

## **Monitoring Of The Maintenance Of State-Owned Goods In The Form Of Operational Vehicles Of Padjadjaran University For Educational Processing**

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### **Abstract**

Unpad is a university that has the status of a State University with Legal Basis (PTN BH) that applies the Public Service Agency Financial Management pattern (PK BLU) or PTN Legal Entity. Unpad obtained the mandate to increase autonomy to become a Legal Entity PTN. Unpad revenue sourced from the State Budget is used to fund operational costs, lecturer costs, education personnel costs, investment costs and development costs. Budget funding issued to be allocated to various financing, one of which is mentioned in Article 5 letter d of Government Regulation No. 26 of 2015 concerning Forms and Mechanisms of Funding for Legal Entity State Universities and is used for the procurement of facilities and infrastructure for the implementation of the tridharma of Higher Education in the form of operational service vehicles. There are several visible problems related to operational vehicles owned by Universitas Padjadjaran that are not suitable for use. Padjadjaran University's operational service vehicles are one example of goods owned by Unpad that need to be maintained and maintained. Since the beginning of its procurement, official vehicles owned by Padjadjaran University are used to support the smooth creation of good mobility in the Padjadjaran University campus environment.

**Keywords:** *Padjadjaran University, Facilities and infrastructure, Official vehicles.*

### **INTRODUCTION**

Higher education as one of the educational institutions has an important role in the process of transferring values and knowledge that takes place between educators, namely lecturers and students as learners, so that from this process it is expected to be able to produce superior individuals and be able to make significant contributions to the progress of the nation and state. Higher education as a form of organization is interpreted as a container for a group of educated people who work together to achieve certain goals, namely educational goals. The success of educational programs in the teaching and learning process is greatly influenced by several factors, namely students, curriculum, education personnel, funds, infrastructure and facilities, and other environmental factors. If these factors are met properly and with quality, it will result in an increase in the quality of education in Indonesia.

One of the educational institutions in the Republic of Indonesia is Padjadjaran University, hereinafter referred to as Unpad. Unpad is a university that already has the status of a State University with Legal Entity (PTN BH) that implements the Financial Management pattern of Public Service Agency (PK BLU) or PTN Legal Entity. Unpad has implemented PK BLU autonomy since September 15, 2008, and has now received a mandate to increase its autonomy to

become a PTN Legal Entity. Unpad is one of the educational institutions with the status of a State University with Legal Entity, abbreviated as PTN-BH, whose funding source is from the state. State Universities with Legal Entities in their funding come from the State Revenue and Expenditure Budget; and in addition to the State Revenue and Expenditure Budget which has been stated in Article 2 of Government Regulation Number 26 of 2015 concerning the Form and Mechanism of Funding for State Universities with Legal Entities, it states that "Funding for State Universities with Legal Entities can come from:

1. State Revenue and Expenditure Budget
2. In addition to the State Revenue and Expenditure Budget

Unpad's income sourced from the State Revenue and Expenditure Budget and Other Budgets is used to fund operational costs, lecturer costs, education personnel costs, investment costs and development costs. The budget funding issued to be allocated to various financing, one of which is mentioned in Article 5 letter d of Government Regulation Number 26 of 2015 concerning the Form and Mechanism of Funding for State Universities with Legal Entities and is used for the procurement of facilities and infrastructure for the implementation of the Tridharma of Higher Education which includes buildings and structures, roads and bridges, irrigation and networks, equipment and machinery, other fixed assets, intangible assets and/or other assets.

Unpad's income sources from the State Budget and non-State Budget are managed and used as well as possible and provide the widest possible benefits for the benefit of the community. Ensuring that each program runs effectively according to schedule and the parties responsible for implementing each program work well, of course, has a good impact on the community. Educational institutions in organizing education have several operational state vehicles managed by the educational institution itself, including Unpad, which must be managed and maintained as well as possible. Management of educational facilities and infrastructure is a process of activities in systematically and efficiently regulating, arranging, and organizing all existing facilities and infrastructure according to their respective functions in order to support objectives effectively and efficiently. One of the factors that supports the success of educational programs in the learning process is facilities and infrastructure. Educational facilities and infrastructure are one of the resources that are a benchmark for the quality of Higher Education and need continuous improvement. Educational institutions in organizing their education have several operational state vehicles which are managed by the educational institution itself, including Unpad, which must be managed and maintained as well as possible.

The implementation of effective and efficient educational institutions really requires the availability of adequate facilities and infrastructure that are managed very well and efficiently, in line with the provisions stipulated in the Chancellor's Regulation Number 1 of 2020 concerning the Organization and Work Procedures of the Management of Padjadjaran University, that a manager of facilities and infrastructure has one of the functions of supervising, controlling and evaluating the implementation of programs, and activities in his field. This function is that a leader has the function of coordinating the implementation of activities with one of the maintenance. Supervision and control carried out by the use of goods include monitoring, regulation which includes the implementation of use, utilization, transfer, administration, deletion, maintenance and security of state property that is under the control of the user of the goods.

Facilities in the form of official vehicles belonging to Unpad which are provided and intended for use and maintained as well as possible in order to achieve a goal. Supervision by the head of facilities and infrastructure of Padjadjaran University who is responsible for the

management of assets in the form of official vehicles owned by Unpad has the authority to regulate the implementation of the supervisory function for the maintenance of official vehicles owned by Unpad based on Rector Regulation Number 1 of 2020 concerning the Organization and Work Procedures of the Management of Padjadjaran University. Management of state assets is state assets that must be managed and maintained properly. Management of state assets has a strategic function in the form of the use and utilization of state assets for national interests. The government needs to report state assets transparently, so that the public can assess government performance.

Management of operational official vehicles requires a leader who aims to carry out supervision. Management carried out by the leader and is given responsibility for the welfare of employees, staff and students who are included in the category of using official vehicles owned by Unpad. Supporting the creation of a goal, the head of facilities and infrastructure of Padjadjaran University provides facilities in the form of large buses, medium buses, medium trucks, pick-ups, minibuses (regular cars) and motorbikes or two-wheeled vehicles. The provision of official vehicle facilities owned by Unpad is expected to increase the effectiveness and motivation of employees and workers in their dedication to the community in the Universitas Padjadjaran environment, especially the state. Facilities in the form of official vehicles owned by Unpad are provided and intended for use and maintained as well as possible in order to achieve a goal. Supervision by the head of facilities and infrastructure of Universitas Padjadjaran who is responsible for the management of assets in the form of official vehicles owned by Unpad has the authority to regulate the implementation of the supervisory function for the maintenance of official vehicles owned by Unpad based on Rector Regulation Number 1 of 2020 concerning the Organization and Work Procedures of the Management of Universitas Padjadjaran.

Official vehicles are regional assets included in the fixed assets of the equipment and machinery category that are intended to be utilized to support and facilitate the provision of services to employees or the public. Official operational vehicles are very important assets for carrying out various daily activities and tasks. These vehicles are used for employee transportation, delivery of goods, field visits, and various other operational needs. Therefore, vehicle maintenance is crucial to maintaining the smooth operation of the organization. Operational official vehicles that are maintained through routine maintenance have a higher level of reliability. By maintaining the quality and performance of vehicles, organizations can avoid unwanted failures, delays in carrying out tasks, or accidents that can endanger employee safety.

Leaders must pay attention starting from the planning stage of needs and budgeting, procurement, receipt, storage and distribution, use, administration, utilization, security and maintenance, assessment, deletion, transfer, coaching, supervision and control, financing and compensation claims. Leaders as government employees have a very important position in the implementation of government functions in a country. Civil servants, hereinafter referred to as PNS and/or referred to as ASN (state civil apparatus), play an important role in carrying out government functions in a country in achieving a goal, in other words in the context of efforts to achieve national goals, because the smooth running of government and national development cannot be separated from the role and participation of civil servants (Gufon, 1991).

Poor management of official vehicle maintenance can be clearly found during the auction. Some of Unpad's official vehicles are vehicles that are not roadworthy and it can be said that some parts of Unpad's official vehicles are missing or non-existent. In reality, management of official vehicle maintenance should be carried out properly and under control. The concept of maintaining Unpad's official vehicles must be the main reference for the implementation of good management

of Unpad's official vehicles so that a goal is created. We can see this as a problem that must be addressed immediately, because if fixed assets are presented incorrectly, there will be an explanation of the error in the presentation of fixed assets in the reporting of operational vehicle maintenance. contained in the operational vehicle maintenance report will affect the budget policy for fixed asset maintenance costs that will be selected and determined for the following year. The information presented in the official vehicle maintenance report is not in accordance with the actual conditions, so there will be an error in decision making by a manager of Unpad's operational official vehicle assets.

## **RESEARCH METHOD**

A research cannot be said to be research if it does not have a research method (Koto, 2021). Research methods are one of the factors of a problem that will be discussed. The type of research used in this research is normative legal research. This research was conducted using a statutory approach. The statutory approach is carried out by reviewing all laws and regulations that are related to the legal issue being handled. (Marzuki, 2017). Analysis of legal materials is carried out using qualitative analysis methods which are used to explain legal events, legal materials or legal products in detail to facilitate legal interpretation (Zainuddin & Ramadhani, 2021).

## **DISCUSS AND ANALYSIS**

### **Implementation of Government Regulation Number 28 of 2020 concerning Amendments to Government Regulation Number 27 of 2014 concerning Management of State/Regional Property with Management of Unpad Official Vehicles**

Law is a necessity inherent in social life in a society, namely that the law will serve members of society, both in the form of allocating power, distributing resources, and protecting the interests of members of society themselves, therefore the law becomes increasingly important in its role as a means to realize government policies. The awareness that causes the law to be an important instrument to realize certain goals, makes the law a means that is consciously and actively used to regulate society, through the use of legal regulations that are made intentionally (Rahardjo, 1996).

Law is the basis for actions and decisions taken by individuals, groups, institutions, and governments. There is no power or authority that is above the law. Every citizen must realize that Indonesia is a country based on law, not power. So that everything that is done in this nation and state must be carried out based on applicable laws and regulations. State Administrative Law is part of public law, namely the law that regulates government actions and regulates the relationship between the government and citizens or the relationship between government organs. State Administrative Law contains all regulations concerning the way government organs carry out their duties. State Administrative Law is a set of regulations that allow state administration to carry out its functions, which also protects citizens against the attitude of state administration actions, and protects the state administration itself. State Administrative Law as a special relationship that is held allows state administration officials to carry out their special duties. So in this case, state administrative law has two aspects, namely first; legal regulations that regulate how state equipment carries out its duties second; legal regulations that regulate the legal relationship between state administrative equipment or the government and its citizens (Mustafa, 2001).

In Article 1 paragraph 5 of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislation, it is explained that Government Regulations are Legislation stipulated by the President to implement laws as they should. Government Regulations are regulations that are administrative in nature because they may not regulate or create state constitutional rules. These regulations may not create any authority except that which has been regulated in the law. It can be said that the function of Government Regulations is as an instrument to make further arrangements to implement laws. These regulations are stipulated to implement the orders of the law or to implement the law as long as necessary without deviating from the material regulated in the relevant law (Riwan, 2014).

Provisions in the management of an asset or goods can be guided by Government Regulation Number 28 of 2020 concerning Amendments to Government Regulation Number 27 of 2014 concerning Management of State/Regional Property which explains that the management of goods is carried out by authorized officials and is responsible for determining policies and guidelines and managing state or regional property. Government Regulation 28 of 2020 concerning Amendments to Government Regulation Number 27 of 2014 concerning Management of State/Regional Property, in addition to explaining the management, the regulation explains several matters regarding planning, use, utilization and so on regarding the management of goods.

Assets in general are goods or something that has economic value, commercial value or exchange value owned by a business entity, agency or individual (Siregar, 2004). Assets are resources controlled by the government as a result of past events and from which future economic benefits are expected to flow to the government (Hanafi, 2007). Definition of State Property based on Government Regulation Number 28 of 2020 concerning Amendments to Government Regulation Number 27 of 2014 concerning Management of State/Regional Property, namely all goods purchased or obtained from the burden of the APBN (State Revenue and Expenditure Budget) or originating from other legitimate acquisitions. Management of state property (central government) is determined as follows:

1. The Minister of Finance regulates the management of state assets
2. The Minister/Head of the institution is the user of the assets for the ministry/institution that he/she leads
3. The head of the office within the ministry/institution is the authorized user of the assets within the relevant office environment.

The management of an operational vehicle asset in an institution is maintained properly and correctly in an institution to achieve the objectives in its implementation. The stage of maintenance of an asset in the form of an operational vehicle requires supervision including educational institutions, namely Unpad. This asset in the form of a vehicle in its procurement aims to facilitate all matters both individually and in groups. In addition, the procurement of goods in the form of operational service vehicles in the Padjadjaran University environment is to support and facilitate all academic matters, both internal and external. Internal matters include the most important for students who will use this operational service vehicle for mobilization in the Unpad campus environment, and external matters are matters related to external relations. The following is a list of several 4 and 6 Wheeled service vehicles based on vehicle pool records as of July 2019 in the category of moderate to severe damage:

No	Merk	Tipe	Kondisi
1	Mitsubishi	T120SS	Rusak Sedang
2	Suzuki	Suzuki ST	Rusak Sedang
3	Mitsubishi	PS120	Rusak Sedang
4	Mitsubishi	Kuda	Rusak Sedang
5	Toyota	Kijang	Rusak Sedang
6	Mitsubishi	T120SS	Rusak Sedang
7	Mitsubishi	Bak	Rusak Sedang
8	Suzuki	Suzuki ST	Rusak Sedang
9	Suzuki	Suzuki ST100	Rusak Sedang
10	Suzuki	Suzuki ST150	Rusak Sedang
11	Toyota	KF	Rusak Sedang
12	Suzuki	Suzuki 1.5	Rusak Sedang
13	Toyota	Kijang	Rusak Sedang
14	Suzuki	Carry ST 1.5	Rusak Sedang

15	Suzuki	Carry ST 1.5	Rusak Sedang
16	Suzuki	Carry ST 1.5	Rusak Sedang
17	Suzuki	ST 150	Rusak Sedang
18	Suzuki	Sidekick	Rusak Sedang
19	Suzuki	Carry ST 1.5	Rusak Sedang
20	Mitsubishi	L300	Rusak Sedang
21	Mitsubishi	L300	Rusak Sedang
22	Toyota	Kijang	Rusak Sedang
23	Mitsubishi	PS 100	Rusak Berat
24	Mazda	E 2000	Rusak Berat
25	Suzuki	Carry ST 1.5	Rusak Sedang
26	Toyota	Kijang	Rusak Sedang
27	Toyota	Kijang	Rusak Sedang
28	Toyota	Kijang	Rusak Sedang
29	Toyota	Kijang	Rusak Berat

State assets according to Government Regulation Number 27 of 2014 concerning the management of state/regional assets and Regulation of the Minister of Finance Number 96/PMK.06/2007 concerning the procedures for the use, utilization, deletion, and transfer of BMN state assets are all goods purchased or obtained at the expense of the State Revenue and Expenditure Budget or derived from other legitimate acquisitions. They are state assets that must be managed properly. Management of state assets is not only an administrative process, but also must consider how to increase efficiency, effectiveness and create added value in managing these assets. Management of state assets includes the scope of planning needs and budgeting, procurement, use, utilization, security and maintenance, assessment, deletion, transfer of administration, guidance and control. Maintenance is an activity or action carried out so that all regional assets are always in good condition and ready to be used efficiently and effectively. Maintenance is carried out on inventory items that are in the unit of use, without changing, adding, or reducing the original shape or construction, so that a requirement can be achieved both in terms of the unit of use and in terms of beauty. Maintenance is a combination of all actions and activities carried out to maintain an item or to repair it to an acceptable condition. Based on Government Regulation Number 27 of 2014 concerning Management of Regional Property, maintenance is a series of activities to maintain the condition and repair all regional property so that it is always in good and proper condition and ready to be used efficiently and effectively. Maintenance is an activity or action carried out so that all regional property is always in good condition and ready to be used efficiently and effectively, this definition is stated in Permendagri Number 17 of 2007 article 1 paragraph 15. Maintenance of state property, one of which is operational official vehicles, is carried out with the aim:

1. Increase the level of utility of goods
2. Increase the life of goods
3. Increase the efficiency of goods
4. Budget savings.

The leadership is required to supervise state property which includes physical supervision, administrative supervision requires an administration system that can create control over state property as a function as a control tool, this administration system must also be able to meet the needs of managing state property. Supervision in state administrative law, namely that in terms of the position of the agency/organ that carries out the control over the controlled agency/organ, can be divided into two types, namely internal control and external control. Internal control means that the supervision is carried out by an agency that is organizationally/structurally still included in the

government itself such as the Government Internal Control System (SPIP). External control is supervision carried out by organs or institutions that are organizationally/structurally outside the government such as the Financial and Development Supervisory Agency (Ridwan, 2011).

Supervision is a form of mindset and action pattern to provide understanding and awareness to a person or several people who are given a task to be carried out using various available resources properly and correctly, so that there are no errors or deviations that could actually create losses for the institution or organization concerned (Makmur, 2011).

Supervision and maintenance of the use of operational official vehicles in the Padjadjaran University environment is carried out through direct and indirect supervision. In addition to paying attention to the products of the laws and regulations, supervision must also be paid to the use of state assets including official vehicles so that they are not misused.

### **Implementation of Sanctions Against Officials Who Have the Duties and Functions of Managing Official Vehicles in the Event of Damaged/Unmaintained Official Vehicles Belonging to Padjadjaran University as State Property**

Supervision of law enforcement against violators of official vehicle users by government officials is carried out based on the principle of decentralization where the Central Government fully delegates to the Regional Government to follow up or manage their respective regions. Any state/regional losses due to negligence, misuse or violation of the law on the management of state/regional property are resolved through claims for compensation in accordance with laws and regulations. In responding to and avoiding misuse of official vehicle facilities by government officials, supervision of the use of official vehicle facilities is needed. Supervision carried out on official vehicle facilities is intended so that government officials are aware of their responsibilities as state and community servants and do not prioritize personal interests (Sari, et.al, 2023).

The purpose of including (regulating) sanctions in administrative law regulations is to prevent feelings of impunity (tolerance) by committing certain violations and some serious behavior (which are nevertheless considered as disturbances) and are no longer resolved through criminal sanctions, but with administrative sanctions. The application of administrative sanctions in a legal relationship between the government and the community is one form of government action carried out in the context of enforcing administrative law. The conceptual approach to the application of administrative sanctions cannot be separated from the discussion/study of government actions. Government actions include all actions carried out by administrative organs in the context of carrying out government duties. Government duties include all state activities outside of the activities of forming laws and the judiciary. This is in line with the understanding of "besturen" in the administrative law literature in the Netherlands (Susanto, 2019).

The concept of administrative sanctions is a doctrinal idea and is not explained normatively in the law. Doctrine in administrative law shows many different definitions of this term. The general characteristic emphasized by most authors is the state that administrative sanctions are negative consequences of violations of administrative and legal obligations and duties. Administrative sanctions are one type of legal sanction, which is established to ensure respect for legal provisions. The application of administrative sanctions cannot be separated from general policies that aim to create order, provide legal certainty and guarantee protection of the rights of every person from interference. Enforcement of administrative legal norms is the authority of state administration to straighten out violations by taking action by imposing administrative sanctions.

In Government Regulation Number 94 of 2021 concerning Civil Servant Discipline Article 5 Letter (f), it is explained that every civil servant is prohibited from owning, selling, buying, pawning, renting, or lending goods, whether movable or immovable, documents or valuables belonging to the state illegally. Therefore, in using official car and motorbike facilities, regional civil servants must pay attention to the risks that will be borne when there is misuse of car/motorcycle facilities.

The elements of administrative legal sanctions based on van Wijk/Konijnenbelt's opinion above, if analyzed, consist of: Power tools (machtmiddelen); Public law nature (publiekrechtelijke); Government/authority body (overheid); Reaction to non-compliance (reactie

op niet naleving); Administrative legal norms (administratiefrechtelijke normen). J.J Oostenbrink also stated that administrative sanctions are: "Administratief sancties zijn dus sancties, die voortspuiten uit de relatie overheid –onderdaan en die zonder tussenkomst van derden en met name zonder rechtelijke machtiging rechtstreeks door de administratie zelf kunnen worden opgelegd" (administrative sanctions are sanctions that arises from the relationship between the government and citizens/subjects and which is implemented without the mediation of a third party, namely without the mediation of judicial power, but can be directly implemented by the administration itself).

Sanctions have benefits related to compliance with behavioral norms, so they are positive sanctions. A contrario, in relation to negative sanctions, there is behavior that causes losses because it violates norms (als sancties voordelen verbinden aan de naleving van een gedragsnorm, zijn het 'positive sanctions'. 'Negatieve sanctions' verbinden nadelen aan normschendend gedrag).

The purpose of applying administrative sanctions to a violation that occurs is intended as an effort by the administrative body to maintain the norms of administrative law that have been set in the form of statutory regulations. Maintaining administrative legal norms is basically a logical consequence of the authority given by statutory regulations to government bodies to:

1. Ensure the enforcement of administrative legal norms;
2. As an implementation of government authority derived from the administrative legal rules themselves; and
3. Without going through the intermediary of a third party (court).

Basically, the function of official cars or official operational vehicles is intended to facilitate the implementation of official activities to various regions in the region and then accompanied by responsibility as a State Civil Apparatus (ASN) to the government or the community. This official car is a regional property which is actually not intended for personal interests or activities outside of official work but is used to support work. If there is misuse of the official operational vehicle and it is proven that administrative sanctions can be imposed on the person concerned, this can be in the form of revocation of the permit to use the official vehicle. In addition, misuse of official operational vehicles can be subject to civil sanctions, namely a claim for compensation to the user for the use of the official vehicle which results in serious damage to the use of the official vehicle outside of the minutes of use of the official vehicle.

## **CLOSURE**

### **Conclusion**

Government Regulation Number 94 of 2021 concerning Civil Servant Discipline explains the consequences for state civil servants who carry out their duties in a manner that is not in accordance with their obligations. One of the consequences for the head of facilities and infrastructure as ASN at Padjadjaran University in carrying out their obligations less than optimally and finding several performance results in the field that do not achieve the goals can be subject to sanctions. Sanctions are generally given to ASN in the form of administrative sanctions. Administrative sanctions are generally applied to seek compliance from the subject who is imposed because administrative sanctions are generally given in stages starting from the imposition of fines, written warnings and revocation of permits.

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