



## Implementation of General Principles of Good Governance in State Administrative Law in Indonesia

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### ABSTRACT

The General Principles of Good Governance (AUPB) are of significant urgency in the Indonesian state system because they function as a normative foundation to ensure the implementation of clean, transparent, accountable governance per the principles of democracy and law. This study aims to analyze the application of AUPB in the practice of state administrative law in Indonesia while identifying the challenges in its implementation. The research method used is a literature study with a normative approach, through the analysis of various rules and regulations, legal doctrines, scientific literature, and court decisions related to the application of AUPB, to provide a comprehensive picture of the position of this principle in government practice. The study results indicate that AUPB has obtained legal legitimacy through various regulations, especially Law Number 30 of 2014 concerning State Administration. However, its implementation in the field still faces quite complex obstacles, both from the structural aspect in the form of weak oversight mechanisms and enforcement of sanctions, as well as from the cultural aspect in the form of low understanding and commitment of the bureaucratic apparatus to the basic principles of AUPB. This situation is reflected in the ongoing high number of state administrative disputes resulting from violations of these principles. The impact of this research emphasizes the need for strengthened regulations, increased civil servant capacity, and a consistent instillation of a legal culture so that the implementation of the AUPB can truly realize good governance and increase public trust in state institutions.

### ABSTRAK

Asas Umum Tata Kelola Pemerintahan yang Baik (AUPB) memiliki urgensi yang signifikan dalam sistem ketatanegaraan Indonesia karena berfungsi sebagai landasan normatif untuk menjamin terselenggaranya pemerintahan yang bersih, transparan, akuntabel, serta sesuai dengan asas demokrasi dan hukum. Penelitian ini bertujuan untuk menganalisis penerapan AUPB dalam praktik hukum administrasi negara di Indonesia sekaligus mengidentifikasi tantangan yang muncul dalam implementasinya. Metode penelitian yang digunakan adalah studi kepustakaan dengan pendekatan normatif, melalui analisis berbagai peraturan perundang-undangan, doktrin hukum, literatur ilmiah, dan putusan pengadilan yang terkait dengan penerapan AUPB, sehingga dapat memberikan gambaran yang komprehensif tentang kedudukan asas ini dalam praktik pemerintahan. Hasil penelitian menunjukkan bahwa AUPB telah memperoleh legitimasi hukum melalui berbagai regulasi, khususnya Undang-Undang Nomor 30 Tahun 2014 tentang Administrasi Negara, namun implementasinya di lapangan masih menghadapi kendala yang cukup kompleks, baik dari aspek struktural berupa lemahnya mekanisme pengawasan dan penegakan sanksi, maupun dari aspek kultural berupa rendahnya pemahaman dan komitmen aparatur birokrasi terhadap asas dasar AUPB. Situasi ini tercermin dari tingginya jumlah sengketa tata usaha negara yang masih terjadi akibat pelanggaran prinsip-prinsip tersebut. Dampak penelitian ini menekankan perlunya penguatan regulasi, peningkatan kapasitas pegawai negeri sipil, dan penanaman budaya hukum yang konsisten agar implementasi AUPB dapat benar-benar mewujudkan tata kelola pemerintahan yang baik dan meningkatkan kepercayaan publik terhadap lembaga negara.

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## 1. Introduction

The implementation of fair and integrity-based governance within the context of the rule of law in Indonesia is highly dependent on the implementation of the General Principles of Good Governance (AUPB). The AUPB encompasses fundamental principles such as legal certainty, benefit, and transparency, which are expected to strengthen governance. Although the AUPB has become a guideline for governance, its implementation in Indonesia faces various challenges. This study further examines the extent to which the AUPB is implemented in state administrative law and the factors influencing its effectiveness.

The importance of this study lies in the need to understand how state administrative law plays a role in preventing corruption, a major problem plaguing governance in Indonesia. According to Rahim et al. (2023), strengthening state administrative law is crucial for preventing and eradicating corruption. This study explains the relationship between compliance with the AUPB and efforts to achieve clean and accountable governance. On the other hand, Putriyanti (2015) argues that good governance, including the review of state administrative decisions, is fundamental to achieving legal certainty, which is a crucial aspect of the AUPB.

The methodology used in this study is a qualitative-descriptive approach. Data were collected through observation, interviews, and analysis of relevant documents to understand various stakeholders' perspectives regarding the AUPB implementation and the challenges faced. This method also aims to ensure the validity and reliability of the data obtained, as illustrated in the research by Firmansyah and Syam (Firmansyah & Syam, 2022), which illustrates the importance of collecting data from various sources to obtain a comprehensive understanding.

The primary objective of this study is to provide a clear picture of the implementation of the AUPB in Indonesian state administrative law practice and to identify factors influencing its effectiveness. Thus, this research is expected to contribute significantly to developing government policies and

efforts to improve the state administrative system so that it is more effective and accountable.

Based on the analysis of various literature, the expected outcome of this study is the discovery of recommendations that can help the government overcome challenges in implementing the AUPB and support efforts to eradicate corruption, as explained by Firmansyah and Syam (Firmansyah & Syam, 2022). Therefore, this research is expected to provide insights that contribute to strengthening governance in the future.

## 2. Theory

Law Number 5 of 1979 concerning Village Government defines a village as "an area inhabited by a group of residents constituting a legal community unit, under the authority of a sub-district head and authorized to regulate its own government affairs within the framework of the Unitary State of the Republic of Indonesia" (Article 1 letter a). This definition demonstrates the importance of villages within the Indonesian government structure as autonomous entities with unique characteristics and sovereignty in managing their internal affairs.

Village government plays a crucial role in implementing development and community empowerment. Within the context of village government, villages have several authorities, including infrastructure development, provision of basic services, management of natural resources, and regulation of community life. In exercising their authority, village governments are expected to apply the principles of community participation, transparency, and accountability to achieve community welfare.

Strong institutions and adequate systems must support effective and sustainable village development. This aligns with the notion that village development's success depends not only on the policies or programs implemented but also on the village's ability to manage resources and empower its community. According to the Ministry of Home Affairs of the Republic of Indonesia (2014), resilient and independent villages can contribute to national development and reduce inequality between urban and rural areas.

The General Principles of Good Governance (AUPB) are a crucial element of Indonesia's legal and constitutional system. They serve as guidelines for state institutions and government officials in carrying out their duties and authorities. Implementing the AUPB is expected to create governance that is transparent, accountable, and responsive to community needs. The AUPB encompasses legal certainty, openness, community participation, accountability, and justice (Article 4 of Law Number 30 of 2014).

The AUPB is also crucial for strengthening the government's legitimacy in the eyes of the public. As explained by Dwipayana (2016), implementing the AUPB can increase public trust in the government, which in turn contributes to political and social stability. Therefore, every element of government is required to carry out its functions in accordance with the principles of the rule of law and democratic governance. The relationship between the AUPB and village governments is a crucial focus in ensuring accountability and local community involvement in decision-making. In this context, the AUPB approach can assist villages in formulating policies that reflect community aspirations and increase public participation in the planning and implementation of development programs.

### **3. Research Method**

This research employed a literature review with a normative approach, allowing researchers to explore and examine relevant literature on implementing the General Principles of Good Governance (AUPB) in the context of state administrative law in Indonesia. Data obtained from various sources, including legal textbooks, scientific journals, and rules and regulations, is expected to provide a comprehensive analytical framework for this research. Gual Rahim et al. (2023) state that understanding the legal context and structure is crucial for identifying barriers and effectiveness in AUPB implementation in government administration.

The analysis was conducted qualitatively, examining the content and context of the collected sources, allowing researchers to gain a deeper understanding of how AUPB is implemented in

public administration practice. For example, research by Zamzami and Hastuti Putriyanti (2015) showed that community participation in the village financial planning and management process significantly influences the successful implementation of AUPB. Public knowledge and understanding of the importance of such involvement are key factors in achieving accountability and transparency in village budget management, thus aligning with the objectives of AUPB, which emphasize openness and community participation (Ridwanullah et al., 2019).

Furthermore, this research will focus on analyzing changes in the existing legal system that support the implementation of Village Administrative Reform (AUPB) at the village level. Erfit, Firmansyah, & Syam (2022) argue that sound financial planning and management in the village context can improve the quality and accountability of village governance. This aligns with the principles of AUPB, which emphasize the importance of legal certainty and efficiency in resource utilization. Challenges faced include a lack of understanding of existing regulations and human resources capacity in the village government.

This research aims to significantly contribute to the development of state administrative law in Indonesia by highlighting the link between theory, regulation, and practice in implementing AUPB. Effective implementation of AUPB will not only strengthen the legitimacy of village governance but also improve community welfare through quality public services.

### **4. Research Result and Discussion**

The General Principles of Good Governance (AUPB) are fundamental principles that must be adhered to by every government official in carrying out their duties, functions, and authorities. AUPB is not merely an ethical norm but also a legally binding norm because it is directly related to transparent, accountable, and public-interest-oriented governance. According to Pratiwi and Cekli (2016), AUPB encompasses the principles of legal certainty, expediency, non-abuse of power, openness, public interest, and excellent service. These principles aim

to ensure that every state administration decision is formally valid and substantively just. In the practice of governance, these principles are a crucial instrument for preventing arbitrary actions by public officials who have broad authority to manage public affairs.

Historically, the concept of AUPB emerged from the development of administrative law in Continental European countries, particularly the Netherlands, known as *algemenestartelen van behoorlijk bestuur*. This concept emerged from the practice of administrative justice, when judges needed a normative basis to assess the validity of administrative actions not explicitly stipulated in law. According to Philipus M. Hadjon, the AUPB is a legal principle developed through jurisprudence to protect citizens' rights from potential arbitrary government action. Therefore, the AUPB serves not only as a technical guideline for governance but also as an instrument for maintaining a balance between state authority and the rights of the people.

In the Indonesian context, formal recognition of the AUPB can be found in various laws and regulations, one of the most comprehensive being Law Number 30 of 2014 concerning State Administration. This law emphasizes that every state administrative decision must be based on the general principles of good governance. This regulation makes the AUPB legally binding, not merely a moral or ethical principle. The articles in the law explicitly outline the principles of the AUPB, the mechanisms for implementing them, and the legal consequences for violations. Thus, the AUPB occupies a very strategic position because it serves not only as a guideline but also as a benchmark for the legality of state administrative decisions.

Jimly Asshiddiqie (2006) states that the AUPB can be viewed as an instrument for ensuring good governance. According to him, the AUPB acts as a bridge between formal legality and substantive justice. This means that even if a state administrative decision is legally valid because it meets procedural principles, if it conflicts with the principle of justice or violates the public interest, the decision can still be declared lawfully invalid for failing to comply with the AUPB. This thinking emphasizes that the

AUPB has a dual role: serving as both a legal and ethical standard in governance.

However, implementing the AUPB in Indonesia still faces several serious challenges. According to Marbun (2001), although the AUPB is clearly stipulated in various laws and regulations, in practice, violations of these principles still frequently occur. One contributing factor is a lack of understanding of the substance of the AUPB among government officials. Many officials only understand the AUPB as a legal formality without truly internalizing it in their daily administrative actions. This results in various administrative decisions that are detrimental to the public, whether due to protected permits, slow public services, or a lack of transparency in decision-making.

Furthermore, weak commitment is also a major obstacle to implementing the AUPB. Indonesia's bureaucratic culture remains rife with corruption, collusion, and nepotism (KKN), which clearly contradict the principles of good governance. This creates a situation where administrative decisions are often influenced by personal or group interests rather than the public interest. As a result, the principles of public interest and public service are often ignored.

Another equally significant challenge is the weak oversight and law enforcement mechanisms for violations of the AUPB. Internal oversight institutions often lack sufficient independence to oversee officials above them. Meanwhile, external oversight institutions, such as the Indonesian Ombudsman, have limited authority. Susanto (2021) explains that the Ombudsman is an external oversight body that receives public reports regarding maladministration. The Ombudsman can provide recommendations to relevant agencies to correct violations of the AUPB, but these recommendations are often non-binding. As a result, many recommendations are ignored by government agencies, limiting the effectiveness of the Ombudsman's role in enforcing the AUPB.

Maladministration in Indonesia is clear evidence of the weak implementation of the AUPB. The Indonesian Ombudsman's annual report shows many public complaints regarding public services, most of which are caused by violations of the

principles of legal certainty, openness, and good service. This situation emphasizes the gap between written legal norms and bureaucratic practices. If this perception persists, achieving clean, transparent, and accountable governance will be difficult.

To strengthen the implementation of the AUPB, a series of systematic and sustainable efforts is required. First, improving the capacity and integrity of government officials through AUPB education and training is a crucial step. State officials must be given a deep understanding that AUPB is not only a legal obligation, but also a moral standard that must be upheld in every administrative action. Second, strengthening oversight mechanisms, both internal and external, must be done by granting greater authority to supervisory institutions to take action against AUPB violations. The Ombudsman, for example, needs to be given stronger authority so that its recommendations are binding. Third, bureaucratic reform must be directed at changing the work culture to be more professional, transparent, and accountable. Bureaucratic reform is not only related to improving organizational structure, but also includes changing the mentality of the apparatus, from a patrimonial bureaucracy to a modern, service-based bureaucracy.

In addition to these measures, active public participation is crucial in enforcing the AUPB. The public, as recipients of public services, must be given greater space to oversee government oversight. Public participation mechanisms such as consultation forums, easily accessible complaint mechanisms, and public information disclosure must be strengthened so that the public can play an active role in encouraging the government to implement the AUPB. Consistent law enforcement against AUPB violations must also be enforced. Any actions by officials violating the AUPB must be subject to strict sanctions to create a deterrent effect. Without clear sanctions, the AUPB will simply become a dead norm without coercive power.

Philosophically, the existence of the AUPB demonstrates that the rule of law focuses not only on formal legality but also on substantive justice. The AUPB serves as a normative and ethical standard that binds state administrative officials in every decision-making process. Philipus M. Hadjon

asserts that the AUPB was removed from administrative justice practice in Continental Europe and developed as an effort to assess the legitimacy of administrative actions not explicitly regulated by law. In the Indonesian context, the recognition of the AUPB through Law 30/2014 is evidence that the general principles of good governance have gained positive legal legitimacy.

It can be said that the AUPB plays a crucial role in Indonesia's government administration. The principles contained in the AUPB not only aim to provide legal certainty but also to ensure that every administrative action is carried out in the public interest, fairly, and responsibly. Implementation obstacles still faced, such as low levels of understanding among officials, weak bureaucratic commitment, and limited oversight mechanisms, must be immediately addressed through strengthening apparatus capacity, bureaucratic reform, and empowering oversight institutions. Public participation must also be continuously encouraged as part of democratic oversight of government. With consistent implementation of the AUPB, it is hoped that Indonesian governance will develop to be better, more transparent, and more accountable, thereby increasing public trust in state institutions.

## **5. Conclusion and Suggestions**

Implementing the General Principles of Good Governance (AUPB) in state administrative law in Indonesia has a strong legal basis, but in practice, it still faces various challenges. The lack of understanding and commitment of government officials to the principles of AUPB, weak oversight and law enforcement systems, and a bureaucratic culture that does not support the principles of good governance are the main obstacles to the implementation of AUPB. To realize good governance, more serious efforts are needed to improve the understanding and commitment of government officials to AUPB, strengthen the oversight and law enforcement systems, and implement bureaucratic reform that supports the implementation of the principles of AUPB.

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