



THE STATE ADMINISTRATIVE LAW APPROACH IN COUNTERING CORRUPTION OFFENCES IN INDONESIA



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Abstract

This study examines how Indonesian state administrative law can prevent, detect, and correct corruption-related irregularities without displacing criminal accountability. Using a normative-juridical and documentary approach updated to the legal framework applicable in 2026, it analyses governmental administration, anti-corruption law, the 2023 Criminal Code and 2026 Criminal Adjustment Law, internal control, civil-service discipline, procurement, administrative review, and twenty-two peer-reviewed studies. Institutional capacity is assessed qualitatively across five functions: prevention, early detection, correction, recovery, and deterrence. The findings identify six administrative instrument families. Administrative law is strongest in ex ante prevention, internal detection, and corrective action, while criminal law remains indispensable where conduct involves intentional personal or third-party gain, bribery, concealment, coercive investigation, or serious systemic harm. The study distinguishes procedural error, maladministration, misuse of discretion, abuse of authority, and intentional corrupt abuse. It proposes four allocation criteria: intent to obtain gain, magnitude of harm, systemic or repeated character, and recoverability. It concludes that the administrative-criminal relationship should operate as a legally bounded functional division of labour, not a hierarchy. The academic contribution is an operational allocation matrix that preserves mandatory criminal liability for serious intentional corruption while protecting good-faith administrative decision-making.

Abstrak

Penelitian ini mengkaji bagaimana hukum administrasi negara Indonesia dapat mencegah, mendeteksi, dan mengoreksi penyimpangan terkait korupsi tanpa menggantikan pertanggungjawaban pidana. Dengan pendekatan yuridis-normatif dan dokumenter yang diperbarui sesuai kerangka hukum 2026, penelitian menganalisis administrasi pemerintahan, pemberantasan korupsi, KUHP 2023 dan Undang-Undang Penyesuaian Pidana 2026, pengendalian intern, disiplin pegawai, pengadaan, penilaian penyalahgunaan wewenang, serta dua puluh dua studi jurnal sejawat. Kapasitas kelembagaan dinilai secara kualitatif pada lima fungsi: pencegahan, deteksi dini, koreksi, pemulihan, dan efek jera. Temuan mengidentifikasi enam keluarga instrumen administratif. Hukum administrasi paling kuat pada pencegahan



ex ante, deteksi internal, dan tindakan korektif, sedangkan hukum pidana tetap tidak tergantikan ketika perbuatan mengandung kesengajaan memperoleh keuntungan pribadi atau pihak ketiga, suap, penyembunyian, kebutuhan penyidikan koersif, atau kerugian sistemik serius. Penelitian membedakan kesalahan prosedural, maladministrasi, penyalahgunaan diskresi, penyalahgunaan wewenang, dan penyalahgunaan koruptif yang disengaja. Empat kriteria alokasi diusulkan: niat memperoleh keuntungan, besaran dampak, sifat sistemik atau berulang, dan kemampuan pemulihan. Kesimpulannya, hubungan administrasi-pidana harus dipahami sebagai pembagian kerja fungsional yang dibatasi hukum. Kontribusi akademiknya ialah matriks alokasi operasional yang tetap menjaga pertanggungjawaban pidana wajib untuk korupsi serius yang disengaja.

INTRODUCTION

Corruption in Indonesia is frequently approached through investigation, prosecution, and punishment, yet many corruption risks arise within ordinary administrative processes such as licensing, procurement, budgeting, payment authorisation, personnel decisions, and the exercise of statutory discretion. That proposition must be stated with care: not every corruption offence is preceded by an administrative error, and bribery, embezzlement, obstruction, and other intentionally concealed offences may arise outside a correctable administrative sequence. The present study therefore focuses on corruption risks that emerge from, exploit, or distort the exercise of public administrative authority. In that domain, legality, procedural control, internal supervision, audit trails, transparency duties, conflicts-of-interest rules, and administrative review can intervene before or immediately after an irregular decision. This preventive dimension is especially relevant because criminal enforcement generally operates *ex post*, after an unlawful benefit has been conferred or a state loss has occurred. The administrative perspective does not reduce the constitutional and criminal-law commitment to corruption eradication; rather, it asks which legal instrument is institutionally suited to each stage of control (Rose-Ackerman, 2018; Persson, Rothstein, & Teorell, 2019).

Indonesian scholarship has developed substantial but partly separate literatures on corruption criminal law and administrative law. Criminal-law studies examine abuse of power, state financial loss, institutional independence, and consistency of adjudication (Hiariej, 2019; Hamzah & Nurdin, 2020; Mochtar, 2019; Wijayanta, 2020), while administrative-law studies address the general principles of good governance, administrative review, abuse of authority, accountability, and bureaucratic prevention (Hadjon & Tatiek, 2019; Marbun & Ridwan, 2021; Kristiyanto, 2020). Studies of procurement digitalisation and transparency show how procedural architecture can

narrow opportunities for manipulation (Rahmatian, 2021; Simanjuntak & Nasution, 2022). The gap is therefore not the absence of work on either field, but the lack of an integrated account explaining how administrative and criminal mechanisms should be legally separated and institutionally coordinated when both may respond to the same underlying conduct. This problem is sharpened by the need to distinguish a procedural error or maladministration from misuse of discretion, abuse of authority, and an intentional corrupt abuse directed to personal or third-party gain.

Previous studies provide essential building blocks but do not fully operationalise the administrative-criminal boundary. The administrative-law literature explains that governmental power is conditioned by legality, purpose, competence, procedure, and the general principles of good governance, whereas the criminal-law literature emphasises culpability, unlawful enrichment, evidentiary standards, and the expressive function of punishment (Hadjon & Tatiek, 2019; Hiariej, 2019). Accountability scholarship further shows that prevention and detection depend on institutional design rather than sanction severity alone (Bovens, Schillemans, & Goodin, 2019). Building on these insights, this study treats the relationship as a legally bounded functional division of labour. The phrase is both a doctrinal synthesis and a policy model: doctrinally, administrative correction cannot extinguish criminal liability when the statutory elements of corruption are fulfilled; institutionally, administrative instruments should nevertheless carry functions that they can perform earlier, faster, and more proportionately. This formulation also reflects the 2026 legal context, in which the Criminal Code enacted by Law No. 1 of 2023 has entered into force and the Criminal Adjustment Law No. 1 of 2026 further aligns criminal provisions, while the Government Administration Law remains the principal basis for reviewing governmental authority.

Accordingly, the study asks three questions: what administrative-law instruments are available for corruption control; how do their functional capacities compare with criminal enforcement; and what criteria should allocate cases between administrative correction and criminal referral? Its novelty lies in combining doctrinal classification with an operational allocation matrix rather than treating administrative handling as a lesser form of prosecution. Five control functions are used because together they capture the temporal and remedial sequence of corruption control: preventing opportunity before misconduct, detecting irregularity when it emerges, correcting an unlawful administrative product or process, recovering public loss, and deterring intentional gain. The central argument is that administrative law should bear the preventive and corrective burden only for conduct that remains within the administrative domain, while criminal law is indispensable where evidence indicates intentional enrichment, bribery, concealment, serious or systemic harm, or other conduct satisfying criminal elements. In this limited sense, criminal law functions as

a last resort for non-venal administrative misconduct, not as a general licence to decriminalise serious corruption (Reksodiputro & Ali, 2020; Zamroni & Aziz, 2022).

METHODS

This research uses a normative-juridical method supported by structured documentary analysis. The primary legal corpus comprises eight principal regulatory clusters relevant to the administrative-criminal interface: Law No. 30 of 2014 on Government Administration; Law No. 31 of 1999 on Corruption Eradication as amended by Law No. 20 of 2001, read in light of provisions affected by Law No. 1 of 2023 on the Criminal Code; Law No. 1 of 2026 on Criminal Adjustment; Government Regulation No. 60 of 2008 on the Government Internal Control System; Government Regulation No. 94 of 2021 on Civil Servant Discipline; Supreme Court Regulation No. 4 of 2015 on procedure for assessing abuse of authority; and the public-procurement framework under Presidential Regulation No. 16 of 2018 as amended, most recently by Presidential Regulation No. 46 of 2025. These instruments were selected because they regulate competence, discretion, internal control, discipline, procurement integrity, administrative review, criminalisation, and the transition between administrative and criminal responsibility.

The secondary corpus consists of the twenty-two peer-reviewed journal sources listed in the References section, published between 2018 and 2022 and directly addressing corruption control, administrative accountability, abuse of authority, state financial loss, procurement, transparency, judicial reform, or institutional design. Sources were included where they (a) addressed Indonesian law or a governance concept directly applicable to the Indonesian setting, (b) were published in an identifiable scholarly journal with editorial peer review, and (c) contributed to at least one of the five analytical functions. Sources were excluded where they were purely descriptive news items, advocacy materials without a legal-analytical basis, duplicate discussions, or materials unrelated to the administrative-criminal boundary. The study does not claim a statistically representative sample of court decisions or audit findings; administrative-court practice and oversight experience are used doctrinally and contextually through the legal instruments and published analyses cited in the manuscript. This limitation is stated expressly to avoid presenting a purposive legal corpus as an empirical dataset.

Analysis proceeded in three stages. First, an instrument inventory classified each mechanism by legal basis, competent actor, procedural trigger, and legal effect. Second, the instruments were assessed against five functions: prevention of opportunity, early detection of irregularity, correction of maladministration, recovery of state losses, and deterrence of intentional gain. These functions were selected because they span the *ex ante*, contemporaneous, and *ex post* stages of control and

distinguish remedial objectives that administrative and criminal law can perform differently. Third, the study developed allocation criteria by comparing the legal features of administrative error and criminal corruption. The former is assessed through competence, procedure, purpose, proportionality, and good-faith exercise of discretion; the latter additionally requires satisfaction of criminal elements, including the relevant form of unlawfulness, culpability, gain, bribery, concealment, or other statutory conduct. This framework generates four allocation variables: intentional pursuit of gain, magnitude of harm, repetition or systemic character, and recoverability.

In response to concerns about false precision, the revised study does not assign decimal capacity scores. Institutional capacity is reported through qualitative categories - strong, moderate, or limited - based on four transparent dimensions: legal reach, speed of intervention, evidentiary burden, and reliability of the legal effect. No claim of inter-rater statistical reliability is made because the coding was conducted as a doctrinal analytical exercise rather than a multi-coder quantitative study. Validity is instead supported by triangulation among statutory rules, procedural design, and peer-reviewed scholarship, while interpretive consistency is supported by applying the same four dimensions across all five functions. The period of legal updating extends through August 2026 so that the analysis reflects the entry into force of the 2023 Criminal Code and the 2026 Criminal Adjustment Law. The principal limitations are purposive source selection, the absence of a bounded empirical court-case dataset, and unavoidable researcher judgment in qualitative classification.

RESULT AND DISCUSSION

RESULT

The instrument inventory identifies six families of administrative mechanisms. The first is procedural and substantive control of decision-making, including competence rules, mandatory procedures, reason-giving, service standards, and the general principles of good governance. The second is internal supervision and audit through the Government Internal Control System and institutional inspectorates. The third comprises transparency and integrity obligations, including asset-related disclosure, gratification and conflict-of-interest controls, codes of conduct, integrity pacts, and protected reporting channels. The fourth is administrative and disciplinary sanction, ranging from corrective orders and reprimands to demotion or dismissal where the governing regime permits. The fifth is annulment or revocation of unlawful administrative decisions. The sixth is recovery through compensation, restitution, or other mechanisms directed at restoring public loss. These instruments are legally distinct from criminal punishment because their primary objects are administrative

legality, organisational discipline, correction, and restoration rather than condemnation of a criminal offence.

Procedural control is strongest at the prevention stage. Where competence, criteria, sequencing, documentation, and reasons are prescribed in advance, opportunities to manipulate licences, procurement, payments, appointments, or discretionary decisions become more visible and more reviewable. Government Regulation No. 60 of 2008 strengthens this preventive architecture through control environment, risk assessment, control activities, information and communication, and monitoring. Procurement digitalisation performs a similar role by leaving an auditable record and narrowing informal discretion (Simanjuntak & Nasution, 2022). The finding is therefore qualitative rather than absolute: administrative design has strong preventive capacity in administrative corruption-risk settings, but it does not prevent every corruption offence and cannot substitute for investigation of bribery, embezzlement, obstruction, or concealed collusion once criminal indicators appear.

Internal supervision and audit have strong potential for early detection because they operate close to the transaction and can identify documentary anomalies before an external criminal investigation begins. The revised formulation avoids claiming that a quantified proportion of irregularities is detected internally, because the present corpus is not an empirical audit sample. The defensible finding is instead institutional: internal reviewers possess earlier access to records, process deviations, procurement files, payment approvals, and control failures, but their effectiveness depends on functional independence, professional capacity, and protected reporting lines (Mochtar, 2019; Juwana, 2021). Transparency mechanisms likewise create comparison points against which conflicts, unexplained benefits, or deviations can be examined, but disclosure has little value without verification and follow-up (Rahmatian, 2021).

Administrative sanctions are appropriate where the wrong remains one of maladministration, disciplinary breach, negligence, procedural non-compliance, or non-venal misuse of administrative authority. They are not substitutes for prosecution where the same conduct independently satisfies the elements of a corruption offence. This distinction is critical. A procedural error concerns failure to comply with a required step without necessarily showing improper purpose. Maladministration is a broader defect in public administration that may involve delay, unfairness, negligence, or improper service. Misuse of discretion concerns an exercise of lawful decisional space contrary to statutory limits or governing principles. Abuse of authority concerns the use of competence beyond, confused with, or contrary to its legally conferred purpose. Intentional corrupt abuse adds a culpable orientation toward personal or third-party gain, bribery, concealment, or another criminally

prohibited objective. Only the first four categories are potentially resolvable through administrative correction alone, and even then only where no independent criminal elements are established.

Annulment and revocation reveal a capacity unique to administrative law: they address the legal product of the irregular act. A tainted licence, procurement decision, appointment, or administrative approval can be stripped of legal effect through the competent administrative or judicial process, thereby restoring legality in a way that imprisonment alone cannot. Conversely, criminal confiscation and coercive investigative powers reach concealed proceeds and evidence that administrative bodies ordinarily cannot compel. Recovery of state losses therefore occupies a genuinely complementary field. Administrative recovery can operate where loss and official responsibility are demonstrable without proof of criminal intent, whereas criminal confiscation is indispensable where assets are hidden, laundered, or linked to an offence (Hamzah & Nurdin, 2020; Dewi & Prasetyo, 2022). Restitution does not erase criminal liability when criminal elements are otherwise fulfilled.

The doctrinal boundary is anchored in the Government Administration Law and the criminal framework. Law No. 30 of 2014 prohibits abuse of authority and provides an administrative-law route for assessing governmental conduct, while Supreme Court Regulation No. 4 of 2015 supplies procedure for judicial assessment of abuse-of-authority elements. These mechanisms serve a different function from criminal adjudication. An administrative-court determination may clarify competence, purpose, procedure, and the legality of an administrative act, but it does not automatically determine all elements of a corruption offence. Criminal investigators and courts remain responsible for establishing criminal elements under the applicable substantive law. The two tracks may therefore be sequential where an administrative characterisation genuinely precedes criminal referral, or concurrent where the legal system permits and the evidentiary objects differ. Coordination is necessary to avoid contradictory characterisations, but administrative adjudication should neither immunise intentional corruption nor be treated as irrelevant to the factual and legal context of criminal proceedings.

The 2026 criminal-law context requires additional caution. Law No. 1 of 2023 on the Criminal Code entered into force on 2 January 2026 and, together with Law No. 1 of 2026 on Criminal Adjustment, changed the relationship between the new Criminal Code and criminal provisions outside it. The anti-corruption framework must therefore be read dynamically rather than by assuming that every formulation in the 1999/2001 legislation remains untouched. For the purpose of this article, the allocation model does not depend on a single article number; it depends on a threshold principle: once facts indicate conduct that satisfies an applicable corruption

offence - including intentional gain, bribery, concealment, or other criminal elements - administrative correction is supplementary and cannot extinguish criminal responsibility. This legal threshold answers the concern that the functional-division model might otherwise be misunderstood as decriminalisation.

Table 1 presents the revised capacity assessment without decimal scores. The administrative approach is strong in prevention, early detection, and correction because it can regulate conduct before and around the administrative act. Criminal enforcement is strong in deterrence of intentional gain because it possesses coercive investigative powers and punitive sanctions. Recovery is an area of complementarity. The integrated model is not a third independent jurisdiction; it is a coordination design that assigns each function to the legally competent mechanism while preserving the criminal threshold.

Table 1. Qualitative comparative capacity across five corruption-control functions

Function	Administrative	Criminal	Integrated use	Principal instrument
Prevention of opportunity	Strong	Limited	Strong	Procedural control, licensing, procurement controls
Early detection of irregularity	Strong	Moderate	Strong	Internal audit, supervision, reporting
Correction of maladministration	Strong	Limited	Strong	Administrative sanction, annulment, discipline
Recovery of state losses	Moderate	Moderate	Strong	Compensation, restitution, confiscation
Deterrence of intentional gain	Limited	Strong	Strong	Investigation, prosecution, criminal sanction

Source: Authors' qualitative doctrinal assessment based on legal reach, speed, evidentiary burden, and reliability of legal effect.

Table 2 translates the four allocation criteria into an operational matrix that can be applied by supervisory officials, internal auditors, and investigators at the point where an irregularity is first identified. Its purpose is not to rank the two legal regimes but to give each criterion a paired indicator, so that the same set of facts can be tested twice: once against the standards of lawful administrative decision-making, and once against the statutory elements of a corruption offence. Structuring the assessment in this way responds to a recurring institutional weakness in anti-corruption systems, namely that failure is generated less by the absence of legal instruments than by the absence of a disciplined decision rule for choosing between them (Quah, 2021). The final column therefore states a referral rule rather than a

discretionary recommendation, ensuring that the movement from administrative handling to criminal referral is traceable and reviewable.

The first criterion, intentional gain, performs the decisive filtering function. The administrative indicator covers defects that arise without evidence of personal or third-party benefit, including good-faith errors of interpretation and negligent procedural failure, while the criminal indicator is engaged where purpose or knowledge is directed towards gain, bribery, concealment, or a prohibited benefit. Placing this criterion first prevents the common analytical shortcut in which the mere existence of a state loss is treated as proof of corrupt intent. It also guards against the opposite distortion, since conduct involving concealment, falsification of records, or interference with supervisory processes is precisely the conduct that administrative instruments cannot reach and that erodes enforcement capacity when left unreferred (Isra et al., 2017).

The second and third criteria, magnitude of harm and repetition or systemic character, calibrate proportionality rather than substitute for the elements of an offence. A limited and reversible consequence produced by an isolated procedural failure is best answered by correction, discipline, and restitution, whereas serious public loss or a repeated, coordinated, or patterned course of conduct signals that internal control reform alone is insufficient. The matrix deliberately records that magnitude and pattern strengthen the urgency of referral without themselves creating criminal liability, which is consistent with the finding in the wider anti-corruption policy literature that preventive and repressive instruments are complementary components of a single policy architecture rather than alternatives to be traded off (Paranata, 2025). Read together, these two criteria also function diagnostically, because a pattern of similar defects across units is evidence of systemic control failure that should trigger institutional reform irrespective of the criminal outcome.

The fourth criterion, recoverability, determines whether the coercive powers of the criminal process are legally necessary. Where the loss can be restored and no venal intent is shown, administrative recovery and annulment are adequate and proportionate; where assets have been concealed, layered, or laundered, or where obstruction is present, restoration realistically depends on tracing, freezing, and confiscation powers that administrative authorities do not possess, and the treatment of unexplained wealth illustrates why forfeiture mechanisms cannot be replicated through administrative compensation alone (Lukito, 2020). Two safeguards follow from the matrix as a whole. First, repayment does not extinguish culpability where the offence is otherwise complete. Second, every allocation decision remains subject to administrative review, so that the classification of a defect, and the decision not to

refer, are themselves contestable acts within a coherent system of legal control (Aritonang et al., 2023).

Table 2. Operational allocation matrix for administrative handling and criminal referral

Criterion	Administrative indicator	Criminal indicator	Primary consequence	Referral rule
Intentional gain	No evidence of personal/third-party gain; good-faith or negligent defect	Purpose or knowledge directed to gain, bribery, concealment, or prohibited benefit	Administrative correction if no offence elements	Criminal referral when applicable offence elements are indicated
Magnitude of harm	Limited and reversible administrative consequence	Serious public loss, rights impact, or institutional harm	Proportionate correction, discipline, restitution	Magnitude strengthens urgency but does not replace offence elements
Repetition/systemic character	Isolated procedural or service failure	Repeated, coordinated, organised, or patterned misconduct	Internal control reform and discipline	Refer where pattern supports criminal inference or organised scheme
Recoverability	Loss can be restored and no venal intent is shown	Hidden assets, laundering, obstruction, or recovery requires coercive powers	Administrative recovery and annulment	Use criminal confiscation/investigation where legally required

Source: The criteria structure allocation but do not replace the statutory elements of any corruption offence.

DISCUSSION

Taken as a whole, the findings show a differentiated rather than hierarchical relationship between administrative and criminal law. Administrative instruments have their greatest comparative value in shaping lawful decision processes, detecting irregularity within institutions, correcting defective administrative acts, and pursuing restoration. Criminal law has its distinctive value where intentional gain, bribery, concealment, coercive investigation, and public condemnation are required. The revised qualitative matrix therefore supports the central thesis without implying mathematical precision. More importantly, the doctrinal classification makes clear that administrative sanction is not a lesser punishment for corruption; it is a response to a different legal category unless criminal elements are independently established.

The causes of misalignment are institutional and doctrinal. Anti-corruption policy has understandably invested heavily in criminal enforcement, while preventive administrative systems can remain uneven in independence, resourcing, digital traceability, and follow-up capacity (Butt, 2019; Mochtar, 2019). At the doctrinal level,

uncertainty arises when state loss or an unsuccessful discretionary decision is treated as sufficient evidence of corruption, or, at the opposite extreme, when restitution is used to characterise intentional self-enrichment as a mere administrative problem. Both errors are reduced by separating the questions: first, was the administrative act defective under competence, purpose, procedure, or good-governance standards; second, do the facts additionally establish the culpability and conduct required by the criminal law? The four allocation criteria provide a structured bridge between those questions.

The consequences of correct allocation extend beyond enforcement efficiency. Over-criminalising good-faith discretion can produce defensive administration, delay, excessive referral upward, and reluctance to make necessary public decisions (Crouch, 2020). Under-criminalising deliberate enrichment, on the other hand, undermines deterrence and equal treatment by allowing serious wrongdoing to be redescribed as an organisational defect. A functional division of labour reduces both risks because it protects legitimate administrative correction while preserving a non-negotiable criminal threshold. Recovery is particularly illustrative: repayment or restitution can be relevant to remedial consequences, but it cannot by itself negate culpability where a corruption offence is otherwise complete.

These findings extend prior scholarship in two ways. First, they connect administrative-law doctrines of good governance and abuse of authority directly to an anti-corruption allocation framework rather than discussing them as a separate doctrinal field (Hadjon & Tatiek, 2019; Marbun & Ridwan, 2021). Second, they refine criminal-policy arguments concerning prevention and repression by specifying which institutional function should trigger which legal track (Reksodiputro & Ali, 2020; Zamroni & Aziz, 2022). The study deliberately avoids an unsupported claim that particular foreign jurisdictions prove the model. Comparative governance literature is used only at the level of general institutional principles - accountability, credible sanction, independence, and prevention - rather than as a jurisdiction-by-jurisdiction empirical comparison (Bovens, Schillemans, & Goodin, 2019; Persson, Rothstein, & Teorell, 2019).

The recommended action is an auditable allocation workflow. Internal supervision or an external audit should first identify the irregularity and preserve records. The competent authority should then classify the administrative defect, assess whether there is evidence of intentional personal or third-party gain, consider the magnitude and systemic character of harm, and determine whether restoration is possible. Cases involving procedural or good-faith administrative defects without criminal indicators should proceed through correction, discipline, annulment, and recovery as appropriate. Cases showing intentional gain, bribery, concealment, repeated organised conduct, serious harm, or other applicable criminal elements

should be referred without treating administrative measures as a substitute. Administrative and criminal institutions should share relevant findings while respecting their separate legal competences. This workflow gives practical effect to the concept of functional division of labour and is represented in Figure 1.

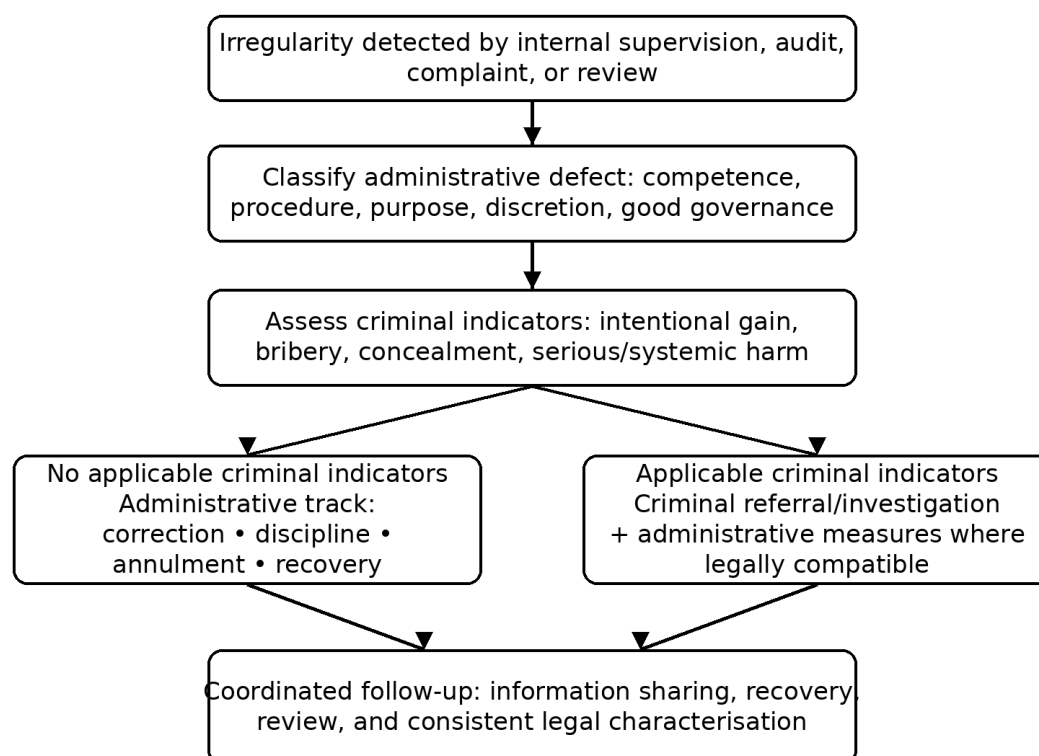


Figure 1. Administrative-criminal allocation workflow for corruption-related irregularities

Figure 1 renders the allocation logic as a sequential workflow so that the criteria in Table 2 become an auditable institutional procedure rather than an abstract doctrinal test. The workflow begins where irregularity is in fact first visible: within the institution itself, through internal supervision, audit findings, complaint handling, or procurement monitoring. Locating the entry point inside the administrative apparatus reflects the argument that anti-corruption capacity is built primarily through the quality of bureaucratic process and public-service design, not through enforcement volume alone, since maladministration is the condition in which corrupt opportunity is created (Yustia & Arifin, 2023). The first substantive step is therefore evidentiary preservation, because the integrity of every later decision in the chain depends on records that were secured before any classification was made.

The second stage is classification of the administrative defect, in which the competent authority tests the act against competence, purpose, procedure, and the general principles of good governance. This stage produces a legal characterisation rather than a verdict: procedural error, maladministration, misuse of discretion, or

abuse of authority. Placing classification before any assessment of criminality is deliberate, since a preventive control system can only function if defective decisions are named and corrected internally as they arise, and comparative evidence on corporate and institutional prevention shows that governance rules become effective only when they are embedded in routine internal compliance procedures rather than triggered retrospectively by sanction (Lombardi et al., 2019). Cases that terminate at this stage are resolved through correction, annulment, discipline, and administrative recovery.

The third stage applies the criminal threshold, and Figure 1 shows it as a gate rather than an escalation ladder. The authority asks whether the facts additionally indicate intentional personal or third-party gain, bribery, concealment, or another applicable statutory element. The workflow gives particular weight to concealment, since layering, false documentation, and the movement of proceeds through intermediaries are increasingly the operative techniques by which illicit benefit is secured, and they are by design invisible to ordinary administrative supervision (Teichmann, 2020). Where these indicators are present, referral is mandatory in the sense that administrative measures may accompany but cannot substitute for the criminal track; where they are absent, the case returns to the administrative branch without an implication of impunity.

The final stage addresses recovery and the institutional interface between the two tracks. Administrative recovery through compensation, restitution, or annulment is adequate where assets remain identifiable and restoration is feasible, but the workflow routes cases involving hidden or dissipated assets to criminal tracing and confiscation, reflecting the well-documented finding that recovery fails most often at the tracing stage, where procedural design rather than legal ambition determines the outcome (Leasure, 2016). The interface is also normative: allocation must respect the separate competences of each regime while allowing findings to be shared, and comparative treatment of political corruption and asset recovery within a single criminal code demonstrates that clarity about which instrument applies to which fact pattern is what prevents both over-criminalisation and the quiet administrative absorption of serious wrongdoing (Uriel, 2021). Read with Table 2, Figure 1 therefore operationalises the functional division of labour as a documented, reviewable decision path.

The first element of novelty is conceptual. Existing scholarship on the relationship between administrative and criminal law in corruption control is dominated by a vertical framing, in which administrative sanction is treated as a lighter or preliminary response and criminal punishment as the ultimate remedy on the same scale of severity. This study rejects that ordering. It reconstructs the relationship as a legally bounded functional division of labour, in which the two

regimes are not degrees of the same sanction but answers to two legally distinct questions: whether an administrative act is defective, and whether culpable corrupt conduct has occurred. Reform-oriented literature has consistently urged that prevention and bureaucratic quality be taken as seriously as enforcement (Yustia & Arifin, 2023), and systematic reviews of Indonesian anti-corruption policy confirm that the field remains organised around enforcement intensity rather than allocation logic (Paranata, 2025). To the authors' knowledge, however, no prior study has formalised that insight as a horizontal allocation doctrine rather than a policy preference, and this reframing is the principal originality of the article.

The second element of novelty is methodological. Comparative assessments of institutional capacity in this field typically rely either on numerical indices or on narrative description, and both approaches carry known weaknesses: the former imports a precision the underlying legal materials cannot support, while the latter cannot be replicated. This study introduces a five-function qualitative capacity framework - prevention of opportunity, early detection, correction, recovery, and deterrence - assessed against explicit doctrinal referents of legal reach, speed, evidentiary burden, and reliability of legal effect, and deliberately expressed without decimal scoring. The framework therefore makes the basis of each judgment inspectable rather than concealing it inside a composite figure. This is a direct methodological response to the diagnosis that anti-corruption failure in Asian jurisdictions is generated by unexamined institutional assumptions rather than by measurement deficits (Quah, 2021), and it is, so far as the authors can establish, the first framework in the Indonesian literature to compare the two regimes function by function without quantitative proxying.

The third element of novelty is doctrinal. The article separates five gradations of administrative defect - procedural error, maladministration, misuse of discretion, abuse of authority, and intentional corrupt abuse - and then supplies a four-factor legal threshold for allocation: intent to obtain gain, magnitude of harm, systemic or repeated character, and recoverability. The critical move is that these factors are expressly declared not to be substitutes for statutory elements; they structure the decision about which track to enter, while the elements of the offence continue to govern liability. This closes a gap that existing scholarship leaves open, because the prevailing debate treats state financial loss as the operative trigger and therefore produces the twin distortions this study identifies: the criminalisation of good-faith discretion, and the administrative absorption of deliberate enrichment. No previously published framework in this field, to the authors' knowledge, combines a graduated typology of defect with a non-substitutive allocation threshold in a single instrument.

The fourth element of novelty is institutional and normative. The article converts the allocation threshold into an auditable workflow in which the classification of a

defect, and equally the decision not to refer a matter for criminal handling, are themselves administrative acts subject to review and contestation. Accountability is thereby located in the allocation decision itself rather than only in its outcome, which is a shift the administrative-court literature anticipates but has not applied to anti-corruption practice (Aritonang et al., 2023). The article further treats restoration as an autonomous legal function rather than as mitigation of punishment, following the argument that legal response should be evaluated by its restorative effect on the injured legal interest and not solely by the severity of the sanction imposed (Irawan et al., 2022). Taken together, these four contributions constitute the article's distinctive advantage: it does not merely describe the coexistence of administrative and criminal instruments, but supplies the doctrinal threshold, the comparative method, and the reviewable procedure by which the choice between them can be justified.

CONCLUSION

This study answers the three research questions by identifying six families of administrative instruments, comparing their capacities with criminal enforcement, and establishing a legal threshold for case allocation. Administrative law is comparatively strongest in preventing opportunity, detecting irregularity early, correcting maladministration, annulling unlawful administrative products, and supporting recovery. Criminal law remains indispensable when conduct involves intentional personal or third-party gain, bribery, concealment, serious or systemic harm, or any other facts satisfying an applicable corruption offence. The key doctrinal distinction is therefore not administrative versus criminal institution in the abstract, but whether the conduct remains a correctable administrative defect or crosses into culpable criminal corruption.

The study's conceptual contribution is to reconstruct the administrative-criminal relationship as a legally bounded functional division of labour. Its methodological contribution is a transparent qualitative capacity framework that avoids unsupported numerical precision. Its practical contribution is the four-factor allocation matrix: intentional gain, magnitude of harm, repetition or systemic character, and recoverability. These factors do not replace statutory elements; they structure the decision about when administrative correction is appropriate and when criminal referral is required. The model protects good-faith discretion from automatic criminalisation while simultaneously preventing restitution or administrative sanction from becoming a shield for deliberate corruption.

Three limitations remain. The documentary corpus is purposive rather than statistically representative; the study does not contain a bounded dataset of administrative-court decisions or audit findings; and qualitative classification

inevitably involves researcher judgment. Future research should test the allocation matrix against a transparent sample of decided cases, audit findings, and sector-specific administrative practice after the 2026 criminal-law transition. Such empirical validation would allow the model to be refined without weakening the doctrinal principle established here: administrative correction and criminal accountability are complementary only when their legal boundaries are kept explicit.

DECLARATIONS

AUTHOR CONTRIBUTION STATEMENT

The first author conceived the study, developed the doctrinal allocation framework, updated the 2026 legal context, and drafted the manuscript. The second author contributed to the organisation and interpretation of statutory materials, administrative-law doctrine, and the revision of the analytical matrix. The third author contributed to the comparative literature review, interpretation of findings, and critical revision of the manuscript. All authors read and approved the final version.

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DATA AVAILABILITY STATEMENT

The legal materials supporting this study are publicly available in Indonesian official legal databases, including statutory and regulatory instruments cited in the manuscript. The secondary materials are the published scholarly sources listed in the References section. No new primary dataset was generated, and the study does not claim a statistically bounded sample of court decisions or audit findings.

DECLARATION OF INTERESTS STATEMENT

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

ADDITIONAL INFORMATION

Correspondence and requests for materials should be addressed to the corresponding author. The interpretations expressed herein are those of the authors and do not represent the official position of any institution.

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