

The Administrative-Law Consequences of Fraudulent Diplomas in the Appointment of Civil Servant Candidates in Indonesia

Jihan Virgia Mahalidia¹, I Wayan Parsa²

Fakultas Hukum Universitas Udayana,

e-mail: jihanvm99@gmail.com¹, wayan_parsa@unud.ac.id²

ABSTRACT

This article examines the administrative-law implications of using fraudulent diploma documents in the appointment of Civil Servant Candidates (Calon Pegawai Negeri Sipil, CPNS) in Indonesia. The central problem is not merely whether the diploma is false, but whether a State Administrative Decision (Keputusan Tata Usaha Negara, KTUN) appointing a CPNS remains valid when it was issued on the basis of educational credentials that later prove unlawful. Using normative legal research, the article applies statutory and conceptual approaches to Indonesian civil-service law, government-administration law, and doctrinal principles of administrative validity. The analysis demonstrates that a diploma in CPNS recruitment functions as a substantive requirement for proving educational qualification under the merit system, rather than as a purely formal administrative attachment. A fraudulent diploma therefore contaminates the factual basis of the appointment decision and creates a substantive defect in the decision-making process. Nevertheless, under the principle of *presumptio iustae causa*, the appointment decision remains effective until it is revoked or annulled by the competent authority or by a court. The Personnel Supervisory Officer (Pejabat Pembina Kepegawaian, PPK) may consequently correct the defective decision through revocation (*intrekking*) or annulment (*vernietiging*), subject to legality, carefulness, due process, and reasoned decision-making. The article further argues that administrative sanctions, including dishonourable dismissal where the legal requirements are satisfied, may be imposed independently of criminal forgery proceedings. The study contributes to administrative-law scholarship by clarifying the relationship between credential fraud, substantive defects, and the legal continuity of public-employment appointment decisions.

Keywords:

administrative law;
civil servant
candidates;
fraudulent diploma;
State Administrative
Decision; merit
system; Indonesia.

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INTRODUCTION

The integrity of public recruitment is a foundational condition for a professional civil service. In Indonesia, the State Civil Apparatus (Aparatur Sipil Negara, ASN) performs governmental, developmental, and public-service functions; therefore, the legality of appointment decisions affects not only the individual appointee but also the credibility of the bureaucracy. Law No. 20 of 2023 concerning the State Civil Apparatus places the merit system at the centre of ASN management by requiring recruitment and management to be grounded in qualification, competence, and performance. Within that structure, educational credentials are not merely evidentiary accessories. They are legal instruments through which an applicant demonstrates the formal qualification required for a public position (Republic of Indonesia, 2023; Ridwan HR, 2022).

The use of fraudulent diplomas in CPNS recruitment disrupts this legal architecture. The problem becomes especially acute when an applicant has passed the administrative and competitive selection stages, and the competent Personnel

Supervisory Officer (Pejabat Pembina Kepegawaian, PPK) has issued an appointment decision. In such a situation, the legal issue shifts from ordinary document verification to the validity of a government decision that has already produced legal consequences. The appointment decision gives rise to a public-law relationship between the State and the appointee; it may create status, salary rights, obligations, and subsequent personnel consequences. If the diploma is later established as false, the central question is whether the decision is automatically void, voidable, or remains effective until formally corrected.

This issue is also relevant beyond the Indonesian context. International public-governance standards connect merit-based recruitment, public integrity, and transparent human-resource procedures. The OECD Recommendation on Public Integrity stresses the need for public institutions to manage integrity risks systematically rather than reactively, while OECD work on public employment emphasises the role of capability, transparent procedures, and accountable personnel management in modern public services (OECD, 2017, 2020, 2023). Credential fraud undermines precisely these values: it misrepresents competence, distorts fair competition among applicants, and weakens public trust in administrative decisions.

This article focuses on the administrative-law dimension of fraudulent diploma use. It does not primarily analyse criminal liability for document forgery under the Indonesian Criminal Code, although that liability may arise separately. The article instead examines the validity of the administrative act, the role of administrative-law principles such as legality, carefulness (*zorgvuldigheid*), and *presumptio iustae causa*, and the administrative consequences that may follow for the appointment decision and the appointee's civil-service status.

The study addresses two research questions. First, how does Indonesian law regulate the validity of educational diplomas as a requirement for CPNS appointment? Second, what administrative-law consequences arise when a fraudulent diploma is used as the basis for appointing a CPNS? The article argues that a fraudulent diploma produces a substantive defect in the appointment decision because the decision rests on false factual and legal premises. However, because administrative decisions are presumed lawful until revoked or annulled, the decision remains operative until corrected through the legally available mechanisms of revocation, annulment, and disciplinary or employment-related sanctions.

Conceptual and Normative Framework

1. Merit system, public integrity, and credential verification

The merit system is designed to ensure that public positions are filled by individuals who satisfy objectively determined qualifications and competencies. In the Indonesian ASN framework, qualification is inseparable from proof of education. A diploma therefore serves a double function. Formally, it is an administrative document submitted during recruitment. Substantively, it evidences the applicant's completion of a lawful educational process and eligibility for the position concerned. Treating a diploma as a merely formal attachment would reduce the merit system to a document-checking exercise, while treating it as substantive evidence aligns recruitment with legality, fairness, and competence.

Public integrity reinforces the same conclusion. Integrity in civil-service recruitment does not end with preventing bribery or nepotism; it includes ensuring that every candidate competes using truthful credentials. A forged or unlawfully obtained

diploma corrupts the factual foundation of recruitment because it allows an applicant to appear qualified without satisfying the underlying educational requirement. In administrative-law terms, the fraud affects the factual basis on which the authority exercises its power. In governance terms, it damages the public's confidence that access to public office is based on lawful qualification rather than deception (OECD, 2017, 2020).

Credential verification is therefore a legal duty connected to the principle of carefulness. In the Indonesian context, verification may include confirmation of the issuing institution's legal status, programme accreditation, authenticity of the diploma, and consistency between the diploma and national higher-education records such as the Pangkalan Data Pendidikan Tinggi (PDDikti), where relevant. The legal relevance of verification lies in ensuring that the administrative decision is based on accurate facts and valid documents.

2. Validity of administrative decisions: authority, procedure, and substance

Indonesian administrative law evaluates the validity of government decisions through the elements of authority, procedure, and substance. Law No. 30 of 2014 concerning Government Administration provides that a decision must be made by the competent official, follow the required procedure, and contain a lawful substance based on the relevant legal and factual grounds (Republic of Indonesia, 2014). Administrative-law doctrine similarly treats these elements as cumulative requirements for a valid decision (Hadjon, 2017; Hadi & Michael, 2017; Ridwan HR, 2022).

Authority concerns the legal competence of the official who issues the decision. Procedure concerns the steps, notifications, verifications, and decision-making processes required by law. Substance concerns the content of the decision, including whether its factual basis and legal reasons are true, relevant, and lawful. A CPNS appointment decision may be issued by an authorised PPK through an apparently regular procedure, yet still be defective if the factual basis is false. The use of a fraudulent diploma primarily affects the substantive element because the applicant has not actually met the educational qualification that justified the appointment.

This distinction matters because administrative correction depends on the type of defect. A defect of authority may render a decision unlawful at a fundamental level. A defect of procedure or substance may lead to annulment or revocation, depending on the legal regime and the character of the defect. Fraudulent diplomas are particularly serious because they create a mismatch between the legal requirement and the real facts: the decision states or assumes that the candidate satisfies the educational qualification, while that assumption is false.

3. Presumptio iustae causa, voidability, and administrative correction

The principle of *presumptio iustae causa* means that an administrative decision is presumed valid and enforceable until it is withdrawn, annulled, or set aside by a competent authority or court. This principle serves legal certainty by preventing individuals and institutions from unilaterally disregarding government decisions merely because a defect is alleged (Suriadinata, 2018). In the CPNS context, this means that even if a diploma is later suspected or proven to be fraudulent, the appointment decision does not automatically disappear from the legal order without a formal corrective act.

The principle does not protect fraudulent conduct. Rather, it regulates the legal pathway for correcting defective decisions. Once the competent authority establishes that the appointment was based on a false diploma, the authority must use administrative-law mechanisms such as revocation (intrekking) or annulment (vernietiging), and must impose the relevant administrative or disciplinary sanctions where the statutory criteria are satisfied. The legal system therefore balances two values: legal certainty for administrative decisions and legality-based correction of decisions produced by false facts.

In doctrinal terms, a fraudulent diploma may also be understood as administrative deception or bedrog. The applicant's misrepresentation induces the official to issue a decision on a mistaken factual basis. This creates a defect in the formation of the administrative will and strengthens the justification for correcting the decision. The correction, however, must remain an administrative-law act: it requires competence, procedure, evidence, reasons, and respect for the affected person's right to respond through the available administrative remedies.

METHOD

This study uses normative legal research. Normative legal research examines legal rules, principles, doctrines, and legal concepts in order to answer a legal problem prescriptively (Marzuki, as cited in Zainuddin & Karina, 2023). The object of analysis is not empirical behaviour in recruitment offices, but the legal consequences that follow when a CPNS appointment decision is issued on the basis of a fraudulent diploma.

The research applies two principal approaches. The statutory approach is used to examine Indonesian legal instruments governing ASN management, government-administration decisions, civil-service discipline, and administrative measures against the use of false diplomas. The conceptual approach is used to analyse legality, administrative decision validity, substantive defects, *presumptio iustae causa*, revocation, annulment, and administrative sanctions. A limited governance perspective is also used to place the issue within broader international discussions on public integrity and merit-based public employment.

The primary legal materials are Law No. 20 of 2023 concerning the State Civil Apparatus; Law No. 30 of 2014 concerning Government Administration; Government Regulation No. 11 of 2017 concerning Civil Servant Management as amended by Government Regulation No. 17 of 2020; Government Regulation No. 94 of 2021 concerning Civil Servant Discipline; Regulation of the Head of the National Civil Service Agency No. 25 of 2015 concerning Administrative Measures and Disciplinary Sanctions against Civil Servants Using Fraudulent Diplomas; and the Criminal Code provisions on document forgery where relevant. Secondary materials include Indonesian administrative-law scholarship, civil-service-law literature, journal articles, and international public-integrity references. Tertiary materials include legal dictionaries and supporting legal encyclopaedic resources.

The legal materials are analysed qualitatively through systematic, grammatical, and teleological interpretation. Systematic interpretation identifies the relationship between civil-service law, government-administration law, and disciplinary regulation. Grammatical interpretation clarifies legal terms such as decision, authority, substance, revocation, and annulment. Teleological interpretation identifies the purpose of the relevant rules, namely safeguarding lawful recruitment, maintaining bureaucratic

integrity, and ensuring that administrative decisions are based on correct facts. The scope of the study is limited to administrative-law consequences; criminal liability is discussed only as a separate and ancillary implication.

RESULTS AND DISCUSSION

1. The diploma as a substantive legal requirement in CPNS appointment

The first finding is that the diploma requirement in CPNS appointment must be classified as substantive, not merely formal. The ASN merit system requires recruitment to be based on qualification and competence. Educational qualification is legally demonstrated through a valid diploma issued by an authorised and recognised educational institution. For this reason, a diploma is not only a file attached to an application; it is part of the factual and legal basis that enables the PPK to conclude that the applicant is eligible for appointment.

The validity of a diploma can be assessed through two dimensions. Formal validity concerns the legality of the institution and programme that issued the credential: the institution must possess lawful authority to provide education and issue diplomas, and the relevant programme must meet the accreditation or recognition requirements prescribed by law. Material validity concerns the truth of the content of the diploma: the identity of the holder, the programme completed, the date of completion, the academic record, and the fact that the holder actually undertook and completed the educational process. Both dimensions are necessary. A document may look formally correct but be materially false; conversely, an educational history may exist but be insufficient if the issuing institution lacked legal authority.

In CPNS recruitment, the PPK and recruitment committee must therefore apply the principle of carefulness (*zorgvuldigheid*). This requires reasonable verification before the appointment decision is issued and corrective verification when credible information later suggests that a credential is false. Carefulness is not a purely technical requirement. It connects directly to the legality of the decision because Law No. 30 of 2014 requires government decisions to rest on lawful authority, proper procedure, and valid substance (Republic of Indonesia, 2014; Hadjon, 2017; Handoko, 2002).

A fraudulent diploma means that the candidate does not fulfil the educational qualification that justified the appointment. This non-fulfilment is not a minor administrative irregularity. It goes to the essential condition of eligibility. In legal terms, the appointment decision is built on an inaccurate premise: the candidate is treated as legally qualified when the credential used to prove that qualification is invalid. Accordingly, the defect affects the substance of the appointment decision.

Table 1. Principal legal materials and their relevance to fraudulent diploma use in CPNS appointment

| Legal material | Core relevance | Administrative-law function |
|---|---|---|
| Law No. 20 of 2023 concerning the State Civil Apparatus | Establishes the ASN framework and merit-system orientation. | Connects appointment to qualification, competence, and integrity. |

| | | |
|---|--|---|
| Law No. 30 of 2014 concerning Government Administration | Regulates validity, legal effects, and correction of government decisions. | Provides the framework of authority, procedure, substance, revocation, and annulment. |
| Government Regulation No. 11 of 2017 as amended by Government Regulation No. 17 of 2020 | Regulates civil-servant management and personnel administration. | Supports recruitment and appointment governance. |
| Government Regulation No. 94 of 2021 concerning Civil Servant Discipline | Regulates disciplinary obligations and sanctions for PNS. | Provides the disciplinary basis for misconduct related to false credentials. |
| Regulation of the Head of BKN No. 25 of 2015 | Specifically addresses administrative measures and disciplinary sanctions for PNS using fraudulent diplomas. | Provides a targeted basis for dismissal and corrective action. |
| Criminal Code provisions on document forgery | Regulate criminal liability for forged documents where elements are fulfilled. | Operates separately from administrative correction and sanctions. |

2. Fraudulent diploma use as a substantive defect and administrative deception

The second finding is that the use of a fraudulent diploma creates a substantive defect in the CPNS appointment decision. A State Administrative Decision is lawful only when its authority, procedure, and substance are legally sound. If the decision is issued because the applicant submitted a false diploma, the official's decision rests on facts that are untrue. The defect does not necessarily negate the PPK's institutional authority or prove that every procedural step was violated. Rather, it contaminates the substantive basis of the decision: the legally required qualification was never actually satisfied.

This conclusion is consistent with the doctrine of administrative legality. The principle of legality requires public authorities to exercise power according to law and on the basis of correct factual premises. A decision that grants public-employment status to an applicant who does not meet a mandatory qualification fails to achieve the purpose of the recruitment rules. It also violates the equal-treatment aspect of merit recruitment because other candidates may have been excluded or ranked differently on the basis of honest credentials.

The act of submitting a fraudulent diploma may also be characterised as bedrog, or deception. The applicant gives false information to the administration and thereby affects the official's decision-making will. In private-law categories, deception can produce a defect of consent. In administrative law, the more precise formulation is that deception produces an erroneous factual basis and a substantive defect in the administrative decision. The result is not automatic disappearance of the decision, but a strong legal basis for annulment or revocation by the competent authority.

It is important to distinguish the administrative-law consequence from criminal liability. The use of a false diploma may constitute document forgery under the Criminal Code, particularly where the elements of forgery and use of a forged document are satisfied (Karinda, 2016). However, administrative correction does not always have to wait for a final criminal conviction. Where the competent administrative authority can establish, through lawful verification and evidence, that the diploma is false and that it formed the basis of appointment, administrative-law consequences may proceed within the civil-service system. This separation prevents the bureaucracy from being forced to maintain an unlawful appointment merely because criminal proceedings are pending or absent.

3. Presumption of validity and the need for formal correction

Although the fraudulent diploma creates a substantive defect, the appointment decision remains subject to *presumptio iustae causa*. This means that the decision is treated as valid and binding until formally revoked or annulled. The principle protects legal certainty and the orderly operation of government. Without this principle, every administrative decision could be ignored by any party alleging a defect. In the CPNS context, the principle means that the appointment decision continues to produce legal effects until the competent authority or court issues a corrective decision.

This presumption should not be misunderstood as legal immunity. It does not validate the fraudulent diploma; it merely determines how the legal order responds to a defective administrative decision. The PPK may not simply treat the appointment as never having existed without issuing a formal decision. The authority must establish the facts, identify the legal basis, provide reasons, and issue the relevant revocation or annulment decision. Where the affected person contests the decision, administrative remedies and judicial review may be available under the applicable law.

Law No. 30 of 2014 provides the statutory basis for correcting defective administrative decisions. Provisions on invalidity, revocation, and annulment allow the administration to correct decisions containing defects of authority, procedure, or substance. A fraudulent diploma primarily falls within the category of substantive defect because the factual and legal conditions of appointment are not fulfilled. The correction may take the form of annulment (*vernietiging*), especially where the decision was unlawful from its inception, or revocation (*intrekking*), particularly where the administration withdraws an existing decision through a new administrative act (Bagir Manan, 2019; Republic of Indonesia, 2014).

The legal effect of correction must be stated carefully. Annulment of an appointment that was unlawful from the beginning may justify retroactive consequences (*ex tunc*), because the legal basis for the status never truly existed. Revocation, by contrast, often operates prospectively (*ex nunc*), unless the governing law or the nature of the defect supports retroactive correction. In fraudulent-diploma cases, the stronger doctrinal position is that the original appointment is voidable and may be annulled retroactively once the fraud is lawfully established, because the candidate never satisfied the essential educational requirement. Nevertheless, retroactive consequences affecting salary, benefits, or accrued administrative acts should be handled cautiously and with explicit legal reasoning to avoid disproportionate or procedurally defective correction.

4. Administrative sanctions and civil-service status consequences

The third finding concerns sanctions. The use of a fraudulent diploma in CPNS or PNS appointment has consequences not only for the appointment decision but also for the status of the individual. Regulation of the Head of the National Civil Service Agency No. 25 of 2015 specifically addresses administrative measures and disciplinary sanctions against civil servants who use fraudulent diplomas. The regulation recognises fraudulent diploma use as a serious violation within the civil-service system and provides a basis for administrative action (National Civil Service Agency, 2015).

Government Regulation No. 94 of 2021 concerning Civil Servant Discipline also supports disciplinary consequences where a civil servant violates obligations, commits prohibited acts, or undermines civil-service integrity (Republic of Indonesia, 2021). When read together with the ASN Law and the BKN regulation, the regulatory framework allows the administration to impose severe employment consequences, including dishonourable dismissal where the conditions are satisfied. This response is justified because the use of a fraudulent diploma strikes at the root of eligibility and public trust.

Administrative sanctions should, however, be imposed through a proper procedure. The authority should identify the alleged document, verify its authenticity with the issuing institution and relevant education databases, record the evidentiary basis, provide the affected person an opportunity to clarify or rebut, and issue a reasoned decision. These steps are not obstacles to discipline; they strengthen the legality of the sanction and reduce the risk that the corrective decision itself will be annulled by an administrative court.

The relationship between cancellation of appointment and dismissal must also be conceptually separated. Cancellation or annulment addresses the validity of the appointment decision. Dismissal or disciplinary sanction addresses the person's civil-service status and misconduct. In practice, both may occur in a single administrative sequence, but the authority should articulate both legal bases. If the appointment decision is annulled because the candidate never met the qualification, the status obtained through that decision loses its foundation. If the person is already a PNS, disciplinary measures may additionally be required to terminate the employment relationship in accordance with civil-service discipline rules.

This framework also explains why a final criminal judgment is not necessarily a precondition for administrative consequences. Criminal proceedings require proof of criminal elements and individual culpability. Administrative proceedings require proof that the legal condition of appointment was not fulfilled and that the civil-service rules were violated. The standards, purposes, and consequences differ. Nonetheless, where the facts indicate criminal forgery, the administrative authority may coordinate with law-enforcement bodies without delaying necessary administrative correction.

Table 2. Administrative-law consequences of fraudulent diploma use

| Issue | Legal character | Consequence | Required administrative safeguard |
|---|---|--|---|
| False diploma submitted before appointment | Failure to meet substantive eligibility requirement | Application may be rejected; selection status may be cancelled | Verification, record of finding, written notification |
| Appointment decision already issued | KTUN affected by substantive defect | Decision may be annulled or revoked by competent authority | Formal decision, reasons, evidence, remedy information |
| CPNS/PNS status obtained through false credential | Civil-service status lacks lawful qualification basis | Status correction and possible dismissal | Due process and separation between appointment correction and disciplinary sanction |
| Document forgery elements indicated | Potential criminal offence separate from administrative law | Referral or coordination with law enforcement may occur | Do not suspend necessary administrative correction solely because criminal process is pending |

5. Practical implications for recruitment governance

The analysis has practical implications for PPKs, recruitment committees, universities, and the National Civil Service Agency. First, verification should be treated as a legal risk-control mechanism rather than a clerical exercise. A recruitment system that only checks whether a diploma file has been uploaded may satisfy formal completeness but fail to ensure substantive legality. Verification should include document authenticity, institutional legality, programme accreditation, and consistency with national education records.

Second, the administration should adopt a staged response to suspected fraudulent diplomas. At the preliminary stage, the authority may suspend further administrative processing while verifying the document. At the evidentiary stage, the authority should request confirmation from the issuing institution and relevant databases. At the decision stage, the authority must choose the proper legal mechanism: rejection of application if the candidate has not yet been appointed, annulment or revocation of the appointment decision if a KTUN has already been issued, and disciplinary or dismissal proceedings if the individual has acquired civil-service status.

Third, corrective action should be reasoned and documented. International standards of public integrity require institutions to build systematic safeguards, not merely punish isolated violations after public controversy arises (OECD, 2020). In the Indonesian setting, the reasoned-decision requirement is also part of sound administrative practice. A correction decision should specify the false document, the verification results, the legal provisions violated, the type of defect, the legal consequence for the appointment decision, the sanction imposed, and the remedy available to the affected person.

Fourth, digitalisation of ASN management and higher-education data can reduce the risk of credential fraud. A verified interface among recruitment platforms, BKN systems, higher-education databases, and issuing institutions would enable

earlier detection. However, digital verification should not eliminate human legal judgement. A database mismatch may be caused by administrative error, legacy records, name variation, or institutional transition. Therefore, digital systems should support, not replace, careful administrative assessment.

Finally, the integrity problem should be framed as an institutional governance issue. Fraudulent diplomas are committed by individuals, but their persistence often reflects weaknesses in verification, record-sharing, and disciplinary follow-up. A reputable civil-service system must therefore combine individual sanctions with systemic prevention.

CONCLUSION

This article concludes that the validity of a diploma in CPNS appointment is a substantive legal requirement within the Indonesian merit-based civil-service system. A diploma proves the educational qualification that enables a candidate to compete for and occupy a public position. Its validity must be assessed both formally, through the legality of the issuing institution and programme, and materially, through the truth of the academic data and completion of the educational process. The PPK and recruitment apparatus are consequently bound by the principle of carefulness to verify that the appointment decision rests on valid facts and lawful documents.

The use of a fraudulent diploma creates a substantive defect in the CPNS appointment decision because the decision is issued on the basis of false information. Nevertheless, under *presumptio iustae causa*, the appointment decision remains valid and enforceable until it is revoked or annulled by the competent authority or set aside by a court. The appropriate administrative-law response is therefore not informal disregard of the decision, but formal correction through revocation or annulment, supported by evidence, reasons, and due process. Where the legal requirements are met, the individual may also be subject to administrative sanctions, including dishonourable dismissal, independently of any criminal forgery proceedings. The administrative response must protect both public integrity and legal certainty: it must remove the legal effects of fraud while ensuring that the corrective decision itself complies with administrative-law standards.

Recommendations

First, CPNS recruitment authorities should classify diploma verification as a substantive legality check and integrate it into recruitment risk management. Second, the PPK should issue written guidelines distinguishing rejection of applicants, annulment or revocation of appointment decisions, and disciplinary dismissal. Third, verification should be coordinated with issuing institutions, higher-education databases, and BKN systems before appointment decisions are finalised. Fourth, where a fraudulent diploma is discovered after appointment, the corrective decision should expressly identify whether it operates as annulment or revocation and whether its effects are *ex tunc* or *ex nunc*. Fifth, administrative authorities should preserve the affected person's procedural rights, including notice, opportunity to respond, written reasons, and access to remedies. These measures would strengthen both the legality of personnel decisions and the integrity of the civil-service system.

Limitations and Future Research

This article is limited to normative legal analysis. It does not measure the prevalence of fraudulent diplomas in CPNS recruitment, nor does it evaluate the

effectiveness of particular verification systems empirically. Future research may examine administrative-court decisions concerning fraudulent credentials, compare Indonesian regulation with other civil-service systems, or assess the effectiveness of digital diploma-verification mechanisms in preventing unlawful appointments.

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