

# Criminal Law Politics in the Management of Natural Resources: Efforts to Confront the Positivist Thinking Absolutism

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**ABSTRACT**--*The concept of the Right to Control by the State is the core teachings of the political activities of law in designing, formulating and enacting legislation in the field of Natural Resource management, which is based on Article 33 of the 1945 Constitution of the Republic of Indonesia. This concept gives the Government rights - as the executive power holder, to make arrangements through its policies for every citizen doing business in the field of Natural Resources. The emergence of this concept is an effort to reduce the liberalization and capitalization of natural resources, which must interfere in any exploration, exploitation, and distribution activities to ensure the principle of benefits for the achievement of public welfare (bestuurzorg). Therefore, to ensure compliance and compliance of business actors, it is necessary to regulate the norms of sanctions in the form of civil penalties, administrative sanctions, and criminal sanctions. In connection with the formulation of norms of criminal sanctions in laws relating to Natural Resources, there have been throwings (gowerfen-sein) in positivistic-legalistic cognitive interpretation activities. Thus, any violation of primary legal norms that have secondary legal norms in the form of criminal sanctions seems to be purely criminal events. As a result, the pattern of criminal punishment for criminal incidents emphasizes the retributive principle and ignores the purpose of the law. This study uses normative juridical methods using secondary data and uses several models of approaches, namely conceptual approaches, philosophical approaches, and critical approaches.*

**Keywords:** *hulprecht, criminal law politics, legal positivism, natural resources*

## I. INTRODUCTION

The idea or idea of the rule of law, as contained in Article 1 paragraph (3) of the 1945 Constitution of the State of Indonesia (hereinafter referred to as "the 1945 Constitution of the Republic of Indonesia") shows that in the administration of the state it must be based on law and not on power. Although, in essence, the administration of the country is not only based on the principles of the rule of law. However, the principle of democracy is also a dual element in the mechanism for administering a democratic rule of law. The two principles are interrelated and cannot be separated. On the one hand, the principle of democracy provides the basis and mechanism of power based on the principle of equality and equality of people. On the other hand, the principle of the rule of law provides a

benchmark that governs within a country not humans, but the law. [1]

The above view, gave rise to the concept of a democratic rule of law, in which the meaning contained, namely that democracy is regulated and limited by the rule of law. At the same time, the legal substance is determined in democratic ways based on the constitution. As a state of law, all actions of state administrators and citizens must follow applicable legal rules.[2]

In the further development of the history of the rule of law, where the latest evolution of the rule of law gave rise to the concept of a welfare state which requires the state to expand its responsibilities to include the socio-economic problems faced by the people, personal role in controlling the lives of many people are eliminated. It was this development which gave legislative authority to the interventionist state in the twentieth century. Even the country needs and must intervene in various socio-economic problems to ensure the creation of shared prosperity for the community. [1]

The principle of the rule of law raises consequences for the government to determine two main types of policies, namely the policy of social life and state life policy. According to Padmo Wahyono, what is meant by organizing state life is a field that has to do with the survival of state organizations. These activities include (1). Establishment of legislative mechanisms originating from written and unwritten law; (2). Investigate the articles; (3). How to apply it; (4). The atmosphere of mysticism, (5). Formulation of statutory text, (6). The atmosphere of the version of the law, and (7). Information relating to the formation process, where everything is related to the arrangements contained in the constitution regarding state organizations. [3]

Through the policy of state life, the government has a broader range of government functions, especially in the insight of the welfare state whose primary purpose is general welfare.[4] As mandated in Paragraph IV of the Preamble to the 1945 Constitution of the Republic of Indonesia, which emphasizes "... protecting all Indonesians and all Indonesian blood and to promoting public welfare, educating the nation's life, and participating in carrying out world order based on freedom, eternal peace, and social justice ...", the objectives of the state life policy must be in line and line with the goals of the state.

The inclusion of the rule of law principle with the concept of the legal welfare state has opened opportunities for the state to enter deeper into all aspects of life that have the ultimate goal of public welfare, including activities to utilize natural resources through the concept of state control. As pointed out by E. Utrecht, that because the state actively participates in social interaction, the work of the government is expanding. The executor of state administration earns trust with the obligation to manage public welfare (*bestuurzorg*) [5].

The concept of the Right to Control by the State has a constitutional root derived from Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states "Earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people."

The broad scope in implementing the Concept of Ruling Rights by the State, of course, it is not possible to be fully elaborated in one law only. As expressed by E. Utrecht, that between every legal regulation, there is a relationship. The rule of law does not stand alone. Every provision has a place in the legal field. That place becomes a specific place, and this is the effect or consequences of interdependence (interconnected) of each social phenomenon. Some legal regulations which contain some similarities in the form of the same elements or aim to achieve the same object are a set of specific rules, known as "*innerlijke samenhang*" (an internal interconnection). [5] [6] [Thus, the understanding of these phrases implies that moving from social phenomena that exist in human life, raises the effect of various regulations on certain social aspects. Where these arrangements are, because they originate from several social events, the rules likely intersect.] [7]

Based on this, any attempt to utilize natural resources, whether from the earth (land) or water, is not included in the private law regime. Therefore, every effort to use the natural resources contained in the ground and water will be in contact with the government's rights in the form of the Concept of Control by the State. Thus, every effort to use natural resources is an act that is closely related to the realm of public law.

Based on the opinion of legal-expert, Muhammad Bakri who explains the meaning of "controlled by the state," which must be interpreted to include the purpose of state control in a broad sense derived from the conception of Indonesian people's sovereignty over all sources of earth's wealth, water and natural resources contained therein, including also the notion of public ownership by the collectivity of the people over the intended sources of wealth. The people collectively constructed by the 1945 Constitution of the Republic of Indonesia gave the state mandate to carry out its functions in holding policies (*beleid*) and management actions (*bestuursdaad*), regulation (*regelendaad*), management (*begeersdaad*) and supervision (*toezichthoudendaad*) by the state (Achmad Sodiki, 2012: 84).

The concept of the Right to Control by the State was then reaffirmed in Constitutional Court Decision No. 35 / PUU-X / 2012 concerning Judicial Review of Law

Number 41 of 1999 concerning Forestry (MK Decree No. 35/2012), Decision of the Constitutional Court of the Republic of Indonesia Number 50 / PUU-X / 2012 concerning Judicial Review of Law Number 2 of 2010 concerning Land Procurement for Development in the Public Interest (MK Decree No. 50/2012), Decision of the Constitutional Court of the Republic of Indonesia Number 3 / PUU-VIII / 2010 concerning Judicial Review of Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands (MK Decree No. 3/2010), and several other related decisions regarding the concept of "The State's Right to Control" mention or confirm state authority in the management of natural resources.

The Constitutional Court's decision above, strengthen the argument of researchers that every business related to natural resources is a study of the realm of public law, specifically the State Administrative Law.

Protection of natural resources, in essence, is the development of one element of the rule of law, namely respect for human rights. The concept of human rights that protect the environment implies protection of the right to live in a pleasant atmosphere. The idea arose in the development of third-generation human rights that fight for "shared rights" or "solidarity rights." This phenomenon is the result of encouragement and demands from third world countries for fair international world order [8].

The basic concept of protection of the environment is also caused as a form of resistance to the use of the *res nullius* principle, which considers that an environment is a free object. As a result, it has gradually led to an imbalance of life on earth, which ultimately harms humanity. The emergence of various natural disasters is closely related to human behavior that only thinks of themselves without caring about the existence of their environment [9]. At this point, the state enters through the State's Ruling Right Concept by carrying out its obligations to make arrangements determined as a necessity/obligation for every person and/or business entity in conducting business activities related to natural resources, namely in the form of licensing, license and concessions.

The scope of protection of natural resources and the environment causes the state to form a legal system that must base on legal politics in the form of a separate policy road map. Meanwhile, in the perspective of law as an open system (*open system van het recht*) from Paul Scholten, as explained by E. Utrecht above, it can be seen that there are intersecting and complementary slices, which among others consist of:

1. Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles ("Law No. 5/1960");
2. Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and their Ecosystems ("Law No. 5/1990");
3. Law Number 41 of 1999 concerning Forestry ("Law No. 41/1999"), as last amended through Law Number 19 of 2004 concerning Establishment of Government Regulations in lieu of Law Number

- 1 of 2004 concerning Amendments to Law Number 41 of 1999 concerning Forestry ("Law No. 19/2004");
4. Law Number 22 of 2001 concerning Oil and Gas ("Law No. 22/2001");
5. Law Number 26 of 2007 concerning Spatial Planning ("Law No. 26/2007");
6. Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands ("Law No. 27/2007");
7. Law Number 32 of 2009 concerning Management and Protection of the Environment ("Law No. 32/2009");
8. Law Number 4 of 2009 concerning Mineral and Coal Mining ("Law No. 4/2009"); and
9. Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction ("Law No. 18/2013").

Juridical problems begin to emerge when researchers associate with the strength of sanctions from the legislation in the realm of State Administrative Law. Penalties in the domain of State Administrative Law are not strong enough to force any person doing business concerning natural resources and the environment. Therefore, criminal sanctions become one of the most essential elements in the realm of State Administrative Law. However, it becomes an important study when it is related to the paradigm of Law Enforcement Officers, especially Investigators and Public Prosecutors who always refer to legalistic-positivistic cognitive patterns. This mindset is contrary to the nature of the Law on State Administration, which prioritizes the principle of legal benefits based on state objectives, namely public welfare (*bestuurzorg*).

Based on the description above, then the main problem in this study is "What is the political model of criminal law in the legal system of natural resource management based on the concept of the welfare state law?"

## II. RESEARCH METHOD

In this study, researchers used a normative juridical research method using secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials, obtained from library research activities. In this research, after the legal documents are collected, the researcher will analyze the legal documents to get a conclusion. Data obtained from the results of library research were analyzed qualitatively by descriptive methods. What is meant by qualitative analysis in a qualitative normative method, namely analyzing the results of the study of literature in the form of a description of the problem with a deductive-inductive approach, which is a way of concluding from general to certain propositions and studied as whole and systematic [10]. Combining these two approaches is often also called the abduction method.

The use of the abduction method as a method of data analysis raises the consequences of using the intuitive interpretation method. The intuitive interpretation method

is the method that researchers consider the most appropriate. However, it does not rule out the possibility of other interpretive methods being used as a supporter, when looking at legal slices in various laws and regulations, to be seen simultaneously on the parts and the whole. Paul Scholten conceived this method in developing law as an open system (open system van het recht).

Presentation of the results of data analysis in the form of a document called the term "text," so that it can display the necessary legal considerations, following the opinion of Abraham Amos, which states that in principle, to show the basis of legal concerns (legal reasoning) that require systematic, thought construction under the regulatory function and standardization of legal work that applies or which will often be practiced by the judiciary according to the predicate and legal hierarchy [11].

## III. FINDINGS AND DISCUSSION

Before entering the discussion of this research, the researcher wants first to describe the reality of handling criminal acts, regarding handling violations of law in the field of natural resources, by Law Enforcement Officials.

The first problem raised by researchers in this study is the problem of interpretation of Article 97 of Law no. 32/2009, which confirms, "Criminal acts in this law constitute crimes." Therefore, all actions that contain criminal threats ranging from Article 98 to Article 115 of Law no. 32/2009 is a criminal offense, except for Article 100 of Law No. 32/2009. As a result, a violation of a license is a criminal offense, so the Criminal Law presupposes that as a truth, the process can be entered to submit criminal charges.

As stated in Indictment Number Reg. Perk. : PDM-220 / PKPIN / Euh.2 / 12/2017 dated 15 December 2017, in which the Public Prosecutor filed an indictment against the Defendant using Article 109 of Law No. 32/2009 which states "Every person who conducts business and/or activities without an environmental permit as referred to in Article 36 paragraph (1) shall be sentenced to a maximum imprisonment of one year and a maximum of three years and a fine of at least Rp1,000,000,000 "00 (one billion rupiah) and a maximum of Rp 3,000,000,000.00 (three billion rupiah)."

Article 36 paragraph (1) of Law No. 32/2009 confirms, "Every business and/or activity that is required to have an Environmental Impact Assessment or UKL-UPL must have an environmental permit." Therefore, violation of Article 36 paragraph (1) of Law No. 32/2009 can be classified as a crime. Thus, the process of law enforcement is not subject to Article 100 paragraph (2) of Law no. 32/2009.

The indictment stated that the Defendant carried out mining activities without having an environmental permit. Whereas in the Minutes of Supervision by the Provincial Ministry of the Environment has confirmed that the Defendant still has an Environmental Permit. However, the Defendant changed the suction boat to a drill-ship and is currently taking care of an addendum to change the permissions from the use of the vessel.

The unsynchronization of law enforcement, in this case, is that the Defendant has received administrative sanctions in the form of an order to stop all work temporarily. As a result of the punishment, the Defendant has dismissed all employees and mine workers because there was a freeze on the job until the issuance of the Ship Permit Addendum. However, in the course of waiting for the decision to revoke the administrative sanctions, the Directorate General of Law Enforcement of the Central Ministry of Environment conducted an investigation and delegated them to the Pangkalpinang District Attorney.

Other issues can also be observed through the Decision of the Sumenep District Court Number 128 / Pid.Sus / 2013 / PN.Smp dated July 23, 2013, where the Defendant has cut onewood with teak type. The defendant, in his statement, admitted that he had cut down without permission, and the wood was used to repair the house, which the Public Prosecutor charged and charged under Article 50 paragraph (3) letter e jo. Article 78 paragraph (5) of Law No. 41/1999.

Whereas in its decision, the Panel of Judges in motivating vonnis (legal considerations) stated that the Defendant had fulfilled the elements of the article demanded by the Public Prosecutor and sentenced him to prison, in his decision, for 4 (four) months in jail and a fine of Rp.100,000 ( One hundred thousand rupiahs).

In other cases, for example, the Supreme Court Decision Number 113 K / Pid.Sus / 2012 dated October 4, 2013, where the Defendant was a farm laborer who was decided at the first level through the Trenggalek District Court Decree Number 43 / Pid.B / 2011 / PN.TL April 9, 2011, by convicting the Defendant, he was declared legally proven and convincingly guilty of committing a criminal act of mining without a People's Mining License (IPR) based on Article 158 of Law No. 4/2009 with imprisonment for three months and a fine of Rp. 500,000 (five hundred thousand rupiahs).

As for the appeal level, based on Surabaya High Court Decree Number 314 / PID / 2011 / PT.SBY dated June 30, 2011, the verdict was issued that the Defendant was declared legally proven and convincingly guilty of committing a Criminal Mining Business Act without a Mining Permit based on Article 158 Law No. 4/2009 with a prison sentence of six months and a fine of Rp. 500,000 (five hundred thousand rupiahs). Whereas at the cassation level, through the Supreme Court's Decision Number 113 K / Pid.Sus / 2012 dated October 4, 2013, it stated that it rejected the appeal application both from the Public Prosecutor and the Defendant. So, the cassation decision strengthens the Decision of the Surabaya High Court Number 314/PID/2011/ PT.SBY on June 30, 2011.

Another legal procedure is Magetan District Court Decision Number 44 / Pid.Sus / 2015 / PN.MGT dated May 4, 2015, although it has similarities with the above case, namely a violation of Article 158 of Law No. 4/2009, that the difference is that the Defendant, in this case, has a Mining Business License. It's just that the Defendant's Mining Business License, which is a business entity, has expired since 2012, and has not been extended. Based on this, the Panel of Judges sentenced them to

prison for one month for fifteen days and a fine of Rp 5,000,000 (five million rupiahs).

The most fundamental difference between Law No. 32/2009 with Law No. 4/2009 is in Law No. 32/2009 states expressly that organized crime is a crime except for Article 100 of Law no. 32/2009. However, in Law No. 4/2009, no statement clearly states whether organized crime is a crime or a violation. So, it is natural that law enforcement that arises from the initial process of formulation and editorial design without going through a precise study of the Political Criminal Law causes inconsistencies.

The politics of criminal law enforcement in the field of natural resource management is increasingly complex when Law Enforcement Officials conduct a discontinuity between State Administrative Law and Criminal Law in handling legal actions related to licensing. An example of a case is the Supreme Court Decision No. 1094 K / PID.SUS / 2014 with the defendant Bachtiar Abdul Fatah (former General Manager of Sumatra Light South of PT. Chevron Pacific Indonesia), where the Panel of Judges of the High Court believes that the operation of the Bioremediation project of PT. Chevron Pacific Indonesia violated licensing because it had not yet received approval for the permit extension. - That the Defendant had enclosed documentary evidence which showed that the Defendant was in the process of extending the permit.

The case above shows the existence of a process of interpretation of the provisions in the State Administrative Law by the Public Prosecutor with an interpretation in the realm of Criminal Law. As the interpretation of the inaccuracy has been stated by the Constitutional Court through the Constitutional Court Decision Number 018 / PUU-XIII / 2014 dated January 21, 2015 ("Decision of the Constitutional Court No. 018/2015").

The use of criminal provisions in laws that are administrative is intended to keep the laws that can be implemented in an orderly manner. Administrative Laws should only function as guardians of the administrative rules so that they are obeyed (Syaiful Bakhri, 2011: 78). Thus, the formulation and redactional design of Criminal Law norms into statutory regulations that are in the State Administrative Law are closely related to the three basic problems in Criminal Law. As revealed by Barda Nawawi Arief, the three main problems of Criminal Law are in the form of: (1). Crime (strafbaarfeit / actus reus); (2). Error (Schuld / mens rea); and (3). Criminal (straf / poena) is only a component or sub-system of the entire Criminal Law system, which is essentially also a criminal system [12].

Concerning the above, Barda Nawawi Arief classifies it as the domain of Administrative Criminal Law. Where, according to him, there are twenty-five laws that contain administrative offenses (Barda Nawawi Arief, 2003: 19-23). Furthermore, explained by Barda Nawawi Arief, that Administrative Criminal Law is a criminal law in the field of administrative violations. In essence, Administrative Criminal Law is an embodiment of the policy of using criminal law as a means to enforce/implement administrative law. So, it is a form of functionalization or

operationalization or instrumentalization of Criminal Law in the field of Administrative Law [13] The establishment of such a legal system cannot be separated from the process of establishing its legal politics. As explained by E. Utrecht that in determining *ius constituendum* is essentially a political act of law (E. Utrecht and Muh. Saleh Djindang, 1989: 124). Furthermore, E. Utrecht added, because the law is also a political object, namely Politics of law, the politics of law tries to make rules that will determine how humans should act. Politics of law, added E. Utrecht again, investigated what changes had to be made in the current law to be compatible with the "*sociale werkelijkheid*" [6].

In connection with the study of legal politics, according to Bagir Manan, that legal politics is temporary, which is a policy determined from time to time following needs. Because of its nature like that, Bagir Manan divides law politics into two main scopes, namely: politics of law formation and politics of law enforcement [4]

The Criminal Law policy system, aspects of the formulation is a strategic stage. This is as stated by Barda Nawawi Arief, the legislation/formulation/legislation making process is essentially an "*in abstracto*." Therefore, mistakes/weaknesses at the policy / legislative formulation stage are strategic mistakes that can become obstacles to law enforcement efforts "*in concreto*" [13].

Thus, law enforcement efforts from a logical construction in the formation of the politics of Criminal Law which become the upstream of the structure of the Criminal Law system, are downstream from the overall political objectives of the law itself, namely the purpose of the state, which in this case is the general welfare (*bestuurszorg*).

The overhead view was first expressed by Macarel, de Gerando, and Trolley, who explained that Administrative Law regulates individual interests concerning the state. Therefore, according to Romeyn that Criminal Law functions as a "supporting law" or *hulprecht* for Administrative Law [15] i.e., every provision in the State Administrative Law is always accompanied by criminal sanctions so that the regulations of the State Administrative Law are obeyed by community [15].

Referring to the concrete facts and doctrines of the legal experts above, it will undoubtedly raise a very fundamental question, namely why Law Enforcement Officers, especially Investigators and Public Prosecutors, have very different views so that it influences work patterns in the process of law enforcement against acts criminal administration?

Pembentukan sistem hukum nasional dan politik hukum harus menjadi studi penting, dan dengan demikian, kerangka pembangunan nasional bergerak dalam koridor sistem hukum, dan politik hukum yang dipahami oleh seluruh masyarakat. Berawal dari asumsi ini, hukum tidak hanya untuk masyarakat, tetapi hukum juga mengikat semua badan negara [8]. However, discussing the opinion of Lawrence M. Friedmann, it becomes crucial to examine in advance the "legal culture." Where according to Friedmann, "these are the values and attitudes which bind the system together and which determine the place of legal

system in the culture of society as a whole. What kind of training and habits do the lawyers and judges have? What do people think of law? Do groups or individuals willingly go to court? For what purposes do they make a use of other officials and intermediaries? Is there respect for law, government, traditions? What is the relationship between class structure and the use or non-use of legal institution? What informals social control exist in addition to or in place of formal ones? Who prefers which kind of control, and why? These aspects of law-legal culture-influence all of the legal system. But they are particularly important as the source of the demands made upon the system. Is the legal culture, that is the network of values and the attitudes relating of law, which determines when and why and where people turn the law, or to government, or turn a way"[19].

That is, the legal culture is related to the interests based on knowledge chosen consensus by law enforcement institutions, both through the path of domination of the authority decisions of an institution or through the way of persuasive hegemony with the mechanism of habituation of knowledge selection (habituation). So, it can be seen that in Criminal Law, to track the patterns of thought that develop in the realm of criminal law enforcement, will always follow the habituation. Where the habituation is constructed from Article 1 paragraph (1) of the Criminal Code, which states, "An act cannot be convicted, except based on the strength of the provisions of criminal laws that have existed before."

The authoritative text contains a general legal principle that is most central in Criminal Law, namely the principle of legality, which contains four main pillars, namely: non-retroactive, *lex certa*, *lex scripta*, and prohibition of analogies. This principle of legality also gets its crown through habituation in the realm of the civil law system, which has a characteristic pattern of thought nuanced in the flow of legism and legal positivism based on laws to create order and order through the achievement of certainty of law. As a result, the patterns of argumentation and interpretation of the law also follows from accommodating the flow of legism and legal positivism, namely gramtical-lexical interpretation with a logical deduction model through the inference of syllogism.

For legal certainty, legal positivism rests philosophy from the work of speculation and identifies the law with statutory regulations. Only by identifying the code with the laws and regulations, legal certainty will be obtained because people know exactly what they can and should not do. The law is obeyed not because it is judged right or just, but because it has been established by a legitimate ruler [20].

In the end, if it refers to the concrete facts above and such reasoning model, law enforcement in the context of natural resource management will never refer to the fulfillment of the purpose of the enactment (*wessenchau*), but only applies to the achievement of elements in the norms of criminal law. Thus, there is a generative externalization of business actors, in this case including

those who have legal entities, identified with the concept of "everyone" or the idea of "whosoever" in the general understanding and understanding of Criminal Law, as one of the models of reasoning in criminal law.

Thus, the problem of complexity in the management of natural resources other than, first, inaccuracy in determining the legal subject as a Suspect / Defendant based on the offense formulation is not based on the purpose of the enactment of laws and regulations regarding natural resources; secondly, there is a mixture of interpretation methods with hegemony and domination of the interpretation model in Criminal Law to the rule in the State Administrative Law. Then, the problem will be more complicated with the third, there is an overlap in handling legal actions in the realm of State Administrative Law which is considered a criminal act, as also confirmed in the Constitutional Court Decision No. 018/2015 which removes the word "can" in Article 95 paragraph (1) of Law no. 32/2009.

The third complexity, starting from the understanding that environmental crime is not a single act, but also summarizes the actions in the realm of administrative, civil, and criminal law. So that every violation cannot be generalized as a criminal offense, for this reason, the handling of environmental crimes must be under the coordination and prior consultation to determine and ensure the categories of alleged acts. MK Decision No. 018/2015, in essence, has limited the hegemony and dominance of the Criminal Law to generalize every violation.

#### IV. CONCLUSION

It is referring to the concrete facts in various decisions of the Supreme Court and the Constitutional Court above, by linking the views of legal experts and the results of the analysis. According to the researchers, there is a political deviation of Criminal Law contained in secondary legal norms in the legislation relating with the management of natural resources, especially the rule of criminal sanctions, that is, by overriding the principles of law in State Administrative Law through the dominance and hegemony of the principles of criminal law. Therefore, it is necessary to re-disclose the principles of State Administrative Law in the legislation, to restore the purpose of the legislation (der wessenchau) of these laws through efforts to normalize hulprecht's principle in each of its rules.

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