



Analysis of the Understanding of State Administrative Law and Its Implications for the Quality of Public Services within the Brebes Regency Government

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Abstract. State Administrative Law (HAN) is an important instrument for regulating the implementation of clean and accountable governance. However, the level of understanding among State Civil Apparatus (ASN) regarding the principles of HAN often varies, potentially affecting public policy, bureaucratic performance, and the quality of public services. As observed in Brebes Regency, there remains a gap between senior ASN personnel with more than 20 years of service and ASN personnel who have held their positions for less than 5 years. To facilitate the transition toward an accountable digital bureaucracy, the Brebes Regency Government is advised to formulate a specific Brebes Regent Regulation (Perbup) concerning digital work procedures and data integration to provide legal certainty for technical implementing staff. Furthermore, HAN training programs/seminars should be organized for non-legal Regional Government Agencies (OPD), such as BKPSDMD, Kesbangpol, and subdistrict administrations, with a focus on digital administrative law, administrative discretion, and the mitigation of legal risks in public service delivery. The findings of this study are expected to provide a foundation for policymakers, particularly the Regent of Brebes, to strengthen the regulatory framework so that every public policy has a clear legal basis. Without a strong legal basis, public policies may result in administrative errors, potentially leading to lawsuits before the State Administrative Court (PTUN) or other legal proceedings.

Keywords: Bureaucratic Performance; Legal Risk; Public Policy; Service Quality; State Administrative Law.

1. INTRODUCTION

In a modern system of government, the State Civil Apparatus (ASN) plays a strategic role in implementing public policies, delivering public services, and fostering national unity and cohesion. In carrying out their duties and exercising their authority, ASN personnel are required not only to possess technical and managerial competencies but also to have an adequate understanding of State Administrative Law (HAN). HAN serves as the primary legal framework governing the relationship between the government and citizens and provides guidance for government officials in performing governmental functions based on the principle of the rule of law (Rechtsstaat). Therefore, an understanding of HAN is a fundamental requirement for every ASN personnel to ensure that all governmental actions are carried out in accordance with applicable laws and regulations.

The evolving paradigm of governance toward the implementation of good governance further emphasizes the importance of government officials' mastery of HAN. The concept of good governance emphasizes transparent, accountable, effective, and efficient governance grounded in the principle of legality. Every policy, decision, and administrative action taken by local governments must have a clear legal basis and be accountable from both administrative

and legal perspectives. In this context, HAN serves as a normative foundation that ensures governmental authority is exercised in accordance with established legal procedures and limitations.

Conversely, ASN personnel's limited understanding of HAN principles may give rise to various problems in the administration of government. A lack of understanding of legality and administrative procedures may lead to maladministration, abuse of authority (abuse of power), violations of the general principles of good governance (AUPB), and administrative disputes that may ultimately result in lawsuits before administrative courts. Such conditions not only adversely affect the quality of public services but may also undermine public trust in government institutions. Therefore, strengthening ASN capacity in the field of HAN constitutes an important preventive measure for achieving professional and integrity-based governance.

In the context of local government, the need for an understanding of HAN has become increasingly relevant with the implementation of regional autonomy, which grants local governments broad authority to regulate and administer governmental affairs. Brebes Regency, as one of the regencies with an extensive territory and a large population in Central Java Province, faces complex challenges in governance and public service delivery. The diverse governmental functions that must be carried out by regional government agencies require a common understanding and standardized knowledge of administrative law procedures among all local government officials.

Standardizing ASN personnel's understanding of HAN within the Brebes Regency Government is essential to ensure that every governmental administrative process is conducted in accordance with the principles of legality, legal certainty, and high-quality public service delivery. With a sound understanding of HAN, ASN personnel are expected to exercise their authority appropriately, avoid maladministration, and foster transparent and accountable governance. Ultimately, strengthening ASN capacity in State Administrative Law will contribute to improving the quality of public services and realizing effective, responsive local governance that is oriented toward the interests of the community.

2. LITERATURE REVIEW

In this study entitled *Analysis of the Understanding of State Administrative Law and Its Implications for the Quality of Public Services within the Brebes Regency Government*, several theories are employed to assess and analyze the research problems and the objectives to be achieved. These theories include:

Principle of Legality

"According to Wade, the principle of legality constitutes a fundamental foundation of administrative law, requiring every governmental action to have a lawful basis of authority. Such authority must be exercised in accordance with the purpose for which it was granted and must not exceed the limits prescribed by laws and regulations. Thus, legality serves as an instrument for controlling administrative power in order to prevent arbitrary actions and ensure the protection of citizens' rights." (Wade & Forsyth, 2014).

Theory of Legal Effectiveness

"According to Soerjono Soekanto, legal effectiveness is determined by five principal factors, namely the law itself, law enforcement, facilities or infrastructure, society, and culture. These five factors are interrelated and influence the effectiveness of a regulation in achieving its intended objectives. Therefore, an analysis of the implementation of a regional regulation should not be limited solely to its normative aspects but must also consider institutional aspects, resources, the level of public compliance, and the legal culture that develops within the environment in which it is implemented." (Soekanto, 2014).

This theory is highly appropriate as the grand theory for assessing the effectiveness of Regional Regulation implementation in State Administrative Law research, including for examining why a Regional Regulation may be legally in force but has not yet been effectively implemented in practice by the authorized regional government agencies.

3. METHOD

This study employs a mixed-methods approach with an explanatory sequential design, combining quantitative and qualitative methods to obtain an in-depth analysis.

Location and Subjects: The study was conducted within the Brebes Regency Government, focusing on Regional Government Agencies (OPD) that directly provide public services. The research subjects consisted of State Civil Apparatus (ASN) personnel as policy implementers and members of the public as service users.

Data Collection Techniques: Quantitative data were obtained through the distribution of structured questionnaires to measure the level of understanding of State Administrative Law (HAN) and the quality of public services. Meanwhile, qualitative data were collected through in-depth interviews with heads of OPD/experts in state administrative law, as well as through a documentary review of service standard operating procedures (SOPs).

Data Analysis: Quantitative data were analyzed using simple linear regression to examine the effects and implications of variable X on variable Y. Qualitative data were analyzed using interactive analysis techniques (data reduction, data presentation, and conclusion drawing) to strengthen and explain the quantitative findings in a more contextual manner.

4. RESULTS AND DISCUSSION

The study entitled “Analysis of the Understanding of State Administrative Law and Its Implications for the Quality of Public Services within the Brebes Regency Government” was conducted in five (5) Regional Government Agencies (OPD) within the Brebes Regency Government, while one respondent identified the Regional Secretariat without specifying the relevant division. The five OPD were the Regional Personnel and Human Resources Development Agency (BKPSDMD), the National Unity and Political Agency (Bakesbangpol), the Public Order Agency (Satpol PP), the Legal Division, the Government Administration Division, and the Brebes Regional Secretariat.

A total of 47 respondents were willing to complete the questionnaire prepared by the Research Team. The respondents consisted of personnel from several government agencies, including the Regional Personnel and Human Resources Development Agency (BKPSDMD) with 18 respondents, the Legal Division of the Regional Secretariat with 17 respondents, the Government Administration Division of the Regional Secretariat with 4 respondents, the National Unity and Political Agency (Bakesbangpol) with 6 respondents, Satpol PP with 1 respondent, and the Brebes Regional Secretariat with 1 respondent.

The following table presents the distribution of respondents by OPD:

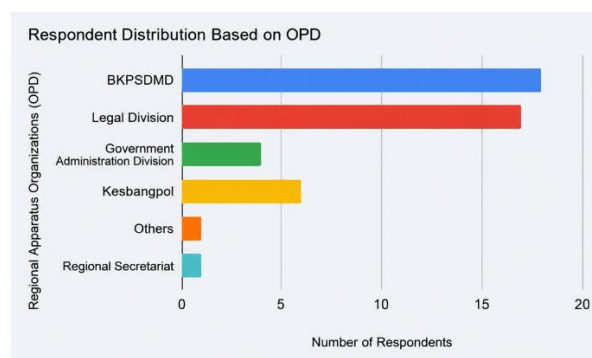


Figure 1. Respondent Distribution Based on Regional Apparatus Organizations (OPD).

From the questionnaire distributed through the WhatsApp application, 13 questions were presented to the respondents. Respondents were only required to select one answer that they considered the most appropriate. The questions included respondent identity without

requiring names, consisting of OPD affiliation, gender, and length of service. Other questions concerned actions related to the understanding of State Administrative Law and its implications for the quality of public services within the Brebes Regency Government.

Based on the analysis of survey data regarding preparedness in State Administrative Law (HAN) and the digitalization of public services within the Brebes Regency Government, the following in-depth findings and trends were identified.

The survey involved 47 respondents distributed across several Regional Government Agencies (OPD), with the majority coming from BKPSDMD (18 respondents) and the Legal Division of the Brebes Regional Secretariat (17 respondents), as illustrated in the chart “Distribution of Respondents by OPD.”

First, local regulatory preparedness in accordance with Law No. 20 of 2023. Although digital service applications are technically ready, legal aspects and local regulations remain the largest gap in the implementation of the digitalization of ASN management and bureaucratic simplification.

Gap Between Technical and Regulatory Preparedness: A total of 47% of respondents (22 people) stated that their institutions were technically ready in terms of applications, but the local legal framework, such as Regent Regulations concerning digital work procedures, had not yet been fully understood or made available.

Inter-OPD Gap: Cross-OPD analysis in the chart “Preparedness of Legal Aspects & Digital ASN Work Procedures by OPD” shows that 100% of respondents from Kesbangpol felt that the local legal framework was not yet ready or adequately understood. In contrast, in the Legal Division, 53% of respondents felt very well prepared because public service SOPs had been adjusted to legally recognized digital platforms.

Conflict with Manual Procedures: A total of 15% of respondents (7 people) complained that the operation of digital systems in their institutions still frequently conflicted with longstanding manual bureaucratic procedures.

Recommended Action: The Brebes Regency Government needs to immediately formulate and disseminate implementing regulations, such as a Regent Regulation, that specifically govern digital work procedures in order to prevent legal vacuums or uncertainty among technical implementers in the field.

Second, the gap in understanding and the need for additional HAN training across OPD must be addressed. There was unanimous agreement (100% or 47 respondents) that every official action or decision must have a written legal basis, in accordance with the Principle of

Legality. However, the capacity to understand instruments of State Administrative Law remains uneven across OPD.

Disparity in Satisfaction with Training: In the Legal Division, 41% of respondents felt that guidance or training on HAN provided by the Brebes Regency Government had so far been highly sufficient. In contrast, only 5.6% of respondents in BKPSDMD felt that the training was highly sufficient, while 50% of respondents in Kesbangpol stated that training remained insufficient or had almost never been provided.

Needs of Senior ASN Personnel: Interestingly, respondents with the longest period of service (>20 years) felt that they had received the least training, with 46% stating that training was insufficient and 0% considering it highly sufficient. This indicates an urgent need for refresher programs on new regulations for senior officials who exercise decision-making authority.

Understanding of the Limits of Responsibility: Although 77% (36 respondents) clearly understood the limits of the legal responsibility of technical implementers (inputters) when data errors occur, 23% of respondents still had limited knowledge or no knowledge at all regarding the applicable legal mechanisms.

Third, the clarity of legal responsibility in the era of automation and AI. As digital system automation and simple forms of artificial intelligence (AI) begin to be utilized in public services, clarity regarding who bears legal responsibility when a system failure (output error) occurs has become increasingly crucial.

Public Officials Remain Responsible: The majority of respondents (70% or 33 people) agreed that the institution or public official who signs off on or launches the system should bear legal responsibility (*Onrechtmatige Overheidsdaad*), as shown in the chart “Legal Responsibility for Digital System/AI Errors.”

The “Computer Error” Myth: There were still 21% of respondents (10 people) who believed that no party could be held legally responsible because the incident constituted a purely technical computer error. This understanding is relatively risky because, under State Administrative Law, responsibility for public service delivery cannot be fully delegated to machines without corresponding official accountability.

OSS-RBA Challenges: OSS-RBA (Online Single Submission Risk-Based Approach) is an electronic business licensing system managed by the Government of Indonesia. The problem of unclear authority is also reflected in the implementation of OSS-RBA following the Job Creation Law, where 60% of respondents (28 people) reported dualism or overlapping

verification authority between regulations embedded in the central system and existing Regional Regulations.

5. CONCLUSION

In general, officials within the Brebes Regency Government demonstrate a very good level of legal awareness. This is evidenced by 91% of respondents (43 people) who correctly identified the State Administrative Court (PTUN) as the institution authorized to review decisions made by public officials that violate administrative procedures in the absence of state financial losses.

However, to facilitate the transition toward an accountable digital bureaucracy, the Brebes Regency Government is advised to accelerate local regulation by formulating a specific Brebes Regent Regulation (Perbup) concerning digital work procedures and data integration in order to provide legal certainty for technical implementing staff. In addition, the government should ensure equitable HAN training by organizing HAN training programs or seminars targeting non-legal OPD, such as BKPSDMD, Kesbangpol, and subdistrict administrations, with a focus on digital administrative law, administrative discretion, and the mitigation of legal risks in public service delivery.

It is expected that the findings of this study will serve as an important foundation for policymakers, particularly the Regent of Brebes, in strengthening laws and regulations so that every policy has a clear legal basis. Without a strong legal basis, public policies may result in administrative errors, potentially leading to lawsuits before the State Administrative Court (PTUN) or other legal proceedings.

One approach to addressing these issues is to provide refresher training for all government officials through training programs that are aligned with technological advancements and developments in laws and regulations. This is important to prevent a gap between senior officials and newly appointed, more recently trained personnel who are familiar with the prevailing regulations.

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