

Abuse of Authority in the Police World

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Abstract

This study examines the abuse of authority by the National Police of the Republic of Indonesia (Polri), with a focus on corruption and administrative violations. Based on literature analysis, abuse of authority is caused by uncontrolled power, weak law enforcement, and inadequate supervision. Concrete cases from the Ministry of Religious Affairs show that while the law can be enforced, there is often a lack of follow-up on administrative violations. This research highlights the importance of clear and fair laws, law enforcement with integrity, and the active role of the Government Internal Supervisory Apparatus (APIP) to ensure legal certainty and prevent corruption.

Keywords: Abuse of Authority, Police, Corruption, Law Enforcement.

Introduction

The National Police of the Republic of Indonesia (Polri), as a government institution, has the main responsibility in law enforcement, maintaining public security and order, as well as providing services, protection, and protection to duty in the field, expected to carry out their duties in accordance with the principles of the rule of law, which means based on the applicable law (Situmorang, 2016). In cases of abuse of authority, officials can make mistakes in the use of authority due to a lack of prudence in making decisions. Although it is an administrative error, sometimes this misuse of authority is equated with an abuse of authority. When an official is considered to have committed an abuse of authority, the consequences can include administrative sanctions and even criminal sanctions. However, criminal

steps should not be taken first, especially for problems that can still be fixed (Bujung Alexandro R., Sarapun Roosje M.S, 2014).

Abuse of authority is a serious problem that crosses various social, political, and economic levels. By witnessing a disturbing example where public officials and power holders use their positions for personal gain, to the detriment of the Society they are supposed to serve. Cases such as rampant corruption scandals, misuse of public funds, and bribery cases. Corruption is a legal issue that attracts attention today, because it is not only detrimental to the country's economy, but also a global issue that spreads throughout the world, including Indonesia. Corruption continues to develop with various modus operandi and reaches all government institutions, both at the executive, legislative, and judicial levels, as well as at the central and regional levels. Although the state is trying hard to eradicate and prevent corruption, ironically, this phenomenon continues to grow, especially in Indonesia (Barhamudin, 2019). In June 2016, Sutanto sent a case file of granulated sugar without Indonesia's national standard label to Kejari Padang. Sutanto gave money to prosecutor Farizal so that he would not be detained in the detention center, and then agreed to pay the case fee of Rp. 150 million. During the first hearing, prosecutor Farizal asked for another Rp. 15 million, and near the reading of the charges, he asked for another Rp. 200 million to ease the charges. In addition, Sutanto also bribed prosecutor Farizal with Rp. 20 million to get a copy of the BAP, so that the total bribe received by prosecutor Farizal from Sutanto was Rp. 440 million (Ernita, 2023).

By understanding the phenomenon of abuse of authority is very important for several reasons, namely: Protection of Human Rights (Abuse of authority can threaten the rights of individuals and society. By studying this phenomenon, we can identify and prevent abuses that can harm other parties), Maintaining the Rule of Law (Legal principles such as justice, certainty, and the rule of law depend on compliance with the rules and the use of authority in accordance with applicable

provisions. Understanding the abuse of authority helps maintain the rule of law in the administrative system), Encouraging Accountability By studying cases of abuse of authority, we can emphasize the importance of accountability in government. This includes enforcing accountability for officials who violate rules and abuse their authority (Puhi et al., 2020). Unfortunately, in many situations, challenges arise when the ruler uses his power for the benefit of a particular person or group, which ultimately sacrifices the welfare of the members of the Society and creates inequality. The abuse of power is often at the root of various complex social and political problems, exacerbating the already difficult conditions in a number of communities (Kusumawardani Aprilia, Siadari Azkiya Chelsea, 2023).

The abuse of authority listed in the Law on the Eradication of Corruption should not be carried out in a hurry, because in the substance of the crime it should be a step taken as a last action after going through a careful supervision process and careful testing of the potential for abuse of authority that has been strictly regulated. With the birth of Law Number 30 of 2014 concerning government administration because it is considered by some circles to cause polemics in efforts to eradicate corruption. These concerns are very reasonable, considering that several substance articles in Law Number 30 of 2014 concerning Government Administration provide attribution of authority to the State Administrative Court (PTUN) to examine, assess, and decide whether there is abuse of authority by government officials and has the potential to weaken efforts to eradicate corruption and even become a hiding place for corruptors (Rini, 2018). This is because the problem of corruption is not only a threat to the economy of a country, but has also become a widespread global problem, including in Indonesia. Corruption continues to grow in terms of quality and quantity, with various methods used. This happens in line with the advancement of science and technology which provides new opportunities for corrupt actors. Currently, corruption crimes are not only limited to executive, legislative, and judicial

institutions, but have also reached all levels in all regions, both at the central and regional levels (Barhamudin, 2019).

By studying the abuse of position in a legal context that refers to the use of authority by police officials, because it is not in accordance with the goals that have been set. This includes the use of authority for the public interest or for personal, group, or group gain. Abuse of authority can also occur when the action is properly intended for the public interest, even though it is not in accordance with the purpose provided by applicable laws and regulations (Dewa et al., 2023). Abuse of authority by the police in law enforcement can be avoided by enforcing rules that bind police members organizationally and personally. The rules of the police organization include disciplinary regulations, codes of ethics, and job codes. Discipline regulations are shown to form discipline of police members (Budiarta et al., 2021).

Literature Review

No	Heading	Writer	Purpose	Conclusion
1.	Penyalahgunaan Kewenangan Pejabat Pemerintahan Dan Ruang Lingkupnya Menurut Undang-Undang Administrasi Pemerintahan Barhamudin	(Barhamudin, 2019)	To find out, study and analyze in determining the elements of abuse of authority in the Government Administration Law	Based on Law No. 30 of 2014 concerning Government Administration, it can be concluded that abuse of authority by government officials or officials occurs when they exercise discretion outside the limits of procedures and objectives that have been

				<p>set by law, including violating the prohibitions specified in articles 17 and 18. Such actions can dinyatakan tidak sah dan dibatalkan setelah melalui testing and obtaining court decisions with permanent legal force. This law aims to protect officials who act in good faith, while actions that are proven to be unlawful, especially if there is an element of malicious intent, can be followed by an investigation or investigation of corruption. It emphasizes the importance of using authority in accordance with the boundaries of the law to ensure fair and responsible government action.</p>
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2.	The Settlement of abuse of authority by government officials	(Puhi et al., 2020)	To discuss the issue of handling disputes related to the abuse of authority by state officials.	Law No. 30 of 2014 concerning Government Administration was born in response to the debate about judicial institutions authorized to examine alleged abuse of authority by public officials. This law clearly gives power to state administrative courts to examine cases of abuse of authority. The determination of the existence of abuse of authority must be adjusted to the assessment of specialization which is part of administrative law.
3.	Bentuk Penyalahgunaan wewenang pejabat pemerintah yang tidak dapat di pidana	(Alti Putra, 2021)	The government administration law confuses actionable authority with criminalization When malicious intent in the form of a	An abuse of authority that cannot be criminalized is when a person uses his authority in a way that exceeds the limit and is arbitrary. This is considered an administrative error that does not lead to a crime. However, abuse of

			mistake is intentionally intended to seek profits that are detrimental to the country's finances or the country's economy.	authority that can be criminalized occurs when a person deliberately confuses his authority with the intention of evil to gain personal benefits that harm the country's finances or economy.
4.	Pelaksanaan Kode Etik Profesi Terhadap Anggota Kepolisian Republik Indonesia Berdasarkan Undang-Undang Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia Dalam Mencegah Penyalahgunaan	(Budiarta et al., 2021)	To evaluate the implementation of the National Police Professional Code of Ethics for members of the National Police of the Republic of Indonesia in preventing abuse of authority in the Buleleng Resort Police and identify the obstacles faced,	The implementation of the Police Professional Code of Ethics is effective in preventing abuse of authority within the Buleleng Resort Police, even though there is a risk of violations by officers. The Code of Ethics serves as a code of conduct that regulates actions that are required, prohibited, or inappropriate for members of the National Police. The main obstacles to its implementation include the lack of knowledge, skills, and attitudes of officers in

	Wewenang Dalam Penegakan Hukum Di Kepolisian Resor Buleleng		with the hope of increasing understanding and implementation of the Code of Ethics as well as public awareness in supporting the enforcement of the code of ethics.	accordance with the code of ethics, as well as low public support in efforts to enforce the code of ethics, including reporting violations and participation as witnesses.
5.	Analisa Kasus Jaksa Yang Menerima Suap Dana	(Ernita, 2023)	To find out, study and analyze in determining the elements of abuse of authority in the Government Administration Law	The professional code of ethics is a rule that must be followed by members of a profession in their work. As law enforcers, prosecutors should be an example for the community in enforcing the law fairly, not accepting bribes. Although there are code of ethics regulations for prosecutors, there are still many who violate them, such as the case of Prosecutor Farizal who

				accepted bribes. This led to him being sentenced to prison for violating anti-corruption laws. All member Professions, especially law enforcement, must abide by their professional code of ethics. Never violate it for personal gain because the sanctions will be heavier.
6.	Penyalahgunaan wewenang pejabat kepolisian dalam penerimaan anggota polri	(Dewa et al., 2023)	To analyze the abuse of authority by police officials in the acceptance of police members and evaluate the enforcement of police professional code of ethics sanctions against these violations.	Briptu Bagas Ray Perdana violated the prohibition on abuse of authority in the process of accepting members of the National Police. This includes the abuse of mixing authority, which can be canceled through the police professional code of ethics commission and court decisions. Violations of the police professional code of ethics led to sanctions imposed through a series of hearings.

7.	Efforts to Prevent Acts of Abuse Authority That Result In Harm state Finances Using the Government Internal Supervision Apparatus	(Santoso et al., 2023)	To highlight the impact negative from excessive criminalization or criminalization of negative behavior of law enforcement, which can ultimately hinder the development process.	There is a lack of clarity about penyalahgunaan authority and authority, which have an impact on arbitrary actions carried out by Government Apparatus in the context of regulation related to their duties, principles, and functions.
8.	Analisis pelanggaran kode etik dan penyalahgunaan kekuasaan dalam kasus Ferdy Sambo	(Kusumawardani Aprilia, Siadari Azkiya Chelsea, 2023)	Providing a holistic and in-depth analysis of this case, there were 7 violations of the code of ethics violated by Ferdy Sambo which resulted in disrespectful dismissal from the position of Head of the	A person with power or a high position has great responsibility in the use of his power, including carrying out his duties with integrity and respecting the professional code of ethics, as well as the act of abusing power for personal gain. This awareness of responsibility affects the reputation of individuals and the view of the

			Professional Division and National Police Security.	community towards the profession and institution where the individual is It works. Therefore, it is important to use power appropriately and not abuse authority.
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The table above highlights that abuse of authority by government officials occurs when they exceed the limits set by law in carrying out their duties. The law gives the courts the power to strike down such acts. The goal is to protect officials who act in good faith and ensure fair and accountable governance (Barhamudin, 2019). Emphasizing that the law empowers the courts to examine cases of abuse of authority by public officials. The determination of whether the abuse of authority occurs must be in accordance with the applicable administrative law (Puhil et al., 2020).

The implementation of the police professional code of ethics is also the focus of research. That abuse of authority can occur when a person exceeds the limits of his authority without malicious intent or with malicious intent for personal interests that can harm the state (Alti Putra, 2021). The implementation of the National Police professional code of ethics is effective in preventing abuse of authority in the Buleleng Resort Police. However, there are still obstacles such as a lack of knowledge, skills, and attitudes in accordance with the code of ethics, as well as a lack of public support in efforts to enforce the code of ethics (Budiarta et al., 2021). To know, study, and analyze the elements of abuse of authority in government administration laws. They highlighted the importance of the professional code of ethics as a guideline for members of the profession, including prosecutors, in carrying out their duties. This study emphasizes that as law

enforcers, prosecutors must be an example in enforcing the law fairly, not engaging in bribery practices as happened in the case of Prosecutor Farizal. Violating the professional code of ethics, especially for law enforcement, will result in heavier sanctions, such as imprisonment, which underscores the importance of compliance with the code of ethics for the sake of integrity and public trust (Ernita, 2023).

Conduct a study on the abuse of authority by National Police officials in accepting members. They found that Briptu Bagas Ray Perdana committed violations, including abuse of authority. This violation can be canceled through the National Police's professional code of ethics commission and court decisions, with sanctions given through hearings. This study emphasizes the importance of enforcing the professional code of ethics in police institutions (Dewa et al., 2023). It aims to highlight the negative impact of excessive criminalization or criminalization on the negative behavior of law enforcement, which can ultimately hinder the development process. They found that a lack of a clear understanding of the abuse of authority and authority can result in arbitrary actions taken by government officials in the regulation of their duties, principles, and functions. This highlights the need for clarification and firm enforcement of professional rules and codes of ethics in law enforcement to prevent practices that are detrimental to the development process (Santoso et al., 2023).

Triwardhani conducted a holistic and in-depth analysis related to the case of abuse of authority by Ferdy Sambo, which resulted in a disrespectful dismissal from the position of head of the professional and security division of the National Police. They emphasized the importance of using power with integrity and respecting the professional code of ethics, as well as staying away from acts of abuse of authority for personal gain (Kusumawardani Aprilia, Siadari Azkiya Chelsea, 2023).

Research Methods

This research is a qualitative research using a literature study method. The researcher wants to provide an understanding of Abuse Authority of the position in the world of the police. This research was carried out in March 2024, the data collected came from scientific journals related to the Abuse of Power, books and other sources related to our topic. The literature study method used is to collect literature sources such as scientific journals and books that are relevant to our issues, phenomena, and research topics related to the Abuse of Power Against the Police. Then analyze the data that has been obtained to ensure that the issues are relevant to our theme.

Results and Discussion

In research that has been conducted by (Barhamudin, 2019), it was found that abuse of authority occurs when officials use discretion without correct procedures and outside the provisions of Law No. 30 of 2014. This law prohibits acts of exceeding, mixing, or arbitrariness in authority. This abuse can be tested in court and includes aspects of administrative and criminal law. The UUAP emphasizes the principle of good governance and introduces restorative justice.

The results of the study (Juhaeni, 2021) show that uncontrolled power and weak law enforcement lead to the abuse of power for personal gain. This study emphasizes the role of legal sociology and social awareness in combating abuse of authority. Various corruption cases in Indonesia and the importance of community involvement in monitoring law enforcement were also discussed. Legal reform and public supervision are needed to prevent corruption and abuse of authority.

Research by (Rizkyta & Ningsih, 2022) examines the abuse of authority by officials based on Law No. 31 of 1999 concerning the Eradication of Corruption. Research has found that the great power of officials leads to financial losses and administrative errors. The main factors of abuse are a lack of moral commitment, weak supervision, unclear regulations, and a lack of integrity. Special focus is given

on cases at the Southeast Sulawesi education department related to Governor's Decree No. 231 of 2023. In conclusion, abuse of authority can be minimized with awareness, commitment, effective supervision, clear regulations, and strict punishment.

The research (Putra et al., 2023) examines the abuse of authority by public officials from the perspective of legal sociology. Research highlights how officials use power for personal or group gain, to the detriment of the public interest. Legal sociology plays a role in socializing and educating the public about the abuse of authority and the importance of legal supervision. In Indonesia, abuse of authority, especially corruption, is still a serious problem that requires public attention and supervision to achieve justice.

Based on the results of research by (Dewa et al., 2023) discussing the abuse of authority by police officials in the recruitment process for National Police members during 2022. The results of the study showed that the abuse by First Brigadier Bagas Ray Perdana was included in the category of "Abuse of Authority Interference," which is characterized by actions that exceed or contradict the scope or purpose of the authority given. Sanctions are enforced through a session of the National Police Code of Ethics Commission, referring to the Police Professional Code of Ethics which includes state, institutional, social, and personal ethics. The study emphasizes the importance of ethical compliance in the police recruitment process to maintain the integrity and credibility of police institutions. According to Prajudi Atmosudirdjo, Authority is something referred to as formal power that comes from legislative or administrative power which consists of several authorities over a certain group of people or fields. Abuse of office authority which is classified as a criminal act as regulated in Article 3 of Law Number 31 of 1999 and Law Number 20 of 2001 occurs when an official who is entrusted with committing acts of corruption by abusing his power. For example, in the procurement of goods and services that do not follow procedures according

to Presidential Regulation Number 54 of 2010, which results in state losses, these actions are included in the category of abuse of power (Surbakti & Abdilah, 2021). For example, in the Ministry of Religious Affairs, the Supreme Court of the Republic of Indonesia through decision No. 1287 K/Pid.Sus/2013 dated July 30, 2013 decided a case of corruption committed by an official of the Ministry of Religion in his position as a Commitment Making Officer (PPK) at a state university in West Java. Another example is the Supreme Court decision No.1709 K/Pid.Sus/2013 dated January 13, 2014 regarding corruption committed by an official who serves as the Chairman of the State Islamic Religious College. The decision of the law enforcement agency against the two examples of abuse of authority of the position has had permanent legal force and the execution of the decision has been implemented. However, regarding the abuse of office authority that results in administrative violations such as the case of dismissal from office above, there has been no legal action against officials who abuse these authority. This is where the role of the Inspectorate General is very important to oversee law enforcement and provide legal certainty for officials in the Ministry of Religion (Khairunas, n.d.).

According to Rianto (2012), the number of cases of abuse of authority in Indonesia is caused by several main factors. First, uncontrollable power makes many public officials tempted to have everything, including power, so there is often abuse of authority. Second, there is a view that people who have authority can act freely. Public officials or leaders often assume that those with high positions have unlimited freedom of action. Third, weak law enforcement against abuse of authority. Ordinary people who make minor mistakes often get severe and long punishments, while public officials or leaders who make fatal mistakes tend to get lighter punishments. This shows that the law in Indonesia is harsher towards ordinary people compared to high-ranking officials. Furthermore, weak morals and mentality are also contributing factors. Officials with bad morals, such as the tendency to corruption and abuse of authority, are not able to carry out their

duties and mandates properly. Economic factors also play a role, where the higher a person's position, the more his or her life needs tend to increase. Officials with expenses greater than their income may be tempted to abuse authority for personal material gain. Finally, weak supervision from superiors and related parties, including in budget supervision, makes abuse of authority easier to occur (Juhaeni, 2021).

The main problem in law enforcement actually lies in various interrelated factors. These factors are at the core of law enforcement and are a benchmark for its effectiveness, namely:

1) Legal Factors Themselves (Laws and Regulations for Their Implementation):

- Clear, consistent, and fair laws are essential. Laws must always be updated to be relevant to the times and provide legal certainty.

2) Law Enforcement Factors:

- Law enforcers such as police, prosecutors, and judges must have integrity, be professional, competent, and independent from political and economic pressure.

3) Factors of Facilities or Facilities that Support Law Enforcement:

- Adequate infrastructure, advanced technology, and sufficient budget are necessary to support the operations of law enforcement agencies.

4) Community Factors:

- Legal awareness and community participation in supporting law enforcement are very important. Public trust in the legal system also affects its effectiveness.

5) Cultural Factors:

- The values, norms, traditions, and customs that people adhere to affect their perspective on the law and its adherence to it. Social change also has an impact on law enforcement.

The implementation of the law can take place normally and peacefully, but it can also be due to violations of the law. In this case, the law that is violated must be enforced, through the enforcement of this law, the law becomes a reality (Nizam, 2020).

The authority given to public officials must be exercised in accordance with applicable laws and restrictions to prevent abuse of power and corruption. Articles 15-19 of Law No. 30 of 2014 stipulate that public officials may not exceed, confuse, or act arbitrarily with the authority they have. Supervision of abuse of authority is carried out by APIP, the results of which must be respected and complied with. However, if there is a state loss due to abuse of authority, the return of the loss does not eliminate criminal prosecution against the perpetrator, as stipulated in Law No. 1 of 2004 and Law No. 31 of 1999. APIP is expected to work actively and independently in collaboration with other law enforcers to tackle corruption effectively (Panjaitan, 2017).

Conclusion

Abuse of office authority, especially in the context of corruption, is a serious problem that requires attention and strict law enforcement. Based on Article 3 of Law No. 31 of 1999 jo Law No. 20 of 2001, acts of corruption by officials who abuse their power are criminal offenses. Examples in the Ministry of Religious Affairs, such as those ruled by the Supreme Court, show that such cases can be resolved with permanent legal force.

However, the abuse of authority that resulted in administrative violations was still not followed up, which shows the need for the active role of the Inspectorate General to ensure the upholding of the law and legal certainty in the Ministry of Religious Affairs. The main factors that cause many cases of abuse of authority in Indonesia include unbridled power, an unlimited view of freedom of action, weak

law enforcement, poor morals and mentality, economic pressure, and weak supervision.

For law enforcement effectiveness, the following factors are needed: clear and fair laws, integrity and competent law enforcement, adequate infrastructure, law-aware community participation, and a culture that supports the law. The authority of public officials must be exercised in accordance with legal limits to prevent abuse and corruption. Supervision by the Government Internal Supervisory Apparatus (APIP) and collaboration with other law enforcement agencies are very important in tackling corruption effectively.

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