



# Convergence of Administrative Law and Criminal Law in Corruption Prevention for National Strategic Projects

Abdul Azis Pangeran \*, M. Muchlas Rowi

Faculty of Law, Borobudur University, Indonesia

\*Email (corresponding author): [pangeran\\_aziz@yahoo.com](mailto:pangeran_aziz@yahoo.com)

**Abstract.** National Strategic Projects (NSP) occupy a central position in Indonesian development policy as they serve as instruments for accelerating economic growth and equitable distribution of prosperity. The large budget scale, regulatory complexity, and high pressure for project completion make PSNs vulnerable to corrupt practices. To date, efforts to prevent and address corruption in PSNs have been dominated by a repressive criminal law approach that operates after a violation has occurred. This approach has not been fully effective because it ignores the role of administrative law as an instrument for controlling authority and prevention from the project planning and implementation stages. This article aims to analyze the problematic relationship between administrative law and criminal law in preventing corruption in PSNs and to formulate a proportional and functional convergence model. This research employs normative legal research methods with statutory, conceptual, and analytical-critical approaches. The results of the study indicate overlapping authority, unclear boundaries between administrative and criminal errors, and a tendency to criminalize policy discretion, which has resulted in a decline in bureaucratic courage. This article offers a convergence model that positions administrative law as the vanguard of prevention through strengthened supervision, audits, and administrative corrections, while criminal law is selectively positioned as an instrument of last resort. This model is relevant for encouraging national legal policy reforms that are more preventative, equitable, and oriented toward sustainable improvement of National Strategic Project (PSN) governance.

**Keywords:** National Strategic Project; Legal Convergence; Administrative Law; Criminal Law; Corruption Prevention

## 1. Introduction

National Strategic Projects (PSN) are positioned as the backbone of development policies aimed at accelerating economic growth and equitable prosperity (Kusumawati, 2023). The establishment of National Strategic Projects (PSN) entails substantial state budget priorities and special administrative treatment (Herwin, 2023). This policy framework distinguishes PSNs from ordinary government projects, both in terms of scale, urgency, and management structure. The state positions PSNs as a symbol of government effectiveness in responding to public needs (Lubis, 2024). This situation simultaneously creates a broad scope for power for state administrators at various levels.

The large allocation of funds and the complexity of PSN management are inextricably linked to the potential for irregularities (Khusnawati, 2025). The multi-layered regulatory structure, the involvement of numerous actors, and strict completion targets create significant administrative pressure (Enala, 2025). These conditions often force officials to make quick decisions within a wide scope of discretion. The risk of corruption arises not

---

only from malicious intent but also from governance unprepared to address this complexity. This policy environment increases the opportunity for abuse of authority (Unzila, 2025).

Corruption eradication efforts have so far relied heavily on criminal law instruments. Enforcement through investigation, prosecution, and criminal prosecution is considered the primary solution to maintaining the integrity of the National Strategic Project (PSN) (Kandia, 2026). This approach demonstrates a reactive nature that only comes into play after state losses or legal violations have occurred. The effectiveness of prevention from the project planning and implementation stages has not been fully achieved (Nugroho, 2022). This pattern gives the impression that the law only comes into play after governance breakdowns have already occurred.

Overreliance on criminal law leaves fundamental problems in development governance. Law enforcement oriented toward punishment often ignores the systemic roots of administrative problems (Ismawati, 2025). Procedural errors, weak oversight, and unclear work standards are not always adequately addressed. As a result, the potential for repeated irregularities remains open despite enforcement efforts. This situation highlights the limitations of criminal law as the sole preventive instrument.

The need for a preventive approach becomes increasingly urgent as the complexity of the PSN increases. Administrative law offers normative tools to regulate authority, procedures, and accountability from the early stages of policy development (Ridwan, 2020). Administrative control mechanisms enable corrections to be made before violations develop into criminal acts (Aritonang, 2021). This approach places prevention as the primary strategy, not merely a supplement. The role of administrative law is crucial as an initial layer of protection against potential corruption (Mau, 2024).

Law enforcement practices demonstrate an overlap in authority between administrative law and criminal law. The assessment of an act often shifts from the administrative to the criminal realm without a clear boundary (Sutriadi, 2022). This ambiguity creates tension between supervisory and law enforcement officials. National Strategic Project (PSN) implementing officials are vulnerable due to inconsistent accountability standards. This situation creates legal uncertainty that impacts the quality of public decision-making (Sulistiyaningsih, 2023).

Normatively, National Strategic Projects are defined as projects that have a significant impact on the national interest (Wardana, 2024). The main characteristics of PSN are their priority, acceleration, and cross-sectoral support. The government provides easy licensing and administrative flexibility to ensure projects run on target (Hadi, 2025). These characteristics demonstrate different legal treatment compared to regular projects. This specificity also requires a more adaptive oversight system.

The vulnerability to corruption in National Strategic Projects (PSN) stems from interrelated structural factors. The large budget creates opportunities for manipulation in the procurement of goods and services. Tight deadlines encourage simplified procedures, potentially reducing internal controls. The involvement of numerous actors, including central government, regional governments, and the private sector, increases the risk of conflicts of interest (Mesarah, 2025). This structure makes PSN a policy area sensitive to irregularities.

From a governance perspective, National Strategic Projects (PSN) can be viewed as a high-risk area. Administrative law views this risk as a matter of controlling authority and procedural compliance. Criminal law views it as the potential for unlawful acts that harm

---

state finances (Arief, 2023). These differing perspectives are often not harmonized in practice. As a result, responses to corruption risks are carried out separately and unintegrated.

Administrative law plays a central role in shaping the behavior of government officials. Regulations regarding authority, discretion, and procedures aim to prevent abuse of power. Administrative instruments allow for hierarchical and continuous oversight. Errors can be corrected through corrective mechanisms without immediately requiring criminal prosecution (Ilmar, 2024). This function demonstrates the strategic role of administrative law in maintaining the integrity of National Strategic Projects (PSN).

The principles of legality, accountability, and good governance are the foundation for systemic corruption prevention. These principles require a clear legal basis for every government action. Administrative accountability promotes transparency and traceability of decisions. Both internal and external oversight, including by the APIP (Public Apparatus Commission), the Supreme Audit Agency (BPK), and the Ombudsman, are essential for ensuring the consistent implementation of these principles. This mechanism builds a more sustainable culture of compliance (Tanujaya, 2025).

Criminal law remains crucial in eradicating corruption. Its character as *ultimum remedium* emphasizes its role as a last resort for serious violations. The criminal process operates after the unlawful act has been formally and materially proven. This approach is repressive and punishment-oriented (Candra, 2024). Its limitations arise when criminal law is used to address administrative issues that should be resolved through non-criminal mechanisms.

The excessive use of criminal law creates the problem of the criminalization of policy. Public officials become reluctant to make strategic decisions for fear of being held criminally liable. This fear has the potential to hamper the implementation of National Strategic Projects (PSN) and reduce the quality of public services. This situation reflects an imbalance between law enforcement and the needs of government administration. This challenge underscores the importance of restructuring the relationship between administrative law and criminal law in a more proportional manner.

## 2. Methods

This study employs normative legal research methods combining conceptual, legislative, and analytic-critical approaches to examine the relationship between administrative law and criminal law in preventing corruption in National Strategic Projects. The legislative approach is carried out through a systematic review of the norms governing National Strategic Projects (PSN), government administration, and criminal acts of corruption, including the Government Administration Law, the Corruption Eradication Law, and sectoral regulations related to strategic projects. A conceptual approach is used to build a theoretical framework regarding discretion, accountability, *ultimum remedium*, and legal convergence as a basis for critical analysis of law enforcement practices. The analysis is conducted prescriptively by assessing the gap between legal norms and practice, particularly regarding overlapping authority and inconsistencies in accountability standards. Primary, secondary, and tertiary legal materials are analyzed qualitatively to formulate a reconstructive and applicable convergence model, so that the research results not only explain the problem, but also offer a direction for updating legal policies that are relevant to preventing PSN corruption.

---

### 3. Results and Discussion

#### 3.1 Practices and Problems of the Relationship Between Administrative Law and Criminal Law in National Strategic Projects

The implementation of National Strategic Projects demonstrates an overlapping authority between administrative and criminal law regimes. Administrative errors are often assessed using criminal law without first going through administrative corrective mechanisms. The parameters of an administrative violation essentially stem from procedural deviations, violations of good governance principles, or non-compliance with licensing provisions. Meanwhile, a criminal offense requires an unlawful act accompanied by an element of intent or abuse of authority that results in state losses. This distinction is often overlooked in the practice of National Strategic Project law enforcement.

The unclear boundary between maladministration and criminal corruption is a persistent problem in the legal system. Maladministration should be understood as an administrative failure that can be corrected through oversight mechanisms and administrative sanctions. Criminal law is only relevant when malicious intent or substantial abuse of authority is found. Law enforcement that does not differentiate between these two areas has the potential to lead to injustice. Public officials are ultimately subject to criminal penalties for errors stemming from systemic weaknesses.

Inconsistencies in the assessment of the actions of National Strategic Project officials directly impact legal certainty. Internal supervisory agencies, audit institutions, and law enforcement officials often apply different standards to the same legal incident. An action may be deemed an administrative violation by one agency but classified as a criminal offense by another. This situation weakens the principle of legal certainty, which should be the foundation of a state based on the rule of law. This uncertainty also creates room for interpretation that is vulnerable to abuse.

Administrative discretion plays a vital role in executing National Strategic Projects, as it allows government officials the flexibility to respond to dynamic situations that written regulations may not fully address. This need for adaptive decision-making stems from the technical complexities involved, time constraints, and the diverse conditions related to each project. Law Number 30 of 2014 concerning Government Administration explicitly recognizes discretion as part of the authority of government officials, as affirmed in Article 1, number 9. The use of discretion is limited by normative requirements as stipulated in Articles 22 and 24, which emphasize legitimate objectives, the public interest, the principle of prudence, and administrative accountability. These regulations emphasize that discretion is not positioned as a deviation from the law, but rather as a legal instrument to maintain the effectiveness and continuity of government administration.

Law enforcement practices demonstrate a shift in the meaning of discretion toward criminalization. Policy decisions made to maintain the sustainability of the National Strategic Project (PSN) are often criminalized without adequate administrative analysis. This approach blurs the distinction between policy errors and corruption crimes. Law enforcement officials tend to assess the consequences, rather than the process and intent of decision-making. As a result, legitimate administrative discretion loses its legal protection.

The criminalization of discretion significantly affects bureaucratic courage. Public officials become reluctant to make strategic decisions, even those necessary for the smooth operation of the PSN. A culture of defensive decision-making begins to replace a public

---

service orientation. This situation has the potential to slow development and degrade policy quality. Fear of criminal risks becomes a structural barrier to governance.

The dominant repressive approach to eradicating corruption in PSN shows fundamental limitations. Criminal action is typically initiated after losses to the state have occurred and public trust has been compromised. Unfortunately, weak administrative systems are often neglected, even when criminal cases are dismissed. This pattern leads to a cycle of enforcement that fails to bring about improvements in governance. Preventive efforts are not optimally developed because the focus remains on punishment.

The deterrent effect of criminalizing corruption in PSN is individual and does not address structural roots. Perpetrators are punished, but the system that allows corruption to occur remains in place. Administrative regulations, oversight mechanisms, and standard procedures do not always undergo significant improvements. This situation highlights the limitations of criminal law as a tool for governance transformation. Preventing corruption requires systemic change, not simply imposing penalties.

The failure of early prevention is also influenced by weak integration between legal regimes. Administrative law and criminal law operate independently without adequate coordination. The results of administrative investigations do not always form the basis for proportionate criminal penalties. This disharmony creates fragmented law enforcement within the National Anti-Corruption System (PSN). The legal system loses its ability to comprehensively respond to corruption risks.

The problematic relationship between administrative law and criminal law within the PSN demonstrates the need for a restructuring of the law enforcement paradigm. Corruption prevention cannot be left entirely to repressive instruments. Strengthening administrative mechanisms, clarifying accountability standards, and protecting legitimate discretion are urgently needed. The relationship between the two legal regimes needs to be positioned functionally and proportionally. The reform is a prerequisite for PSN governance with integrity and sustainability.

### **3.2 Convergence Model of Administrative and Criminal Law in the National Strategic Project on Corruption Prevention**

Legal convergence in the National Strategic Project corruption prevention is understood as a process of functional integration between legal regimes with distinct characteristics. Administrative law and criminal law remain autonomous branches of law, but are directed to work in a complementary manner. Convergence is not intended to erase the normative boundaries of each regime. The primary focus is on aligning functions and objectives to ensure more effective corruption prevention. This approach positions the legal system as a unified whole that is responsive to the risks of National Strategic Project governance.

The meaning of convergence also reflects a paradigm shift in anti-corruption legal policy. Prevention is no longer understood merely as a byproduct of criminal prosecution. Administrative law is given space to play an active role in the planning, budgeting, and implementation stages of National Strategic Projects. The administrative corrective function is positioned as the initial mechanism for risk control. This relationship requires a proportional re-examination of the roles of each legal instrument.

The synergy between preventive and repressive approaches is a key element in the convergence model. Administrative prevention works through hierarchical arrangements of



---

authority, procedures, and oversight. Criminal action remains in place to address serious violations that meet the elements of criminal misconduct. The two are not in conflict, but rather are structured in a clear functional sequence. The legal system strikes a balance between protecting the public interest and ensuring legal certainty.

The experiences of several countries demonstrate a trend toward strengthening administrative mechanisms as a key pillar in preventing corruption in public projects. Singapore has implemented a rigorous internal oversight system and multi-layered administrative audits as the primary instruments for controlling state projects, while criminal enforcement is selectively targeted at proven deliberate abuses of authority. South Korea has developed administrative integrity mechanisms and preventive audits for strategic infrastructure projects to eliminate opportunities for irregularities from the early stages. The Netherlands and Germany also emphasize strengthening administrative accountability through standard procedures, procurement transparency, and internal controls before resorting to criminal instruments. Practices in these countries demonstrate that administrative-based prevention can create sustainable effects while maintaining the proportionality of law enforcement, making it relevant as a bolstering argument for convergence within national legal systems.

The design of an integrated prevention model places administrative law at the forefront. Each stage of the National Strategic Projects (PSN) needs to be overseen by clear standard procedures and a continuous evaluation mechanism. Administrative oversight is aimed not only at identifying errors but also at improving processes. This approach encourages institutional learning and increases bureaucratic capacity. Prevention has become part of risk management, not just a formal obligation.

Criminal law is positioned as a selective instrument used proportionally. Punishment focuses on acts that meet the elements of intent, abuse of authority, and actual state losses. This selective approach prevents the expansion of criminalization of legitimately adopted public policies. Law enforcement officials are directed to assess administrative processes before drawing criminal conclusions. This restructuring of roles maintains a balance between effective law enforcement and bold decision-making.

Strengthening audit and oversight mechanisms is a key element in the convergence model. Audits serve not only as a post-implementation inspection tool but also as an early prevention instrument. Administrative audit results need to serve as the basis for evaluation and correction before escalation to the criminal realm. This mechanism eliminates the opportunity for hasty judgments. The legal system gains more adaptive risk detection capabilities.

The reconstruction of legal policy requires a restructuring of institutional roles. The Government Internal Supervisory Apparatus is positioned as the primary supervisor in the initial stages of the National Strategic Project (PSN) implementation. The Supreme Audit Agency (BPK) carries out an external audit function oriented towards system improvement. Law enforcement officials act based on audit results that have gone through the administrative process. This division of roles strengthens coordination and reduces overlapping authority.

Standardizing indicators for administrative and criminal errors is essential. Clear parameters distinguish procedural violations from criminal offenses, providing guidance for public officials in exercising their authority. Certainty in indicators prevents subjective

---

interpretations that could potentially lead to injustice. The legal system is moving towards more consistent and measurable assessments.

Legal protection for officials acting in good faith is an integral part of the convergence model. This protection is not intended to eliminate accountability but rather to ensure courageous decision-making. Officials who act in accordance with procedures and policy objectives deserve legal guarantees. Accountability remains enforced through transparent administrative mechanisms. This balance creates effective and integrity-based National Strategic Project (PSN) governance.

## Conclusions

A sectoral approach that rigidly separates administrative law and criminal law has not been able to provide optimal protection against corruption risks in National Strategic Projects. The dominance of repressive-oriented law enforcement tends to operate after state losses have occurred and does not address structural governance issues. This practice demonstrates the limitations of criminal law as a sole instrument for corruption prevention, particularly in large-scale, high-risk development projects. The proposed convergence model establishes administrative law as the primary source of authority, while criminal law selectively addresses serious violations that constitute criminal wrongdoing. This approach is relevant for encouraging a more balanced, adaptive, and prevention-oriented national legal policy reform, from the planning stage through the implementation of the National Strategic Projects (PSN).

Recommendations include the need to restructure normative policies to formulate a clearer and more functional relationship between administrative law and criminal law. Lawmakers need to strengthen the legal foundation for administrative-based prevention, including clarity on the limits of discretion, accountability standards, and corrective mechanisms before criminalization. From an institutional standpoint, it is imperative to enhance the roles of internal oversight bodies, audit institutions, and coordination with law enforcement officials to prevent overlapping authority and inconsistent assessments. Legal protections for officials acting in good faith must be crafted in a balanced manner that does not undermine the principle of public accountability. Additionally, further research should focus on developing measurable indicators for administrative prevention and assessing the effectiveness of the convergence model in government administrative practices.

## Conflicts of Interest

The authors declare no conflict of interest.

## References

- Arief, M. I. (2023). *Pertanggungjawaban Atas Kerugian Keuangan Negara Dalam Perspektif Hukum Administrasi, Perdata/Bisnis Dan Pidana/Korupsi*. Jakarta: MCL Publisher.
- Aritonang, D. M. (2021). Kompleksitas Penegakan Hukum Administrasi dan Pidana di Indonesia. *Jurnal Legislasi Indonesia*, 18(1), 45-58.
- Candra, F. A. (2024). Efektifitas Hukum Pidana Dalam Pemberantasan Korupsi. *JURNAL PENELITIAN SERAMBI HUKUM*, 17(01), 142-157.
- Enala, S. H. (2025). Analisis Peran dan Kewenangan Aktor Administrasi Publik dalam Proyek Pangan Nasional di Papua Selatan: Perspektif Multi-Level Governance. *Musamus Journal of Public Administration*, 7(2), 369-377.

- 
- Hadi, F. &. (2025). Politik Hukum Pembangunan Proyek Strategis Nasional di Pulau Lombok. *Konsensus: Jurnal Ilmu Pertahanan, Hukum dan Ilmu Komunikasi*, 2(2), 123-133.
- Herwin, A. D. (2023). Intervensi Pemerintah terhadap Pajak dan Retribusi Daerah dalam Rangka Proyek Strategis Nasional. *Amsir Law Journal*, 4(2), 126-142.
- Ilmar, A. (2024). *Hukum Administrasi Pemerintahan*. Jakarta: Prenada Media.
- Ismawati, S. &. (2025). Transformasi Kebijakan Pidana Dalam Kuhp Nasional: Menuju Sistem Pidana Yang Berkeadilan Dan Humanis. *Simbur Cahaya*, 32(2), 283-306.
- Kandia, I. W. (2026). Penegakan Hukum Pidana terhadap Tindak Pidana Korupsi di Indonesia. *Journal of Multidisciplinary Law Studies*, 1(1), 47-55.
- Khusnawati, A. A. (2025). Kompleksitas Aspek Hukum pada Proyek Strategis Nasional: Studi Kasus LRT Jabodebek. *Jurnal Ilmu Hukum, Humaniora dan Politik (JIHHP)*, 5(3).
- Kusumawati, M. P. (2023). Tinjauan Yuridis Permasalahan dan Tantangan Pengadaan Tanah dalam Kerangka Proyek Strategis Nasional (PSN). *Prosiding Seminar Hukum Aktual Fakultas Hukum Universitas Islam Indonesia*, 1(3), 102-110.
- Lubis, E. H. (2024). Literature Study: Pengaruh Strategi Perencanaan terhadap Efektivitas Pembangunan Nasional. *Jurnal Masharif Al-Syariah: Jurnal Ekonomi dan Perbankan Syariah*, 9(2).
- Mau, H. A. (2024). Optimalisasi Peran Hukum Administrasi Negara dalam Upaya Pemberantasan Praktik Korupsi di Indonesia. *Jurnal Ilmu Hukum, Humaniora dan Politik (JIHHP)*, 4(6).
- Mesarah, M. (2025). Mitigasi Risiko Investasi Asing dan Tinjauan Hukum Terhadap Skema Sovereign Wealth Fund dalam Proyek Strategis Nasional di Indonesia. *Ranah Research: Journal of Multidisciplinary Research and Development*, 7(5), 3916-3930.
- Nugroho, K. (2022). Pengaruh Implementasi Model Kematangan terhadap Pencapaian Value for Money untuk Efisiensi Pengadaan Barang/Jasa Studi kasus: Unit Kerja Pengadaan Barang/Jasa pada Program Strategi Nasional Pencegahan Korupsi. *Jurnal Kebijakan Ekonomi*, 17(1), 12.
- Ridwan, I. H. (2020). *Hukum administrasi Negara dan kebijakan pelayanan publik*. Bandung: Nuansa Cendekia.
- Sulistiyarningsih, N. F. (2023). Implementasi Public Trust Doctrine Dalam Pengambilan Kebijakan Di Tingkat Daerah Dan Pusat: Tantangan Dan Peluang Di Indonesia. *Jurnal Esensi Hukum*, 5(2), 70-86.
- Sutriadi, D. &. (2022). Dinamika Persinggungan Hukum Administrasi Dan Hukum Pidana Di Indonesia. *Jurnal Inovasi Penelitian*, 3(2), 5013-5028.
- Tanujaya, J. (2025). Optimalisasi E-Government Dalam Pencegahan Korupsi Di Pemerintahan Daerah: Tinjauan Yuridis Dan Implementatif. *Jurnal Kepastian Hukum dan Keadilan*, 7(1), 101-115.
- Unzila, A. &. (2025). Kritik Terhadap Penerapan Unsur “Menyalahgunakan Kewenangan” Dalam Tindak Pidana Korupsi Proyek Strategis Nasional. *Arus Jurnal Sosial dan Humaniora*, 5(3), 4889-4895.
- Wardana, A. &. (2024). Pembangunan sebagai proses eksklusif: Kajian hukum dan ekonomi-politik atas proyek strategis nasional. *Jurnal Hukum & Pembangunan*, 54(2), 259-288.
- 

CC BY-SA 4.0 (Attribution-ShareAlike 4.0 International).

This license allows users to share and adapt an article, even commercially, as long as appropriate credit is given and the distribution of derivative works is under the same license as the original. That is, this license lets others copy, distribute, modify and reproduce the Article, provided the original source and Authors are credited under the same license as the original.

