

Weaknesses of Administrative Sanctions for Construction Services: Analysis of AUPB and its Impact on Effectiveness

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Abstract. *The provision of construction services plays a strategic role in national development, but in practice it is still marred by various violations that indicate weak compliance with regulations, technical standards, and work contracts. This study aims to analyze the nature of violations in construction services, examine the application of the General Principles of Good Governance (AUPB) in imposing administrative sanctions, and evaluate the effectiveness of administrative sanction regulations in ensuring legal compliance. The research method used is normative legal research with a statutory and conceptual approach, supported by an analysis of relevant primary and secondary legal materials. The results show that violations in construction services are systemic and multidimensional, and have the potential to develop from administrative violations to civil and criminal offenses. The application of AUPB in imposing administrative sanctions has not been optimal, as reflected in inconsistencies, lack of transparency, and weak accountability. Furthermore, the regulation of administrative sanctions is still general and does not provide clear parameters regarding the classification of violations and the proportionality of sanctions, thus implicating its low effectiveness as a law enforcement instrument. In conclusion, the effectiveness of administrative sanctions in construction services has not been fully able to encourage compliance and ensure orderly construction implementation. Therefore, it is necessary to update more operational regulations, strengthen the supervisory system, and internalize the AUPB in government practices in order to realize law enforcement that is fair, accountable, and oriented towards protecting public interests.*

Keywords: *Administrative; Construction; Sanctions; Violations.*

1. Introduction

National development is a concrete manifestation of the state's goals as mandated in the Preamble to the 1945 Constitution of the Republic of Indonesia, particularly in realizing general welfare and social justice.(Nur 2024)Within this framework, the construction services sector holds a strategic position as a key instrument in providing quality, sustainable, and competitive infrastructure. Infrastructure not only serves to support economic activity but also as an indicator of the success of effective, transparent, and accountable governance.(Lail and Pamungkas 2025).

Normatively, the implementation of construction services in Indonesia is regulated by Law No. 2 of 2017 concerning Construction Services, which stipulates that all construction activities must meet safety, security, health, and sustainability standards. This provision is further clarified in Government Regulation Number 22 of 2020, as amended by Government Regulation Number 14 of 2021, which technically regulates the implementation of construction services, including the responsibilities of the parties, technical standards, and monitoring and sanction mechanisms. Article 59 of the Construction Services Law emphasizes that construction implementation standards encompass standards for material quality, work safety, implementation procedures, and the quality of work results, all of which are binding on both service providers and users.

In practice, the provision of construction services is still plagued by various forms of systemic and recurring violations. These violations range from administrative aspects, such as non-compliance with permits and certifications, to irregularities in the procurement process, work that does not meet specifications, and disregard for occupational safety and health standards. In fact, in many cases, administrative violations escalate into civil violations in the form of breach of contract, or criminal violations if they result in state financial losses or endanger public safety. This situation indicates that violations in construction services are not only technical in nature, but also reflect weak adherence to legal norms and professional ethics.(Rochman 2025).

Legal provisions also explicitly regulate the consequences of such violations. Articles 60 and 98 of Law No. 2 of 2017 concerning Construction Services stipulate that any service provider and/or user who fails to meet safety, security, health, and sustainability standards may be subject to administrative sanctions. These sanctions can include written warnings, administrative fines, suspension of business permits, and even revocation of business permits. Furthermore, if the violation results in building failure resulting in losses or loss of life, it can be brought under other legal regimes, including provisions in Law No. 28 of 2002 concerning Buildings, as amended by Law No. 11 of 2020 concerning Job Creation, which opens up the possibility of criminal sanctions.

The effectiveness of administrative sanctions in the construction services sector remains problematic. Conceptually, administrative sanctions should function as a preventive and corrective instrument to ensure legal compliance.(Maulana, Purwani, and Satyawati 2026)However, in practice, there are various weaknesses, including clarity of norms, inconsistent implementation, and weak oversight. It's not uncommon to find that the same violation is subject to different sanctions, or even disproportionate action. This creates legal uncertainty and opens up room for abuse of authority by administrative officials.

This issue cannot be separated from the importance of implementing good governance principles in every government action. In the context of administrative law, the imposition of administrative sanctions must be based on the General Principles of Good Governance (AUPB) as stipulated in Law No. 30 of 2014 concerning Government Administration, which includes the principles of legal certainty, benefit, impartiality, accuracy, non-abuse of authority, openness, and good service.(Ali and Rozi 2026). AUPB functions as a normative limit as well as an evaluative parameter in assessing the validity or otherwise of a decision or administrative action, including in imposing sanctions.(Ibad, IP, and AP 2026).

In the practice of imposing administrative sanctions in the construction services sector, the implementation of the AUPB is often suboptimal. There are still indications that the sanctioning process is carried out without considering the principle of proportionality, lacking adequate transparency, or even containing conflicts of interest. This situation not only has the potential to harm business actors but also undermines the government's legitimacy and hinders the creation of a healthy and equitable business climate.

There is a close relationship between the high level of violations in construction services and the weak regulation and implementation of administrative sanctions, which are not fully based on the principles of the AUPB. Therefore, this study is relevant to conduct, focusing on two main focuses. First, identifying and analyzing the forms of violations in construction services as a reflection of weak compliance and oversight. Second, evaluating the application of the General Principles of Good Governance in the imposition of administrative sanctions to assess whether the existing mechanisms have met the principles of legal certainty, justice, and accountability.

This research is expected to not only provide theoretical contributions in the development of state administrative law, but also provide practical recommendations in order to strengthen the regulation and implementation of administrative sanctions in the construction services sector, so as to be able to encourage the creation of orderly, quality, and integrity-based development implementation.

2. Research Methods

This research method uses a type of normative legal research (normative juridical) which focuses on the analysis of legal norms, principles and statutory regulations related to administrative sanctions in construction services. (Rizkia and Fardiansyah 2023) The approaches used include legislative, conceptual, and case studies. The legislative approach is carried out by examining regulations such as Law No. 2 of 2017 concerning Construction Services, Government Regulation Number 22 of 2020 in conjunction with Government Regulation Number 14 of 2021, and Law No. 30 of 2014 concerning Government Administration. The conceptual approach is used to examine the concept of administrative sanctions and AUPB, while the case study approach is used to observe their implementation in practice.

The choice of normative method in this study is based on the research objectives, which focus on analyzing the structure of norms, legal gaps, and inconsistencies between regulations and the principles of the General Principles of Good Governance (AUPB). This approach is considered most appropriate because it allows researchers to deeply examine the consistency, clarity of norms, and rationality of administrative sanction regulations without being tied to empirical variables.

The data sources used are secondary data consisting of primary, secondary, and tertiary legal materials. Data collection was conducted through a literature review, reviewing various relevant literature and regulations. Furthermore, data analysis was conducted qualitatively through legal reasoning, interpreting and examining the relationships between norms and evaluating the suitability of regulations and practices, particularly in the application of administrative sanctions based on the AUPB principles.

3. Results and Discussion

3.1. Construction Services Violations

Violations in construction services are essentially a form of deviation from legal provisions, technical standards, construction work contracts, and professional codes of ethics that regulate all stages of construction implementation. (Syarif et al. 2024). These violations not only reflect administrative non-compliance but also demonstrate a failure to apply the principles of professionalism, accountability, and responsibility that should be the foundation of all construction activities. In this context, violations must be understood comprehensively as a multidimensional phenomenon that can progress from the administrative to the civil and even the criminal realm, depending on the level of impact.

Normatively, Law No. 2 of 2017 concerning Construction Services emphasizes that construction implementation must meet security, safety, health and sustainability

standards as the main prerequisites.(IOOD 2025)These standards cover the quality of materials and equipment, implementation procedures, occupational safety and health, and building operation and maintenance. Failure to comply with these standards not only results in reduced workmanship but also has the potential to result in building failures that could endanger public safety. In such cases, both the service provider and the user may be held legally responsible, including the obligation to repair or compensate for losses resulting from such failures.

In practice, violations in construction services can occur at every stage of the activity, from planning to maintenance. At the planning stage, violations can include designs that do not comply with technical standards or functional requirements. At the procurement stage, violations often occur in the form of tender manipulation, collusion, and the preparation of non-objective specifications, which contradict the principles of transparency and fair competition. Meanwhile, at the implementation stage, violations generally relate to the use of materials that do not meet specifications, deviations from work methods, and disregard for occupational safety and health standards. Furthermore, manipulation of project reports and non-compliance with technical documentation are also recurring violations, as they can mislead the monitoring and evaluation process and result in financial losses.(Athallah 2025).

From a legal perspective, violations in construction services are not only limited to administrative aspects, such as licensing and certification, but can also develop into civil violations in the form of breach of contract for construction work.(Marito and Kanthika 2024). This breach of contract can take the form of non-fulfillment of obligations, delays in performance, or performance that does not comply with the agreement, ultimately resulting in the obligation to compensate. Furthermore, violations can also have criminal implications if they contain elements of corruption, bribery, or cause state losses or endanger public safety. Thus, violations in construction services have a cross-legal nature, demonstrating the complexity of their handling.(Irfan and Rambey 2024).

Beyond legal aspects, violations in construction services are also closely related to the ethical dimension of the profession. Practices such as technical data manipulation, abuse of authority, conflicts of interest, and collusion and corruption demonstrate that violations are not only deviations from written norms but also from moral values that construction service providers should uphold.(Krisnawati and Prakasa 2025)This low level of integrity and work ethics ultimately worsens the quality of governance in the construction sector and creates an unhealthy business climate.(Hartanti et al. 2025).

The impact of construction service violations is widespread and systemic, harming not only the government and business actors but also the public as users of development outcomes. Decreased infrastructure quality, increased risk of workplace accidents, and potential building failure are real consequences of weak

compliance with regulations and technical standards.(Krisnawati and Prakasa 2025)This condition can ultimately reduce public trust in the implementation of development.

Violations in construction services cannot be separated from complex and interrelated causal factors, such as weak supervisory systems, low competence and professionalism of human resources, time and project cost pressures, and low integrity and compliance with regulations.(Sasmita, Wardhani, and Noor 2026)The combination of these factors indicates that violations in construction services are not merely technical or individual issues, but rather reflect structural weaknesses in construction sector governance.

Thus, violations in construction services need to be understood as a systemic problem that requires a repressive approach through law enforcement, as well as a preventative approach through strengthening regulations, increasing oversight, and developing the competence and integrity of construction service providers. This comprehensive approach is key to achieving orderly, high-quality, and sustainable construction services.

3.2. Application of General Principles of Good Governance (AUPB) in Imposing Administrative Sanctions in the Construction Services Sector

The imposition of administrative sanctions in the construction services sector is basically a legal instrument that is both preventive and corrective in nature to ensure compliance with laws and regulations, technical standards and contractual provisions.(Marito and Kanthika 2024). Within the framework of administrative law, the government's authority to impose sanctions is not absolute, but must be exercised based on binding legal principles, particularly the General Principles of Good Governance (AUPB) as stipulated in Law No. 30 of 2014 concerning Government Administration. AUPB serves as a normative parameter that ensures that every government action is not only formally legitimate, but also meets standards of justice, rationality, and propriety.

In the context of construction services, the application of AUPB is very relevant considering the complexity of legal relationships involving the government, service providers, and the public interest as users of development results.(Vaza 2025). Administrative sanctions imposed for violations, such as non-compliance with permits, deviations from technical specifications, violations of occupational safety and health standards, and failure to fulfill repair obligations for building failures, must essentially reflect the principles of legal certainty, accuracy, and not abuse of authority.(Maulana and Harisman 2024).

However, based on an analysis of construction service delivery practices, the application of the AUPB in imposing administrative sanctions still shows several weaknesses. One key indicator is the inconsistency in imposing sanctions for

violations with similar characteristics. This condition reflects the suboptimal implementation of the principle of legal certainty, which should ensure uniformity and predictability in government actions. This inconsistency not only creates uncertainty for business actors but also has the potential to undermine trust in the administrative law enforcement system.

Furthermore, the proportionality aspect of sanctioning has not been fully internalized in practice. In some cases, the sanctions imposed are disproportionate to the severity of the offense or the impact of the violation. This demonstrates a weak application of the principles of expediency and justice, which emphasize that sanctions should not only be punitive but also consider the goals of development and improvement. This imbalance between the type of violation and the severity of the sanction has the potential to create injustice and opens up room for subjective interpretation in administrative decision-making.

Another crucial issue is the suboptimal implementation of the principles of transparency and accountability in the oversight and sanctioning processes. In practice, administrative decision-making is often not conducted transparently, both in terms of the basis for consideration and the mechanisms for evaluating violations. This situation not only hampers public oversight but also opens up opportunities for abuse of authority, conflicts of interest, and collusion, particularly in the oversight and procurement stages of construction services, which are inherently vulnerable to irregularities from the outset.

The weak implementation of the principles of due diligence and the prohibition on abuse of authority can also be seen in the suboptimal quality of administrative oversight. As outlined in the dissertation, the limited number and competence of supervisors, as well as the ineffectiveness of internal and external oversight systems, result in many violations going undetected early or not being addressed appropriately. In such situations, the imposition of administrative sanctions tends to be reactive, rather than the result of a careful evaluation process based on accurate data.

Thus, it can be emphasized that the problems in the application of the AUPB in imposing administrative sanctions in the construction services sector are not solely caused by weaknesses in legal norms, but rather by aspects of implementation and governance. The AUPB, conceptually designed as an instrument to ensure good governance, has not been fully internalized in bureaucratic practice, so that the function of administrative sanctions as a fair and effective law enforcement tool has not been optimally achieved.

Therefore, strengthening the implementation of the AUPB in imposing administrative sanctions is a necessity. This requires not only consistency in enforcing norms, but also improvements in the quality of oversight, transparency in the decision-making process, and the integrity of government officials. With

more effective implementation of the AUPB, it is hoped that administrative law enforcement in the construction sector will be fairer, more accountable, and able to encourage compliance and better governance in the construction sector.

3.3. Critical Evaluation of the Effectiveness of Administrative Sanction Regulations in Construction Services

The problem of the effectiveness of administrative sanctions in the construction services sector lies not solely in the high level of violations, but more fundamentally in the regulatory design and quality of its implementation. Normatively, Law No. 2 of 2017 concerning Construction Services has provided a legal basis for the application of administrative sanctions as a law enforcement instrument.(AJI 2021). This provision confirms that any service provider or user who does not meet security, safety, health, and sustainability standards may be subject to administrative sanctions, including in the case of building failure and the obligation to make repairs or compensate for losses as stipulated in Article 60 and Article 63.

However, upon closer examination, these regulations remain general in nature and do not provide adequate operational parameters, particularly regarding the classification of violations, the level of culpability, and the proportionality standards for imposing sanctions. This lack of clear parameters opens up vast discretionary space for administrative officials, which in practice leads to inconsistency and unevenness in the application of sanctions.(Taqwim 2025)In the context of administrative law, this condition has the potential to erode the principles of legal certainty and justice, because perpetrators of violations who are in similar conditions can receive different treatment.(Iskandar and Reni 2025).

This problem becomes even more complex when linked to the construction of norms in implementing regulations, such as Government Regulation Number 22 of 2020 and its amendments, which essentially detail technical standards for the provision of construction services, including standards for the quality of materials, equipment, implementation procedures, and occupational safety and health. However, the link between violations of these standards and the type and severity of administrative sanctions has not been systematically formulated. As a result, the relationship between violated norms and their legal consequences is not established in a linear manner, thus weakening the predictive and coercive power of the sanctions system itself(Akbar 2025).

From an institutional perspective, the effectiveness of administrative sanctions is also largely determined by the government's oversight capacity. As revealed in the dissertation materials, weak oversight, both internal and external, is a key factor contributing to repeated violations.(Setiawan 2024). The limited number and competence of human resources for supervisors, as well as the suboptimal integrated monitoring system, result in many violations going undetected early or

not being dealt with decisively. In such situations, administrative sanctions lose their preventive function and tend to be reactive only after violations have caused broader impacts, including building failures that could endanger public safety.

The issue of effectiveness is also closely related to the implementation aspect, particularly in the application of the General Principles of Good Governance (AUPB) as stipulated in Law No. 30 of 2014 concerning Government Administration. Conceptually, the AUPB serves as a normative standard to ensure that every administrative action is carried out legally, fairly, and accountably.(Pratiwi, Purnamawati, and Fauzi 2016)However, in practice, these principles have not been fully internalized in the process of imposing administrative sanctions in the construction services sector. This is reflected in the persistence of legal uncertainty, a lack of transparency in decision-making, and the potential for abuse of authority and conflicts of interest.

This condition shows that administrative sanctions have not fully fulfilled their basic function as an instrument that not only enforces the law, but also forms compliance behavior.(Asmawati et al. 2025)When sanctions are imposed without a clear basis, inconsistently, or disproportionately, their legal legitimacy is weakened. In the long term, this can create a moral hazard, where construction service providers no longer view sanctions as a definite consequence of violations but rather as a negotiable risk.

Conceptually, this problem reflects an imbalance between the normative purpose of administrative sanctions as a preventive and corrective instrument and the reality of their implementation on the ground. Administrative sanctions, which should serve to prevent violations early and improve business behavior, are actually losing their effectiveness due to the lack of adequate regulatory design and good governance.(ASSER 2024)In other words, the main problem lies not only in “what is regulated”, but also in “how the regulations are implemented”.

Within this framework, a comprehensive reform of the administrative sanctions system in construction services is necessary. This reform should not only involve improving legal norms but also include strengthening oversight institutions, increasing the capacity and professionalism of human resources, and internalizing the principles of the AUPB in every administrative decision-making process. Furthermore, clearer parameters for classifying violations and standards for the proportionality of sanctions are needed to create a rational relationship between the level of violation and its legal consequences.

With this approach, administrative sanctions are expected to function not only as a repressive instrument, but also as an effective mechanism to encourage compliance, improve the quality of construction services, and provide legal protection for the public as users of development outcomes. Ultimately, the effectiveness of administrative sanctions will be largely determined by the extent

to which the legal system and governance can function synergistically to ensure legal certainty, justice, and accountability in the construction services sector.

4. Conclusion

Based on the overall analysis, it is clear that the problems in the provision of construction services are not only related to the high level of violations, but also more deeply affect the structural aspects of the legal and governance systems, which are not functioning optimally. The cross-stage and cross-legal regime nature of the violations indicates that this sector still faces fundamental challenges in ensuring compliance with technical, contractual, and normative standards. In the context of administrative law enforcement, the existence of the General Principles of Good Governance (AUPB) conceptually provides a strong foundation for the creation of fair and accountable decisions. However, the weak internalization of these principles in practice means that administrative actions, particularly the imposition of sanctions, do not fully reflect legal certainty, proportionality, and transparency. The effectiveness of administrative sanctions regulations remains hampered by unclear regulatory design and weak institutional support, preventing sanctions from functioning optimally as instruments to encourage compliance. Therefore, an approach is needed that emphasizes not only regulatory reform but also strengthening governance, consistent law enforcement, and the integrity of the apparatus, so that the administrative sanctions system in construction services can function effectively in ensuring orderly implementation and protecting the public interest.

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