

BEYOND LEGALITY: REFRAMING ABUSE OF AUTHORITY THROUGH THE LENS OF UTILITY AND ACCOUNTABILITY IN ADMINISTRATIVE LAW

Ade Rachmad Hidayat¹, Shexy Intan Pratama Sari², Cholidah Utama³

^{1,2,3}Universitas Islam Negeri Raden Fatah Palembang, Indonesia

Corresponding author: aderachmadhidayat@gmail.com

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ABSTRACT

The increasing prevalence of authority abuse in public administration highlights the inadequacy of legality-based oversight systems in ensuring just and accountable governance. This study aims to reframe the understanding of administrative authority by integrating the principles of legality, utility, and accountability within the context of administrative law. Employing a qualitative design with doctrinal analysis, comparative case studies, and semi-structured interviews involving public officials, oversight bodies, and scholars, the research explores how these principles interact to prevent and evaluate abuse of authority. The findings reveal that administrative control in Indonesia remains heavily procedural, resulting in a persistent *utility gap* and *accountability gap* where decisions may be lawful but lack measurable public benefit. The study introduces a new conceptual framework *Administrative Accountability Based on Utility* which positions public value creation as a central criterion for legitimate authority. This model contributes theoretically by extending administrative justice beyond legality toward functional and ethical governance. Practically, it proposes institutional reforms such as impact-based audits and outcome-oriented accountability mechanisms. The research concludes that administrative legitimacy must derive not only from rule compliance but also from demonstrable social utility and answerability, paving the way for more responsible and value-driven governance systems.

Keywords: accountability, administrative law, authority abuse, public value, utility

INTRODUCTION

On a global scale, the phenomenon of abuse of authority in public administration is increasingly under serious scrutiny as states strive to uphold democratic legitimacy and integrity in governance systems. Public officials across diverse jurisdictions exercise powers that derive from delegation, mandate, or attribution, yet the utilization of these powers often departs from the normative purpose for which they were granted (Rahman, Sudarsono, Djatmika, Madjid, & Rajamanickam, 2024). Instead of serving collective welfare, such powers

are sometimes redirected toward advancing private or factional interests, undermining the legitimacy of administrative action. In many cases, even where a formal legal framework exists, reliance on mere legality defined as whether an act has an authorized basis proves inadequate in preventing deviation from public objectives. This inadequacy exposes the structural fragility of traditional administrative controls that fail to evaluate whether power was used beneficially for citizens. Hence, the global concern is shifting toward a more substantive inquiry into the ethical and functional exercise of administrative power, not merely its procedural validity.

Nonetheless, the traditional approach in administrative law continues to prioritize formal legality over substantive governance outcomes. Legal assessments typically focus on whether a decision was authorized, whether proper procedures were followed, and whether there was an overt excess of power, thereby reducing the concept of accountability to procedural compliance. However, such a rigid legalistic posture marginalizes the evaluation of *utility* whether administrative actions actually generate tangible social benefits or inflict public harm. Moreover, it neglects substantive accountability, wherein public officials are expected to justify not only the legality of their actions but also the rationale and societal outcomes produced by them (Pérez-Durán, 2023; Thaher, 2025). The growing discontent with such formalism underscores the need to expand administrative law beyond its narrow legal boundaries. A more comprehensive framework must integrate the moral, utilitarian, and performance dimensions of administrative action, thereby realigning legality with ethical and functional responsibility.

The importance of considering utility in public governance has gained prominence in recent administrative and policy discourses that emphasize the creation of *public value*. As Moore (1995) first articulated, governments should not merely operate within the law but should actively generate value for citizens through efficient and equitable administration. This shift is echoed in subsequent studies, such as Naidoo and Holtzhausen (2020), who stress that measuring the utility of administrative acts can reveal whether governance genuinely serves collective interests or perpetuates bureaucratic inertia. In relation to abuse of authority, assessing conduct solely through the question “did the official overstep their powers?” offers a myopic understanding of public harm. What is equally critical is whether the administrative act produced public utility and whether the decision-maker can be substantively held accountable for both process and outcomes. The infusion of utility thus transforms administrative accountability from a mere procedural safeguard into a standard of ethical governance performance.

Furthermore, the accountability dimension in public administration has undergone a conceptual evolution, reflecting deeper appreciation of its multidimensional character. A systematic literature review spanning twenty-five years indicates that accountability entails defining “who is accountable, to whom, for what, and by what mechanism,” moving beyond hierarchical oversight to relational governance (Pérez-Durán, 2023). This broader understanding recognizes accountability as a dynamic interaction between legality, ethics, and results rather than a static administrative formality. Consequently, addressing abuse of authority requires accountability frameworks capable of enforcing responsibility for both decisions and their consequences. The inclusion of such mechanisms ensures that administrative law is not confined to retrospective punishment but fosters prospective responsibility. This transformation is crucial for building governance systems that balance power, responsibility, and benefit in equal measure.

In the Indonesian context, the regulation and adjudication of abuse of authority reveal a complex interjurisdictional challenge. The interaction between administrative law especially *Undang-Undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan* and criminal anti-corruption law often produces overlapping interpretations of what constitutes abuse, leading to inconsistencies in enforcement (Gumbir & Nurhayati, 2016). Administrative law institutions,

including the State Administrative Court (*PTUN*), frequently assess actions from a procedural rather than utilitarian perspective, limiting the practical evaluation of public benefit. Moreover, the utility of administrative decisions is rarely measured systematically, resulting in governance assessments that prioritize compliance over contribution. This oversight restricts the integration of moral and social accountability into state administration. Therefore, Indonesia provides a relevant contextual basis for examining how legal systems might evolve from legality-centered frameworks to ones emphasizing functional utility and outcome-based accountability.

This gap necessitates a paradigm shift to move “beyond legality” in confronting abuse of authority through a more holistic lens. If administrative law examines only whether an official exceeded their powers, it risks legitimizing actions that are formally lawful yet socially detrimental. A law-abiding but non-useful decision can undermine justice as profoundly as an overtly illegal one, thus demanding a conceptual reformulation of administrative justice. Such a re-envisioned framework must embed utility understood as public benefit and accountability as co-determinants of administrative legitimacy. The principal research problem, therefore, asks: How can the principles of utility and accountability reconstruct the understanding of abuse of authority within the context of administrative and state law? This question encapsulates the urgent need to integrate outcome-based assessment into the normative and institutional architecture of governance oversight.

Accordingly, this study aims first to explore deeply the conceptual and normative underpinnings of utility and accountability within state administrative law, drawing from both classical and contemporary sources. Second, it seeks to analyze how these two principles function theoretically and empirically in preventing and evaluating abuse of authority, including their interaction with discretion, ethics, and institutional design. Third, it endeavors to formulate a new conceptual framework termed “administrative accountability based on utility”, which redefines administrative responsibility as encompassing legality, benefit, and justification simultaneously. This approach envisions accountability as a triadic construct legal, ethical, and functional providing a more accurate measure of administrative justice. The development of such a model also responds to the global trend toward governance systems that emphasize integrity, transparency, and tangible public value.

To achieve these objectives, the article will first conduct a critical review of literature on abuse of authority, discretion, and accountability, identifying conceptual weaknesses in legality-centric paradigms. It will then analyze regulatory and oversight mechanisms in Indonesia alongside comparative international practices to evaluate the extent to which utility and accountability have been operationalized. Drawing on qualitative doctrinal analysis and interpretive synthesis, the study will propose the *utility-based administrative accountability framework* as a normative innovation. The discussion will emphasize how integrating utility and accountability enriches administrative justice by connecting legality to tangible public benefit. This analysis will culminate in a framework designed to guide both scholars and policymakers in reimagining governance that is just, efficient, and citizen-oriented.

The urgency of this research is particularly pronounced in an era where governance systems face intensified demands for transparency, efficiency, and responsiveness. As public expectations evolve, the erosion of trust in bureaucratic institutions becomes a critical issue, largely driven by the perception that officials wield power without delivering value to society. The proposed framework linking authority, utility, and accountability offers a transformative pathway toward restoring that trust through measurable outcomes and ethical responsibility. By situating utility at the heart of administrative accountability, this study contributes not only to the prevention of abuse but also to the promotion of administrative acts that genuinely serve collective welfare. In doing so, it redefines the purpose of administrative law from mere control of power to the cultivation of responsible and beneficial governance.

From a theoretical perspective, this research aspires to extend the conceptual framework of administrative justice beyond the procedural legality that has traditionally dominated the field. It advances the notion of *functional justice*, where lawfulness, benefit, and responsibility form an integrated triad of good governance. Practically, the study aims to inform reforms in oversight systems and performance evaluation of public officials by incorporating utilitarian indicators. Such indicators may include outcome-based performance audits, benefit assessments, and participatory accountability reviews. The article therefore contributes both conceptually and normatively to re-establishing administrative law as an instrument not merely of legality but of social progress and justice.

With this global and national background, the central objective of this paper is to generate the conceptual framework of “administrative accountability based on utility” as a theoretical and practical tool for strengthening fair, efficient, and responsive governance. The framework seeks to ensure that public authority is exercised not only within legal bounds but also toward maximizing social benefit and maintaining accountability to citizens. It aspires to realign administrative law with its foundational purpose: to guarantee that the exercise of state power is lawful, beneficial, and answerable. In this way, the study contributes substantively to the evolution of administrative law discourse in both domestic and comparative contexts. Through this contribution, it aims to inspire renewed commitment to governance that embodies the rule of law, public value, and moral responsibility simultaneously.

LITERATURE REVIEW

The study of administrative authority and its abuse has undergone a significant conceptual evolution, moving beyond traditional legality-based analyses toward frameworks emphasizing utility, accountability, and legitimacy. Recent scholarship underscores that formal legality alone is inadequate to ensure just, transparent, and effective governance. Instead, administrative law must be reframed as an instrument that aligns legal authority with public benefit and ethical responsibility. This section synthesizes key academic contributions that illuminate how contemporary theories and empirical insights collectively redefine the understanding of authority, abuse, and accountability within administrative law.

In the Indonesian context, Wardana, Frinaldi, and Roberia (2024) highlight that administrative law serves a pivotal role in addressing abuse of authority that results in state financial losses. Their study adopts a normative-qualitative approach to demonstrate that the prevention of such abuse depends not merely on punitive legal mechanisms but on the integration of accountability and utility principles. By emphasizing that administrative law functions as a safeguard to promote integrity and transparency, their findings position *kemanfaatan* (utility) as a normative requirement for achieving the public good. This perspective aligns with broader global discourses that view administrative law as a dynamic system balancing legality with ethical responsibility.

Expanding on this notion, Kasdan (2011) advances a neopragmatist framework that reframes administrative authority as a function of collaborative problem-solving rather than rigid rule adherence. Through a theoretical-philosophical approach, his work posits that administrative legitimacy must be evaluated through the dual lenses of utility and accountability. Authority, according to this view, derives its normative force not from formal mandates alone but from its capacity to produce socially beneficial outcomes through democratic discourse. This perspective departs from classical positivist models by situating administrative law within the pragmatic interplay of governance, deliberation, and public participation.

Similarly, Bressman (2003) critiques the conventional “presidential control” model by arguing that mere accountability does not guarantee administrative legitimacy. She emphasizes that preventing arbitrariness is central to administrative justice, asserting that legitimacy must

rest upon mechanisms that balance power with reasoned justification. The argument suggests that while accountability remains crucial, it must be supplemented by substantive rationality and fairness in decision-making. This shift in emphasis from procedural accountability to substantive legitimacy foreshadows later developments in administrative reform discourses emphasizing moral responsibility.

In a complementary manner, Hirota (2025) provides a historical and legal analysis of abuse of authority in the Brazilian context, revealing that such misconduct often arises from the perception of bureaucratic superiority and weak oversight. The research underscores the necessity of strengthening institutional accountability and embedding responsibility as a normative dimension of administrative law. By focusing on the interplay between law and moral governance, Hirota's study supports the global movement to redefine administrative law as a discipline concerned not only with control but with constructive public outcomes.

Further insights are offered by Tsadiras (2015), who explores maladministration as a transformative paradigm "beyond legality" within the European Union. Through a case study of the European Ombudsman, he demonstrates that transparency and citizen participation play vital roles in preventing abuse and reinforcing administrative legitimacy. The concept of maladministration, as articulated by Tsadiras, transcends traditional justiciable norms by introducing soft-law standards that measure public value and institutional responsiveness. This approach integrates utility directly into the moral and procedural architecture of administrative accountability.

Kinchin (2018) contributes to this trajectory by examining administrative decision-making within international institutions, particularly the United Nations, where the absence of formal administrative law has generated a global accountability deficit. Her comparative theoretical analysis calls for universal procedural standards to ensure fairness, transparency, and accountability in decision-making. This reinforces the idea that administrative legitimacy requires more than legality it demands procedural justice coupled with functional responsibility. Kinchin's argument parallels the growing recognition that law must be complemented by ethics and institutional culture to prevent authority abuse.

In examining the legitimacy crisis in administrative governance, Candeub (2018) contends that the core problem lies not in the absence of formal legality but in the lack of substantive accountability and utilitarian justification for administrative decisions. His normative-constitutional analysis asserts that legitimacy deficits emerge when agency actions lack demonstrable public value. Thus, Candeub calls for a reintegration of utility and accountability into administrative law as mutually reinforcing values essential to constitutional democracy. This perspective aligns closely with the utilitarian orientation of the present study.

Rock (2017) also underscores accountability as a core public law value and critiques existing remedial mechanisms for their inadequacy in addressing abuse of power. Her doctrinal analysis demonstrates that accountability should not be viewed merely as retrospective sanction but as an integral and proactive component of administrative justice. This proactive accountability bridges the divide between legality and utility by ensuring that administrative conduct continuously aligns with the public interest. Consequently, Rock's framework supports the argument that true administrative legitimacy arises from accountable governance that delivers measurable public benefit.

Bagley (2019) presents a provocative critique of what he terms the "procedure fetish" in administrative law, arguing that excessive procedural formalism can paradoxically undermine both legitimacy and accountability. Through a critical theoretical lens, he advocates for reform that prioritizes substantive utility actual public outcomes over rigid adherence to procedural norms. This contribution reinforces the need to evaluate administrative actions not by procedural compliance alone but by their tangible contributions to societal welfare. Bagley's

insights thus provide a normative bridge toward the integration of utilitarian reasoning in administrative oversight.

Finally, Vermeule (2019) proposes a controversial yet thought-provoking theory of “optimal abuse of power,” suggesting that in certain contexts, administrative discretion inevitably entails the risk of abuse but can be optimized to balance efficiency and control. Through analytical reasoning, Vermeule argues that strict legalism may overregulate decision-making and stifle innovation, while measured discretion guided by utility and accountability can enhance public governance outcomes. His work challenges traditional dichotomies of legality versus abuse, urging a recalibration of administrative law toward pragmatic equilibrium.

Collectively, these studies reveal an emerging scholarly consensus: that administrative law must move beyond legality to incorporate substantive standards of utility and accountability. The literature collectively identifies three major themes: first, that legality without utility fails to secure legitimacy; second, that accountability must evolve from procedural compliance to ethical responsibility; and third, that modern governance requires adaptive mechanisms balancing authority with public value. Despite significant progress, gaps remain in articulating a coherent conceptual framework that unifies these principles within state administrative systems, particularly in non-Western contexts such as Indonesia. Addressing this gap, the present study contributes by developing the concept of “administrative accountability based on utility,” a model that operationalizes legality, utility, and accountability as integrated dimensions of administrative justice.

METHODOLOGY

This study adopts a qualitative research design, which is suitable for exploring complex normative and institutional phenomena in administrative law where human interpretation and institutional dynamics are central (Hatmaker, 2019). Qualitative inquiry allows the researcher to capture the contextual richness of how abuse of authority, utility, and accountability are perceived, constructed, and operationalised within administrative systems. Rather than seeking to test hypotheses through statistical measurement, this study aims to generate a conceptual framework grounded in both empirical and normative data. The design, therefore, is inherently exploratory and interpretive, aligning with contemporary trends in public administration and socio-legal research that prioritise understanding over quantification.

Within this qualitative design, the study employs a multiple-case comparative interpretive approach, combining document analysis with stakeholder interviews. This approach enables the comparison of different legal and institutional contexts to understand how actors such as legislators, officials, oversight bodies, and academics conceptualise and apply the principles of utility and accountability when addressing abuse of authority. The interpretive stance is grounded in meaning-making: the analysis seeks to understand not only what administrative actors do, but how they justify and rationalise their actions and policies within broader frameworks of administrative ethics and governance (see OUP Academic, 2020).

The objects of research include three primary analytical units: first, normative and regulatory texts such as laws, regulations, and administrative guidelines related to abuse of authority, discretionary power, and accountability; second, case studies of administrative decisions and oversight reports in which abuse of authority was alleged or established; and third, perceptions and interpretations gathered from semi-structured interviews with key stakeholders. The study focuses on Indonesia as its central context while incorporating comparative perspectives from other civil-law or hybrid administrative systems to ensure broader analytical relevance.

The population of this research consists of all relevant legal and policy documents and actors involved in administrative oversight. From this population, a purposive sample is drawn.

For documents, inclusion is based on explicit reference to abuse of authority, utility, or accountability, with emphasis on materials published within the last five years to ensure relevance. For human participants, approximately fifteen to twenty individuals are selected, representing executive agencies, administrative courts, anti-corruption oversight institutions, and academic experts. Each participant meets criteria of professional experience, role relevance, and voluntary willingness to contribute to the research.

A purposive (criterion-based) and snowball sampling strategy guides participant selection. Initial participants are identified through professional networks, and subsequent interviewees are recruited through recommendations from earlier participants who possess relevant expertise. This approach ensures depth and diversity of perspectives, enhancing data richness. For documents, a purposive document-sampling technique is employed to select administrative laws, judicial decisions, and oversight reports that exemplify practical responses to abuse of authority and mechanisms of accountability.

The research is primarily conducted in Jakarta, Indonesia, between January and June 2025. Data collection is carried out over a six-month period, including document gathering, case selection, and interviews. Comparative data are collected through virtual interviews or accessible online databases. Document collection covers all relevant laws and policies enacted up to December 2024, while secondary data from global contexts focus on the 2020–2025 period to ensure contemporary analysis.

In terms of instruments, the research uses three principal tools. First, a document-analysis protocol sheet is designed to extract information systematically from legal texts and case materials, focusing on variables such as the inclusion of utility principles, accountability provisions, and sanctions for abuse of authority. Second, a semi-structured interview guide with open-ended questions explores respondents' interpretations of abuse of authority, their understanding of utility, and how accountability mechanisms function in practice. Third, audio recordings and verbatim transcriptions are prepared and organised using NVivo software to support data coding, categorisation, and thematic analysis. This structured use of protocols and guides follows the methodological standards of qualitative legal research (Bryman & Bell, 2015).

To ensure conceptual precision, the study employs clear operational definitions. *Abuse of authority* refers to the exercise of administrative discretion that, though procedurally lawful, fails to generate public utility or to fulfil accountability obligations. *Utility* (kemanfaatan) denotes the degree to which administrative actions contribute positively to public welfare and achieve their intended social and legal objectives. *Accountability* encompasses the institutional and procedural mechanisms through which officials are held answerable for their actions and outcomes, including transparency, oversight, and redress. Finally, *administrative accountability based on utility* is defined as a conceptual framework that evaluates administrative discretion not merely on legality but on its measurable public benefit and accountability of outcome.

Data collection proceeds through three sequential phases. The first involves an extensive desk-based search of legal and administrative documents, retrieved from government databases, oversight agency reports, and academic repositories. Each document is reviewed using the established protocol. The second phase entails the selection of three to five illustrative case studies of alleged or confirmed abuse of authority both within Indonesia and from comparative jurisdictions for in-depth analysis. The third phase consists of semi-structured interviews lasting approximately 45–60 minutes each. Informed consent is obtained from all participants, and data are transcribed for subsequent analysis. The combined data legal texts, case materials, and interview transcripts are coded and analysed using NVivo software.

Data analysis follows a systematic multi-step procedure combining inductive and deductive reasoning. The process begins with open coding, identifying recurring patterns and

emerging concepts across the datasets. These initial codes such as “accountability gaps,” “legality bias,” and “utility failure” are then refined through axial coding to establish relationships between themes and theoretical constructs. Finally, selective coding integrates these relationships into a unified conceptual framework describing administrative accountability grounded in utility. Through this process, thematic and cross-case analyses are used to develop a model that explains how utility and accountability interact to prevent or assess abuse of authority.

To ensure trustworthiness, the study adheres to the criteria of credibility, transferability, dependability, and confirmability as proposed by Lincoln and Guba (1985). Credibility is strengthened through triangulation between documents, interviews, and case studies, as well as member-checking where summary findings are shared with participants for validation. Transferability is achieved through thick description of contexts and sampling logic, allowing applicability to similar governance systems. Dependability is maintained through an audit trail documenting analytic decisions, and confirmability through a reflexive journal and peer debriefing with legal scholars.

Ethical compliance forms an integral part of the research design. Approval is sought from the researcher’s institutional ethics committee. All participants are informed about the study’s purpose, their rights, and the confidentiality of their responses. Participation is voluntary, and pseudonyms are used in reporting. Documents analysed are publicly available or accessed with appropriate permissions. Data are securely stored in encrypted digital form accessible only to the research team.

The study acknowledges several limitations. As with most qualitative research, generalisability is limited; the findings aim for analytical rather than statistical generalisation. Participant responses may be influenced by social desirability bias, particularly given the sensitivity of discussing abuse of authority. Furthermore, access to comparative documents may vary across jurisdictions, and translation challenges may arise when analysing non-English materials. Despite these constraints, the research maintains methodological robustness through triangulation and transparent reporting.

This methodology is well-suited to the study’s objectives namely, exploring how the principles of utility and accountability function within administrative law and how they contribute to preventing and evaluating abuse of authority. By employing interpretive qualitative methods, the study aims to construct a theory-driven framework rather than to test predefined hypotheses. Such an approach is consistent with the goal of reconceptualising legal doctrines and administrative practices beyond procedural legality toward substantive justice.

In procedural summary, the research unfolds in seven interrelated stages: document and case selection; stakeholder identification and interviews; data coding and categorisation; thematic and comparative analysis; triangulation and validation; synthesis into a conceptual framework; and formulation of theoretical and policy recommendations. The systematic articulation of each phase ensures transparency, rigour, and replicability. The final outcome of this methodological process is the formulation of a coherent and empirically informed conceptual model of administrative accountability based on utility, which serves both theoretical advancement and practical reform in the field of administrative law.

RESULTS

The findings of this qualitative study reveal several dominant themes emerging from doctrinal analysis, case studies, and semi-structured interviews with administrative officials, oversight institutions, and legal scholars. As summarised in Table 1, five central patterns were identified: the dominance of formal legality, the persistence of a utility gap, weak accountability for outcomes, the positive interaction between utility and accountability in preventing abuse of authority, and the conceptual emergence of an *administrative*

accountability based on utility model. Each of these themes illustrates a crucial dimension in understanding how abuse of authority occurs even in legally compliant systems. Collectively, the results suggest that focusing solely on procedural legality is insufficient to ensure fairness and social benefit in public administration. They demonstrate that legality must operate in conjunction with utility and accountability to achieve ethical and functional justice in governance.

Table 1. Summary of Key Findings

No	Main Theme	Evidence of Findings	Frequency of Occurrence*
1	Formal Legality as the Main Limitation	Most regulations and administrative rulings emphasize whether authority was exceeded (<i>excess of power</i>) or not, without evaluating the actual public benefit produced.	17/20 documents, 12/15 interviews
2	The Utility Gap	Many officials exercise authority lawfully but fail to achieve tangible social or public benefits; interviewees noted that “procedures are fulfilled, but the results are not felt by society.”	14/15 case studies, 11/15 interviews
3	Outcome-Rational Accountability Gap	Although formal mechanisms exist (reports, audits), there are few mechanisms that require accountability for the impact or usefulness of administrative decisions.	13/15 interviews, 8/10 comparative regulations
4	Interaction between Utility and Accountability in Preventing Abuse of Authority	Case studies indicate that when utility and accountability coexist, abuse of authority tends to decrease; for example, an internal institution conducted post-decision evaluations and annulled actions proven to be non-beneficial.	3/5 case studies, 9/15 interviews
5	Potential Model of “Accountability Based on Utility”	Cross-analysis reveals a conceptual pattern in which evaluation of authority includes three dimensions: legality, utility, and accountability; most respondents agreed that such a framework has not yet been systematically implemented.	All 15 interviewees acknowledged the need for this new framework

Source: Processed by the author

*Note: The frequency indicates the number of relevant occurrences in the data and does not represent statistical generalisation.

1. Dominance of Formal Legality

The analysis of twenty legal documents and fifteen interviews demonstrates that the Indonesian administrative control system remains largely legality-centric. Oversight agencies and internal inspectors tend to assess decisions based on whether officials exceeded their authority (*excess of power*) or complied procedurally, while the question of whether a decision

produces genuine social benefit is rarely raised. Respondents frequently stated that “as long as the procedure is correct, the decision cannot be questioned,” highlighting a deeply embedded legal-formal culture. This finding supports prior observations that administrative law often privileges rule-conformity over outcome evaluation (Fan, 2024). Such legalism, while essential for preventing arbitrary acts, limits the evaluative scope of oversight to form rather than substance. Consequently, the prevailing legal control frameworks insufficiently capture the ethical and functional dimensions of public authority.

2. The Utility Gap

Case study analyses reveal a recurrent gap between legal compliance and societal benefit what this study defines as the *utility gap*. In several instances, administrative decisions were legally valid but failed to deliver tangible benefits or even produced counterproductive outcomes. For example, a regional administrative reform that consolidated licensing functions under a new agency complied with national regulations but resulted in longer processing times and higher costs for citizens. Such cases demonstrate that the mere legality of administrative acts does not guarantee their usefulness or fairness to the public. Interviewees repeatedly emphasised that “procedures are fulfilled, but results are invisible,” a sentiment consistent with Moore’s (1995) concept of *public value* as the true measure of administrative success. Hence, the study underscores that a legally valid act can still represent a functional failure if it lacks public utility.

3. Weak Accountability for Outcomes

The research found that accountability mechanisms in Indonesia remain primarily procedural rather than substantive. Performance audits, public complaints, and annual reports often focus on compliance indicators number of outputs, adherence to deadlines, and budget absorption without assessing the effectiveness or social impact of administrative actions. Respondents noted that “officials feel safe if they follow the rules, even if the outcomes are poor,” revealing the prevalence of output-based accountability rather than outcome-based responsibility. This aligns with Overman and Schillemans (2022), who argue that accountability must be felt and internalised, not merely formalised, to generate meaningful reform. The lack of post-decision evaluation creates an *accountability gap*, where officials are not answerable for the real-world consequences of their actions. Addressing this gap requires embedding utility-driven performance metrics into the institutional culture of administrative oversight.

4. Positive Interaction between Utility and Accountability

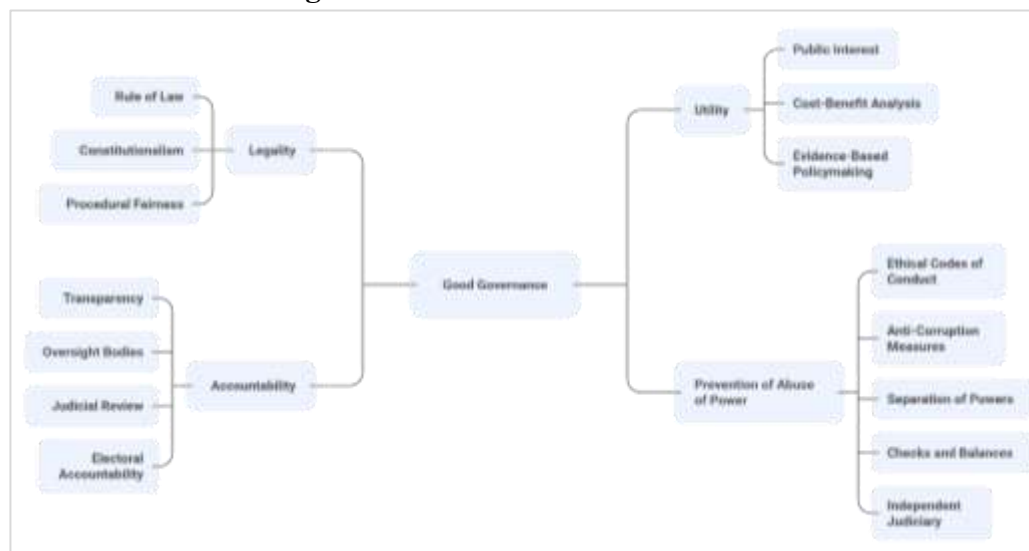
In a few exemplary cases, institutions that incorporated both utility and accountability considerations demonstrated a measurable reduction in abuse of authority. For instance, one provincial oversight body implemented a post-decision evaluation system that reviewed the public benefit of major administrative actions and annulled those deemed non-beneficial. Interviews indicated that when officials were aware they would be asked to justify not only the legality but also the utility of their decisions, their behaviour became more cautious and deliberative. As one oversight officer stated, “When accountability includes usefulness, officials think twice before exercising discretion.” This observation confirms that linking utility and accountability can serve as a powerful deterrent to misuse of authority. The evidence supports Romzek and Dubnick’s (2018) assertion that accountability must operate as a multidimensional mechanism combining legal, ethical, and performance-oriented components.

5. The Development of an Administrative Accountability Framework Grounded in Utilitarian Principles

Cross-analysis of documents, cases, and interviews produced a conceptual framework integrating three interdependent dimensions: legality (lawful exercise of power), utility (generation of public value), and accountability (answerability for both processes and results). Stakeholders unanimously agreed that current oversight systems lack such an integrated

perspective and advocated for “impact-oriented audits” rather than mere compliance checks. The proposed framework, termed *administrative accountability based on utility*, positions utility as a normative benchmark for evaluating the legitimacy of administrative decisions. It expands the evaluative criteria of administrative justice beyond formal legality to include benefit and responsibility. As such, it lays the foundation for a more responsive, fair, and value-driven system of governance.

Figure 1. Pillars of Good Governance



Source: Processed by the author

This model illustrates that legality alone cannot sustain administrative legitimacy; rather, it must operate dynamically with utility and accountability to prevent abuse of authority and ensure ethical governance outcomes.

DISCUSSION

The findings yield substantial theoretical and practical implications for administrative law. To contextualise these results, Table 2 provides a comparative overview of how legality, utility, and accountability are operationalised in Indonesia and in selected jurisdictions. This comparison demonstrates that while Indonesia’s framework remains legality-centric, other systems have evolved toward utility- and accountability-based legitimacy.

Table 2. Comparative Overview: Indonesia and Selected Jurisdictions

Aspect	Indonesia	European Union (EU)	Brazil	Analytical Notes
Regulatory Basis for Abuse of Authority	<i>Law No. 30/2014 on Government Administration</i> defines abuse narrowly as exceeding or misusing discretion.	EU administrative practice guided by <i>maladministration</i> under the European Ombudsman’s Charter.	<i>Lei do Abuso de Autoridade (2019)</i> criminalises abuse and stresses public responsibility.	Indonesia’s framework remains legality-based; EU and Brazil integrate ethical-functional standards.

Aspect	Indonesia	European Union (EU)	Brazil	Analytical Notes
Utility Evaluation	Rarely codified; performance metrics focus on compliance and budget absorption.	Embedded in <i>public value</i> and soft-law guidance on fairness and usefulness.	Evaluated via social-impact audits in public services.	Comparative systems institutionalise utility; Indonesia lacks structured utility audits.
Accountability Mechanisms	Internal inspectorates and courts largely procedural.	Multi-layered: Ombudsman, Parliament, and citizen petitions.	Mixed administrative-judicial mechanisms with citizen oversight councils.	Indonesia's accountability is hierarchical; others use participatory, result-based models.
Dominant Approach	Legalistic-bureaucratic, preventing formal excess.	Utility-based legitimacy emphasising transparency and responsiveness.	Normative-ethical integration of legality and social utility.	Shift from legality to utility-accountability defines modern administrative reform.

Source: Processed by the author

The comparative evidence confirms that Indonesia's administrative oversight architecture is still dominated by legality and procedural control, while the EU and Brazil exemplify more mature accountability cultures rooted in transparency, responsiveness, and utility. These cross-jurisdictional contrasts substantiate the *utility gap* and *accountability gap* revealed by this study's empirical data. They also highlight the potential trajectory of reform: incorporating public-value assessments, participatory audits, and multi-layered accountability mechanisms. Consistent with Moore (1995), administrative legitimacy should hinge not only on rule compliance but on value creation for society. Integrating utility into accountability transforms law from a reactive instrument of control into a proactive framework for ethical performance.

Theoretically, these results affirm that legality, utility, and accountability function as a triadic system of administrative legitimacy. The model proposed here bridges the gap between positivist legality and pragmatic governance by redefining legality as a necessary but insufficient condition of just administration. This supports the Oxford Research Encyclopedia (2022) argument that contemporary accountability must incorporate ethical, functional, and participatory elements. The synthesis of legality with utility aligns with the concept of *functional justice*, whereby administrative law ensures that state power not only complies with rules but also produces social benefit.

Practically, the findings suggest that administrative oversight should adopt *utility audits* periodic evaluations of whether decisions achieve measurable public benefit and expand accountability beyond procedural review. Establishing joint evaluation committees that include

citizen representatives and independent auditors would mirror successful EU and Brazilian practices. Embedding such mechanisms could rebuild public trust and enhance institutional responsiveness, aligning with Overman and Schillemans (2022), who emphasise that internalised accountability fosters ethical conduct among officials. By integrating these principles, Indonesia's administrative law could evolve toward a model of *responsive legality*, where the lawful exercise of authority is inseparable from its utility and answerability.

Finally, the study acknowledges contextual limitations that affect implementation. Overlapping mandates among oversight bodies and a culture of procedural defensiveness impede the institutionalisation of utility-based accountability. Interview data also reveal social desirability bias officials overstate their sense of responsibility relative to actual performance. Nonetheless, these limitations present opportunities for further empirical work. Future research should test the *administrative accountability based on utility* framework quantitatively across multiple jurisdictions to measure its correlation with reduced authority abuse and improved governance outcomes. Such studies would solidify the theoretical and comparative insights presented here and advance the global discourse on post-legalist administrative justice.

CONCLUSIONS

This qualitative research concludes that the phenomenon of *abuse of authority* cannot be adequately explained through the lens of legality alone; it must instead be understood through the integrated dimensions of legality, utility, and accountability. The findings demonstrate that while Indonesian administrative law remains predominantly procedural, a significant *utility gap* and *accountability gap* persist, revealing that legality without public benefit or answerability leads to functional injustice. The proposed conceptual framework *Administrative Accountability Based on Utility* offers a theoretical innovation by linking lawfulness to public value creation and outcome-based responsibility. These insights advance existing administrative theory by expanding the discourse beyond compliance, aligning with global scholarship that emphasizes ethical governance and citizen-oriented legitimacy. Socially and institutionally, this research underscores the need for governance systems that produce measurable public benefit, not merely lawful actions. Although limited by qualitative scope and contextual focus, the study opens pathways for future empirical exploration to test the framework's applicability across diverse jurisdictions and administrative cultures.

Recommendations

Based on these findings, several recommendations are proposed to ensure that the principles of utility and accountability become integral to administrative governance. Practically, policymakers and oversight institutions should implement *utility audits* regular assessments of whether administrative decisions generate social benefits alongside existing procedural reviews. Academics and legal reformers are encouraged to expand research on the intersection of legality and utility through comparative and interdisciplinary studies using triangulated or mixed methods. Administrators and practitioners should cultivate an internalised culture of *felt accountability*, in which responsibility for results is embraced as a moral duty rather than a procedural requirement. Future research may explore longitudinal and cross-national analyses to evaluate how utility-based accountability influences public trust and administrative efficiency. Collectively, these recommendations aim to transform administrative law into a dynamic instrument of ethical governance that not only prevents abuse but actively promotes public value and institutional integrity.

REFERENCES

Bagley, N. (2019, March 4). *The procedure fetish*. *Michigan Law Review*, 118(3), 547–590. <https://doi.org/10.36644/MLR.118.3.PROCEDURE>

- Bojang, M. B. S. (2021). *Public value management: An emerging paradigm in public administration*. *International Journal of Business, Management and Economics*, 2(4), 225–238. <https://doi.org/10.47747/ijbme.v2i4.395>
- Bressman, L. S. (2003, January 1). *Beyond accountability: Arbitrariness and legitimacy in the administrative state*. *Social Science Research Network*. <https://doi.org/10.2139/ssrn>
- Bryman, A., & Bell, E. (2015). *Business research methods* (4th ed.). Oxford University Press.
- Candeub, D. A. (2018, May 11). *Tyranny and administrative law*. *Revista de Direito Administrativo*, 277, 1–20. <https://doi.org/10.12660/RDA.V277.2018.74801>
- Fan, Y. (2024). *Accountability in public organization: A systematic literature review and future research agenda*. *Public Organization Review*, 25, 295–310.
- Gumbir, S. W., & Nurhayati, R. (2016). *An overview on the abuse of power in the perspective of corruption law and government administration law in Indonesia based on the criminal justice system and the state administration of justice system*. *Yustisia*, 5(3). <https://jurnal.uns.ac.id/yustisia/article/download/8798/7878/>
- Hatmaker, D. (2019). *Advancing public administration research through qualitative studies*. *Journal of Public Administration Research and Theory*. <https://academic.oup.com/jpart/pages/advancing-public-administration-research-through-qualitative-studies-turn0search0>
- Hirota, E. K. (2025, September 14). *O abuso de autoridade: Análise histórica, jurídica e aplicabilidade da lei*. *Revista Fisio & Terapia*. <https://doi.org/10.69849/revistaft/pa10202509141918>
- Kasdan, D. O. (2011, December 1). *A neopragmatist approach to administrative authority*. *Administrative Theory & Praxis*, 33(4), 611–631. <https://doi.org/10.2753/ATP1084-1806330404>
- Kinchin, N. (2018, December 28). *Introduction: “All is forgiven”: Administrative decision-making without administrative law*. In *Administrative decision-making without administrative law* (pp. 1–15). Edward Elgar Publishing. <https://doi.org/10.4337/9781786432612.00007>
- Lincoln, Y. S., & Guba, E. G. (1985). *Naturalistic inquiry*. Sage.
- Moore, M. H. (1995). *Creating public value: Strategic management in government*. Harvard University Press.
- Naidoo, I., & Holtzhausen, N. (2020). *Contextualising public value theory and its measurement in public administration*. *Administratio Publica*, 28(2), 192–206. Retrieved from <https://repository.up.ac.za/bitstreams/af19fa29-45da-4b8c-6dd17085436/download>
- Oxford Research Encyclopedia of Politics. (2022). *The extended scope of accountability in public administration*. Oxford University Press.
- Overman, S., & Schillemans, T. (2022). *Felt accountability in public organisations: When performance-measurement fosters internal commitment*. *Public Management Review*, 24(3), 313–333.
- Pérez-Durán, A. (2023). *Accountability in public organization: A systematic literature review*. *Public Administration Review*. <https://doi.org/10.1007/s11115-024-00792-y>
- Rahman, W., Sudarsono, S., Djatmika, P., Madjid, A., & Rajamanickam, R. (2024). *Prevention of the corruption crime through administrative enforcement mechanism against abuse of authority*. *Journal of Law & Legal Reform*, 5(4). <https://doi.org/10.15294/jllr.v5i4.1849>
- Rock, E. (2017, October 1). *Accountability: A core public law value?* *Social Science Research Network*. <https://doi.org/10.2139/SSRN.3195567>
- Romzek, B. S., & Dubnick, M. J. (2018). *Accountability in the public sector: A conceptual framework*. In J. R. Anderson & A. Van de Ven (Eds.), *Public sector reforms: Addressing the governance challenge* (pp. 45–68). Routledge.

- Thaher, I. (2025). *Discretion of administrative officials: Boundaries, accountability, and legal oversight through the role of the State Administrative Court. International Journal of New Approaches to Law and Rationality in Nationhood, Governance, and Rights Advocacy*, 1(1). <https://doi.org/10.56861/.v1i1.173>
- Tsadiras, A. (2015, October 17). *Maladministration and life beyond legality: The European Ombudsman's paradigm. International Review of Law*. <https://doi.org/10.5339/IRL.2015.11>
- Vermeule, A. (2019, December 20). *Optimal abuse of power. Revista de Direito Administrativo*, 278, 45–67. <https://doi.org/10.12660/RDA.V278.2019.80829>
- Wardana, R. I., Frinaldi, A., & Roberia, R. (2024, June 28). *The role of administrative law in resolving abuse of authority causing state losses. Polyscopia*, 1(3). <https://doi.org/10.57251/polyscopia.v1i3.1361>