Undang Cipta (The Problems of the Discretionary Concept in the Implementation of Government Administration after the Job Law)," *Jurnal Ilmiah Hukum Dan Hak Asasi Manusia (Jihham)* 1 (2021): 293–315, <https://doi.org/10.31436/jia.v8i0.248>.

³ Ngutsman Mukromin, Mujib, and Jumadi, "Pengadilan Warganet' Terhadap Maladministrasi Pelayanan Publik," *Public Policy And Managment Inquiry*, vol. 7, 2023, <https://doi.org/doi.org/10.20884/1.ppmi.2022.6.1.6686>.

⁴ Resnu Ardian Pratama and Simson Ginting, "Efektivitas Kinerja Ombudsman Republik Indonesia Sumatera Utara Dalam Penanganan Pada Pelayanan Publik," *JlAP Jurnal Ilmu Administrasi Publik* 3, no. 1 (March 2023), <https://doi.org/doi.org/10.31764/jiap.v11i1.13242>.

fundamental responsibility to protect public rights in every legal product⁵. Insufficient understanding of authority boundaries leads to policies enacted without adequate academic justification or comprehensive feasibility studies. As a result, these policies are often impractical to implement or conflict with superior laws and regulations, leading to disputes in the Administrative Court.⁶

A significant factor undermining public policy quality is the persistently low level of integrity in public resource management, which frequently results in abuse of authority and corruption. The misuse of village funds exemplifies the vulnerability of local policies to personal interests that disregard the AAUPB.⁷ Strengthening administrative law through stricter oversight mechanisms and the enforcement of robust administrative sanctions is essential to address these deficiencies.⁸ Weak internal oversight enables officials to act with impunity, deviate from the intended purpose of delegated authority, and perpetuate a bureaucratic culture that impedes improvements in public service quality.⁹

In addition to integrity concerns, technical challenges in enhancing policy quality are evident in Indonesia's limited application of the Regulatory Impact Assessment (RIA) instrument. RIA provides a systematic approach for objectively evaluating policy impacts, yet its implementation is hindered by constraints in human resource capacity and the lack of integrated data.¹⁰ At the local level, RIA is often perceived as a procedural burden that delays legislative processes, rather than as an essential tool for ensuring regulatory quality.¹¹ The absence of RIA integration in policy-making leads to regulations that are

⁵ L Lismanto and Johan Utama, "Membumikan Instrumen Hukum Administrasi Negara Sebagai Alat Mewujudkan Kesejahteraan Sosial Dalam Perspektif Negara Demokrasi," *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (2020): 416–33, <https://doi.org/doi.org/10.14710/jphi.v2i3.416-433>.

⁶ Setiawan, Rodhiyah, and Istinah, "Executorial Power of State Administrative Court Decisions Associated with General Principles of Good Government."

⁷ Sarjito Sarjito et al., "Identification of Potential Locations for *Kappaphycus Alvarezii* Cultivation for Optimization of Seaweed Production Based on Geographic Information Systems in Spermonde Archipelago Waters, South Sulawesi, Indonesia," *Ilmu Kelautan: Indonesian Journal of Marine Sciences* 27, no. 3 (2022): 253–66, <https://doi.org/10.14710/ik.ijms.27.3.253-266>.

⁸ Charren Hendrik, "Strategi Penguatan Hukum Administrasi Negara Dalam Memberantas Praktik Korupsi Yang Dilakukan Pejabat Administrasi Negara," *Indonesian State Law Review* 5, No. 1 (April 2022): 67–81, <https://Nasional.Kompas.Com/Read/2021/04/09/18390681/Icw-Penanganan-Korupsi-Di-Indonesia->

⁹ Achmad Hariri and Dedy Stansyah, "Existence of the Government Internal Supervisory Inspectorate (APIP) as an Internal Supervisor of Local Government," *Law and Justice* 8, no. 2 (December 2023): 165–75, <https://doi.org/10.23917/laj.v8i2.2284>.

¹⁰ Charles Simabura et al., "The Challenge of Utilizing Regulatory Impact Assessment (RIA) Method in the Formulation of Regional Regulations in the Disaster Sector in DKI Jakarta Province," in *E3S Web of Conferences*, vol. 464 (EDP Sciences, 2023), 6, <https://doi.org/10.1051/e3sconf/202346410004>.

¹¹ La Sugi, "Poverty in Golden Fishing: A Regulatory Impact Assessment of Fishermen Poverty in Indonesia," *Policy & Governance Review* 7, no. 1 (January 13, 2023): 54, <https://doi.org/10.30589/pgr.v7i1.623>.

unresponsive to evolving social and economic conditions, thereby undermining the objectives of inclusive development.

Another critical issue is the largely formalistic nature of public participation in policy formulation, which fails to provide substantive opportunities for public input. Although legal mandates require public participation, their implementation frequently serves only to satisfy administrative formalities, without genuinely incorporating critical stakeholder perspectives.¹² The lack of mechanisms for meaningful engagement results in policies that lack sociological legitimacy and are often met with public resistance upon implementation. From the administrative law perspective, substantive participation embodies the principles of openness and diligence, which are essential to ensuring that public policies genuinely reflect the interests of the wider community.¹³

The gaps and limitations in the existing literature on public policy quality in Indonesia provide the rationale for this research. Nugroho's study establishes a foundation for implementing the AAUPB in legislation but does not propose specific strategies for integrating impact analysis tools, such as RIA, to prevent systemic maladministration.¹⁴ Hendrik's research addresses strategies to strengthen the Internal Audit Agency (HAN) in combating corruption among public officials, yet it does not examine how optimizing internal oversight can improve the substantive quality of public policies.¹⁵ Additionally, Naibaho et al.'s work on the development of criminal administrative law (*criminidistrative law*) identifies challenges related to policy criminalization but has not provided a comprehensive administrative law-based solution to protect well-intentioned officials through policy quality standardization.¹⁶

In response to these identified issues, this study seeks to develop strategies for enhancing the quality of public policy in Indonesia by integrating administrative law perspectives with empirical insights into governance barriers. The research will focus on

¹² Ghaida Shaumi Manganti, "Analisis Partisipasi Masyarakat Dalam Pelaksanaan Kebijakan Publik," *De Cive : Jurnal Penelitian Pendidikan Pancasila Dan Kewarganegaraan* 3, no. 11 (October 2023): 380–89, <https://doi.org/10.56393/decive.v3i11.2053>.

¹³ Indra Bayu Nugroho, "Aktualisasi AAUPB Dalam Legislasi: Studi Relasional Politik Hukum Dan Kebijakan Publik," *Recht Studiosum Law Review* 3, no. 2 (November 2024): 188–98, <https://doi.org/10.32734/rsr.v3i2.18513>.

¹⁴ Indra Bayu Nugroho.

¹⁵ Hendrik, "Strategi Penguatan Hukum Administrasi Negara Dalam Memberantas Praktik Korupsi Yang Dilakukan Pejabat Administrasi Negara."

¹⁶ Nathalina Naibaho et al., "Criministrative Law: Developments And Challenges In Indonesia," *Indonesia Law Review* (University Of Indonesia Faculty Of Law, April 1, 2021), <https://doi.org/10.15742/llrev.V11n1.647>.

a comprehensive analysis of weaknesses in current policy formulation processes, factors impeding the implementation of legality and accountability principles, and strategies for improvement through the reinforcement of AAUPB norms and RIA instruments.¹⁷ Additionally, the study will assess the strategic role of oversight institutions in providing legal protection for high-quality policies and in preventing policy criminalization, which can inhibit bureaucratic innovation.

Theoretically, this study contributes to the advancement of administrative law by enriching the discourse on shifting its function from repressive to preventive through the standardization of policy quality. This theoretical perspective redefines the AAUPB as a critical determinant of public policy validity in an era characterized by rapid change, where expediency must be balanced with legal accuracy.¹⁸ The study also underscores the significance of administrative democracy, emphasizing public participation as essential to achieving evidence-based, equitable policies. Practically, the research aims to provide policymakers with strategic recommendations for drafting more effective, transparent, and accountable regulations. These include strengthening the role of APIP in preventive policy audits and advancing more inclusive, integrated digital mechanisms for public participation.¹⁹ The implementation of these strategies is expected to reduce administrative disputes, enhance public trust in government, and enable public policies in Indonesia to serve as effective instruments for national progress and societal welfare.

2. Research Questions

Based on the preceding background, this study addresses the following two research questions:

- a. How can the General Principles of Good Governance be integrated into the public policy formulation process in Indonesia to minimize maladministration and ensure legal certainty?
- b. What strategies can be employed to implement Regulatory Impact Assessment and substantive public participation in order to develop evidence-based policies that effectively address community needs?

¹⁷ Manganti, "Analisis Partisipasi Masyarakat Dalam Pelaksanaan Kebijakan Publik."

¹⁸ Lismanto and Utama, "Membumikan Instrumen Hukum Administrasi Negara Sebagai Alat Mewujudkan Kesejahteraan Sosial Dalam Perspektif Negara Demokrasi."

¹⁹ Hariri and Dedy Stansyah, "Existence of the Government Internal Supervisory Inspectorate (APIP) as an Internal Supervisor of Local Government."

3. Research Method

This study employs a legal-normative approach, focusing on interpreting the laws, principles, and doctrines of national law regarding the legitimacy of public policy.²⁰ The study employs various methods to conduct an in-depth analysis: (1) a legal approach, which involves examining laws governing public administration and the legislative process, such as Law No. 30 of 2014 on Public Administration and Law No. 12 of 2011 as amended; (2) a conceptual approach based on legal concepts and doctrines, particularly regarding the analysis of the influence of law and the fundamental principles of good governance as instruments of political accountability ; and (3) a comparative perspective, which is used to a limited extent to compare the evidence-based implementation of policies in Indonesia with international standards, such as the OECD guidelines, in order to identify reform strategies appropriate to the changes taking place.²¹

B. DISCUSSION

The current bureaucratic landscape indicates a significant shift toward evidence-based policy, which demands integrating legal norms and empirical data into the regulatory formulation process.²² This is particularly crucial given the increasing dynamism of public issues, where traditional legal-formalistic approaches are no longer deemed sufficient to address emerging social and economic challenges.²³

One of the fundamental principles in HAN, and a pillar of policy quality, is the General Principles of Good Governance (AAUPB). The AAUPB serves as a “guidelines” for public officials in exercising their authority, particularly regarding the exercise of discretion.²⁴ The AAUPB encompasses principles such as legal certainty, due diligence, and the prohibition on the abuse of authority. Compliance with these principles is not

²⁰ Lismanto and Utama, “Membumikan Instrumen Hukum Administrasi Negara Sebagai Alat Mewujudkan Kesejahteraan Sosial Dalam Perspektif Negara Demokrasi.”

²¹ Fatmawati A Rahman, I Gede Arya Pering Arimbawa, and A Fadel Muhammad, “Law Enforcement and Human Rights Protection in Public Administration: A Qualitative Approach to the Implementation of Public Policy,” *Jurnal Ilmiah Ilmu Administrasi Publik: Jurnal Pemikiran Dan Penelitian Administrasi Publik* 14 (2024): 303–12.

²² Kamil Jonski and Wojciech Rogowski, “Evidence-Based Policymaking during the COVID-19 Crisis: Regulatory Impact Assessments and the Polish COVID-19 Restrictions,” *European Journal of Risk Regulation* 14, no. 1 (March 2023): 65–77, <https://doi.org/10.1017/err.2022.18>.

²³ Xavier Fernández-I-Marín et al., “Bureaucratic Quality and the Gap between Implementation Burden and Administrative Capacities,” *American Political Science Review* 118, no. 3 (August 2024): 1240–60, <https://doi.org/10.1017/S0003055423001090>.

²⁴ Nurmayani and Mery Farida, “Problematika Konsep Diskresi Dalam Penyelenggaraan Pemerintahan Pasca Undang-Undang Cipta (The Problems of the Discretionary Concept in the Implementation of Government Administration after the Job Law),” *Jurnal Ilmiah Hukum Dan Hak Asasi Manusia (Jihham)* 1 (2021): 293–315, <https://doi.org/10.31436/jia.v8i0.248>.

merely a moral obligation but a legal standard that determines the validity of a policy product under the law. When public officials disregard the principle of diligence, the resulting policies tend to contain substantive defects that lead to maladministration

In addition to the AAUPB, the concept of Regulatory Impact Assessment (RIA) has become an international standard for evaluating the quality of public policy. RIA is a systematic method for analyzing the potential economic, social, and legal impacts of a regulation before it is enacted. Research in various countries indicates that the effective implementation of RIA can minimize unnecessary regulatory costs and enhance public compliance.²⁵ In Indonesia, challenges in implementing RIA include a weak legal mandate requiring its use and limited human resource capacity at the local level to conduct comprehensive impact analyses.²⁶

Meanwhile, public participation is a key element theoretically linked to policy legitimacy. Participation must be substantive, meaning that public input is genuinely considered in the final draft of public policy.²⁷ This differs from formalistic participation, which aims solely to meet administrative requirements without any two-way dialogue.²⁸ Empirical studies demonstrate that policies involving broad public participation have higher implementation success rates due to a sense of ownership and public trust in the government.²⁹

This raises the issue of criminalizing policy, resulting from the blurred line between administrative errors and acts of corruption. Criminidistrative Law theory offers an important perspective on how criminal instruments are often overused to target administrative actions that actually fall within the realm of discretion.³⁰ This creates a climate of fear among public officials, which ultimately hinders innovation and the

²⁵ Jonski and Rogowski, "Evidence-Based Policymaking during the COVID-19 Crisis: Regulatory Impact Assessments and the Polish COVID-19 Restrictions."

²⁶ Simabura et al., "The Challenge of Utilizing Regulatory Impact Assessment (RIA) Method in the Formulation of Regional Regulations in the Disaster Sector in DKI Jakarta Province."

²⁷ Akhmad Riduan, Stia Bina, and Banua Banjarmasin, "Citizen Participation in Policy Decision-Making Partisipasi Warga Negara Dalam Pengambilan Keputusan Kebijakan," *International Journal of Multidisciplinary Approach Sciences and Technologies (MULTI)* 1, no. 1 (2024): 65–74, <https://doi.org/https://doi.org/10.62207/fz1xn342>.

²⁸ Lubna Salsabila, Karol Teovani Lodan, and Etika Khairina, "Public Engagement Impact on Sustainable Waste Management in Indonesia: Examining Public Behavior," *Jurnal Administrasi Publik Public Administration Journal* 13, no. 2 (December 2023): 158–78, <https://doi.org/10.31289/jap.v13i2.10391>.

²⁹ I Putu Eka Cakra and Aditya Yuli Sulistyawan, "Kebijakan Hukum Pidana Dalam Upaya Tindak Pidana Lingkungan Dalam Undang-Undang Cipta Kerja," *Jurnal JUSTISI* 2, no. 2 (November 2023): 59–69, <https://doi.org/10.14710/crepido.2.2.59-69>.

³⁰ Rahman, Gede Arya Pering Arimbawa, and Fadel Muhammad, "Law Enforcement and Human Rights Protection in Public Administration: A Qualitative Approach to the Implementation of Public Policy."

courage to make strategic decisions in the public interest.

In this discussion, the research findings are divided into two main points to address the research questions formulated in the problem background. The first point focuses on the internalization of the AAUPB to mitigate maladministration, while the second discusses strategies to optimize RIA and substantive public participation.

1. Internalizing the AAUPB to Mitigate Maladministration and Policy Criminalization

Research indicates that the primary cause of low-quality public policy in Indonesia is the inadequate internalization of the AAUPB as an operational standard in regulatory formulation. Persistent maladministration, as reported by the Ombudsman, reflects a disregard for principles such as diligence and purity of purpose.³¹ Empirical evidence further demonstrates that many policies are formulated hastily, often without consideration of the long-term legal implications for citizens' rights.³²

From an administrative law perspective, this phenomenon reveals a gap between the AAUPB norms established in Law No. 30 of 2014 and actual bureaucratic practice. Public officials frequently emphasize only what is legally and formally permissible (authority), while neglecting the appropriate manner in which actions should be executed (administrative ethics).³³ This discrepancy allows for the development of discriminatory or disproportionate policies, which can subsequently lead to legal conflicts in both the Administrative Court and criminal proceedings. The issue of policy criminalization, the analysis indicates, often stems from a failure to establish substantive abuse of authority. Law enforcement agencies tend to apply a criminal approach to decisions that are actually the result of unintentional administrative errors.³⁴ This finding reinforces the argument that strengthening policy audits through the Internal Audit Agency (APIP) and the Ombudsman must be prioritized to distinguish between actions that constitute pure maladministration and those involving criminal intent. Integrating the AAUPB into

³¹ Pratama and Ginting, "Efektivitas Kinerja Ombudsman Republik Indonesia Sumatera Utara Dalam Penanganan Pada Pelayanan Publik."

³² Najmatul Haya Zen and Aldi Roberia Frinaldi, "Peran Hukum Administrasi Negara Dalam Mewujudkan Good Governance Di Era Digital," *Journal Of Social Science Research* 5, no. 1 (2025): 29–40, <https://doi.org/https://doi.org/10.31004/innovative.v5i1.17408>.

³³ Nurmayani and Mery Farida, "Problematika Konsep Diskresi Dalam Penyelenggaraan Pemerintahan Pasca Undang-Undang Cipta (The Problems of the Discretionary Concept in the Implementation of Government Administration after the Job Law)."

³⁴ Setiawan, Rodhiyah, and Istinah, "Executorial Power of State Administrative Court Decisions Associated with General Principles of Good Government."

regulatory drafting guidelines at all levels of government constitutes an effective preventive measure. Establishing clear accuracy indicators, such as mandating in-depth academic studies, enables the government to minimize the risk of policy conflicts with higher-level regulations.³⁵ This approach directly addresses the issue of normative conflicts between regulations that frequently impede public services at the local level. services at the local level.

There is a need to reconceptualize official liability within administrative law. Liability should encompass not only financial losses to the state but also the loss of public benefit resulting from low-quality policies. Accordingly, it is recommended that technical guidance be provided to public policymakers to facilitate understanding of the AAUPB's application, positioning it as a legal safeguard rather than a bureaucratic burden.

2. Transforming RIA and Substantive Public Participation for Evidence-Based Policy

The second discussion underscores the importance of methodological transformation in policy formulation through Regulatory Impact Assessment (RIA) and substantive public participation. Research findings indicate that most policy failures originate from an evidence gap during the planning stage. Although RIA is recognized in Indonesia, its application remains limited and has not become embedded within the bureaucracy. As a result, many top-down policies do not adequately address specific community needs.

Drawing on good governance theory, this study emphasizes that high-quality policies require transparent information to enable the public to provide data-driven input. In Indonesia, public participation has typically been reactive, with responses occurring only after policy enactment. Transitioning to proactive participation necessitates that the government release policy drafts and supporting data well in advance of policy adoption (KisEnhancing the quality of public participation is positively correlated with increased levels of public trust. When the public perceives that their input is valued, resistance to new policies diminishes.³⁶ This dynamic is especially significant for policies with broad impacts, such as those in the economic or education sectors, where public compliance is essential for successful implementation. successful implementation

³⁵ Indra Bayu Nugroho, "Aktualisasi AAUPB Dalam Legislasi: Studi Relasional Politik Hukum Dan Kebijakan Publik."

³⁶ Joe Tomlinson and Simon Halliday, "Does Administrative Law Inhibit Good Government?," *Edinburgh Law Review* 28, no. 2 (May 2024): 264–73, <https://doi.org/10.3366/elr.2024.0901>.

on the ground.

The following table summarizes research findings that can inform strategies to improve the quality of public policy in Indonesia:

Table 1. Strategies for Improving Policy Quality

| Strategy Focus | Key Issues | Theoretical Basis | Proposed Improvement Strategies |
|----------------------------|--|---|--|
| Integration of AAUPB | High levels of maladministration due to disregard for the principle of due diligence | Substantive Legality & AAUPB | Making AAUPB a mandatory parameter in academic texts |
| Mitigating Criminalization | Officials' Fears Due to the Blurring of the Line Between Administrative and Criminal Law | <i>Ultimum Remedium & Purity of Purpose</i> | Optimizing the Role of APIP in Providing Administrative Safeguards |
| Impact Analysis | Reactive policies without strong empirical data support | <i>Evidence-Based Policymaking</i> | Mandating the use of RIA instruments for regulations with broad impact |
| Public Participation | Formalistic participation that ignores the real aspirations of the public | <i>Meaningful Participation</i> | Digital access to policy drafts from the initiative stage |

An analysis of the data in Table 1 suggests that improving policy quality requires a synchronized approach involving procedural improvements, norm strengthening, and the creation of social space. Failure in any of these aspects undermines overall policy effectiveness. For instance, a regulation supported by robust data but lacking adherence to the AAUPB remains susceptible to being overturned by the Administrative Court. These findings are directly relevant to the issue of criminalization of policy. Transparent policy formulation processes, incorporating RIA and public participation, ensure that each decision is supported by a strong, well-documented basis. This documentation serves as a legal safeguard for officials if their policies are later challenged in court, as it demonstrates that actions were taken in good faith and with due diligence.

Practically, this study recommends institutional reforms to enhance coordination between supervising agencies (Kemenkumham/LAN) and technical ministries. RIA implementation often fails because technical ministries perceive the procedures as

burdensome and inefficient.³⁷ Simplifying the RIA methodology to align with Indonesia's bureaucratic capacity constraints, without compromising analytical rigor, is proposed as a solution. In the context of digitalization, this study highlights that technology should be used to support transparency, not merely to digitize manual bureaucratic processes. True digital transformation must enable an integrated platform that allows the public to track how their input is processed at every stage of policy making.³⁸ This will address the issue of low levels of active public engagement highlighted in the background of this study. A critical reflection on the research findings suggests that the success of these strategies depends on political will to move beyond a closed, bureaucratic culture. Integrating administrative law perspectives with empirical findings from RIA requires openness to criticism and data that may challenge the preferences of those in power.³⁹ In the absence of integrity, legal instruments risk serving as a facade for policies that favor elite interests over public welfare.

In conclusion, this study affirms that public policy quality is determined by the strength of the legal ecosystem. Strengthening the AAUPB, implementing RIA, and ensuring substantive public participation are essential prerequisites for achieving good governance in Indonesia. Implementing these strategies is expected to mitigate the risk of policy criminalization and enhance the effectiveness of public services, thereby contributing to national progress.

C. CONCLUSION

The research findings demonstrate that the consistent application of the General Principles of Good Governance (AAUPB) is essential for mitigating administrative inefficiencies and ensuring legal certainty throughout the public policy formulation process. Furthermore, integrating Regulatory Impact Assessments (RIA) into comprehensive public consultations facilitates the development of evidence-based policies that more effectively address societal needs. Strengthening these administrative standards not only enhances regulatory quality but also provides strategic protection against the criminalization of policy by clearly delineating the boundaries between administrative discretion and criminal offenses. Collectively, these strategies significantly

³⁷ Rahman, Gede Arya Pering Arimbawa, and Fadel Muhammad, "Law Enforcement and Human Rights Protection in Public Administration: A Qualitative Approach to the Implementation of Public Policy."

³⁸ Sugi, "Poverty in Golden Fishing: A Regulatory Impact Assessment of Fishermen Poverty in Indonesia."

³⁹ Jonski and Rogowski, "Evidence-Based Policymaking during the COVID-19 Crisis: Regulatory Impact Assessments and the Polish COVID-19 Restrictions."

advance the scholarship of Indonesian administrative law and public policy by promoting transparent governance centered on the public interest.

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