

Research Article

Maladministration and Corrupt Behavior: Indonesia's Bureaucracy Reforms Perspective

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Abstract.

Maladministration is a form of bad governance that can lead to corruption, however, there are exceptions to this. Although the grand design of reform has been underway for more than 10 years, anti-corruption behavior in the bureaucracy has remained the same, even made worse by looking at the maladministration perception index. This article presents a qualitative descriptive method to understand the relationship between maladministration and corrupt behavior using corruption case study, articles, and reports on implementing bureaucratic reform and other relevant reports. Much literature states that corrupt behavior is closely related to authority and incompetence. It is included in the public sector, which the government must do. The need for strategies to increase transparency and accountability in the bureaucracy is an ongoing challenge in realizing a clean and anti-corruption bureaucracy.

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1. Introduction

Corruption in Indonesia is a serious problem and has become a public concern for the last few decades. Corruption can harm state finances, worsen public services, and hinder economic development [1]. Corrupt behavior within the bureaucracy in Indonesia is a very worrying condition, considering the various efforts that the government has made to prevent corrupt behavior. The laws that regulate prevention are clear, namely Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, which are deemed sufficient to regulate and provide sanctions for those who violate them. However, many corruption cases are still from the executive, legislative, and judicial institutions.

The condition that corrupt behavior continues to occur in the government or bureaucracy in Indonesia is demonstrated by the results released by the Indonesian Corruption Watch (ICW). Based on data from Indonesia Corruption Watch (ICW), 579 corruption cases have been prosecuted in Indonesia throughout 2022. This number has increased by 8.63% compared to the previous year, which was 533 cases. From these various

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cases, 1,396 people were called suspects of domestic corruption. The number also increased by 19.01% compared to 2021, when there were 1,173 suspects [2].

Corruption is something rotten, evil, and destructive. Thus, corruption can be interpreted as an act involving something immoral, rotten nature and conditions, involving positions in government agencies or apparatus, abuse of power in positions due to gifts, economic and political factors, and placing families or groups because of their authority [3]. Indonesia already has an independent institution dedicated to eradicating criminal acts of corruption, namely the Corruption Eradication Commission (KPK).

The idea of forming the Corruption Eradication Commission has existed since the reign of President Habibie. This is also stated in Republic of Indonesia Law number 28 of 1999 concerning State Administration that is free and clean fat basis. At that time, President Habibie formed bodies such as the Business Competition Supervisory Commission (KPPU) or the Ombudsman institution and the State Administrators' Wealth Audit Commission (KPKPN).

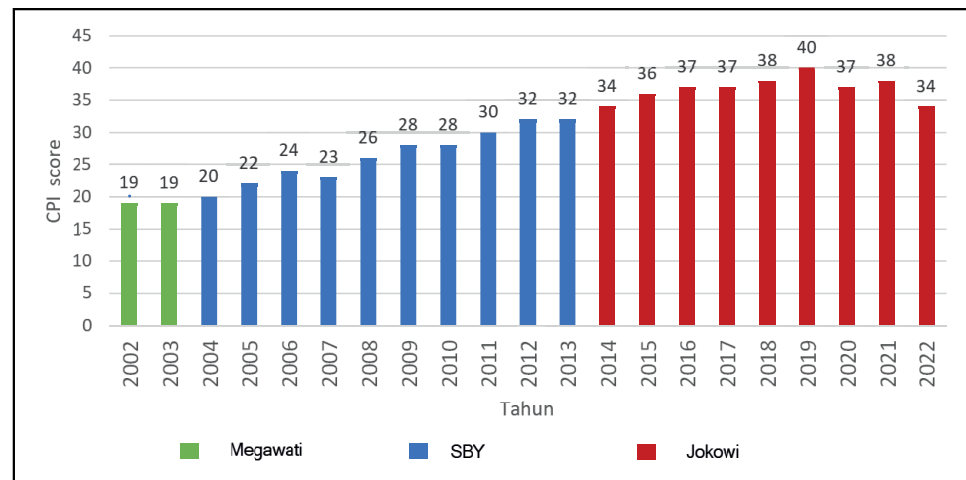
Then, starting in 2022, after the formation of the KPK, the KPKPN was disbanded and merged into one institution. The formation of the Corruption Eradication Commission (KPK) was based on Republic of Indonesia Law number 30 of 2002 concerning the Corruption Eradication Commission. The KPK is responsible to the public and submits its reports openly and periodically to the President, the House of Representatives (DPR), and The Audit Board of The Republic of Indonesia (BPK).

The functions of the KPK include coordinating with agencies authorized to eradicate criminal acts of corruption, supervising agencies authorized to eradicate criminal acts of corruption, conducting inquiries, investigations, and prosecutions of criminal acts of corruption, carrying out measures to prevent criminal acts of corruption, and monitoring the implementation of state government [4].

However, even though the KPK has been formed, corruption cases often occur, even though there have been changes in five periods of government from President Megawati (one period), President SBY (two periods), and President Jokowi (two periods). For example, the Corruption Perception Index (CPI) value can be seen. CPI is a composite indicator to measure perceptions of public sector corruption on a scale of zero (very corrupt) to 100 (very clean) in 180 countries and regions based on a combination of 13 global surveys and perception assessments according to business actors' perceptions and world expert assessments since 1995.

The 2022 CPI shows that Indonesia continues to experience severe challenges in fighting corruption. Indonesia's CPI in 2022 is at a score of 34/100 and is ranked 110th out of 180 countries surveyed. This score dropped 4 points from 2021, the most drastic

decline since 1995. With this result, Indonesia was only able to increase its CPI score by 2 points from a score of 32 over the last decade since 2012 [5]. This situation shows that the response to corrupt practices is slow and worsens due to stakeholders' lack of factual support.



Source: Data Analysis, 2023

Figure 1: Two decade Indonesia's CPI score from 2002 - 2022.

Even though many laws and regulations have been passed, corruption is still rampant in Indonesia. This is partly because most of these laws and regulations focus solely on eradicating corruption, not preventing corruption, which is best achieved through bureaucratic reform [6]. Therefore, this study looks at the extent of the relationship between corrupt behavior and maladministration by looking at the condition of corruption cases in Indonesia and the various patterns of cases that occur, from the village government (lower-level government) to the central government (highest level government)—including by looking at the relationship between the maladministration perception index issued by Ombudsman since 2019.

2. Methods

This research is a type of qualitative research to describe corruption practices and maladministration in Indonesia. The choice of qualitative strategy used is a case study strategy. A case study strategy is a qualitative research method used to understand social phenomena or situations in a natural context [7]. Case study strategies are often used to study human experiences, behavior, and interactions and better understand the social context in which the phenomenon occurs [8]. Primary and secondary data come from corruption cases from various data graphs and media reports in the last ten years.

3. Results and Discussion

3.1. Understanding the Term Maladministration in Indonesia

The definition of maladministration in Indonesia can be found in Article 1 of Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia. The term is interpreted as unlawful behavior or actions, exceeding authority, using authority for purposes other than those for which the authority is intended, including negligence or neglect of legal obligations in the implementation of public services carried out by State and government administrators which cause material and/or immaterial losses to the community and people individual.

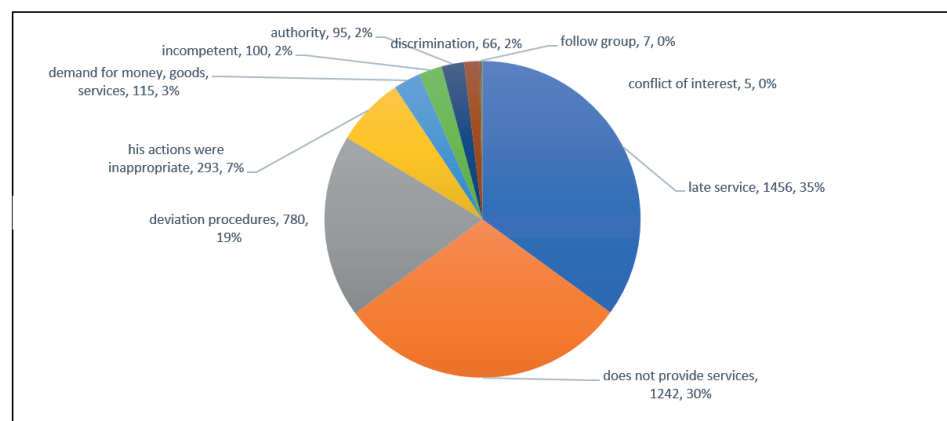
According to Mahadi [9], legal language has a distinctive style of language use. Its uniqueness lies in its terms, composition, and style. Based on this explanation, the word maladministration as a legal term is still permitted to be used as long as it refers to the definition in the legal text in Law Number 37 of 2008.

A maladministration is an act that violates the law. Several types of maladministration acts often occur. First, protracted delays, namely in providing public services to the public, a public official repeatedly delays or drags out time so that the administrative process is not on time as determined, resulting in uncertain public services. Second, authority is the action of a public official who uses his authority (his right and power to act) beyond what should be done so that the action is contrary to applicable regulations and makes public services unacceptable to the public. Third, procedural irregularities. In the public service process, there are stages of activities that are passed to get good public services; however, in the public service process, it often happens that public officials do not comply with the stages that have been determined, and this is important so that the public receive good public services [10].

Based on Law Number 37 of 2008 concerning the Ombudsman of the Republic of Indonesia (Ombudsman RI) and Law Number 25 of 2009 concerning Public Services, the Ombudsman RI is a state institution that handles maladministration in public services. The Ombudsman RI is tasked with receiving reports of alleged maladministration in the administration of public services and carrying out investigations on their initiative into allegations of maladministration in the implementation of public services (Article 7 of Law No. 37 of 2008). As long as the agency concerned is assigned to provide public services whose funds are wholly or partially sourced from the State Budget (APBN) and/or Local Government Budget (APBD), then the agency's services fall under the supervisory authority of the Ombudsman RI.

The objectives attached to the Ombudsman RI are comprehensive and cover many aspects. This shows the significance of the Ombudsman RI and its direct correlation with the realization of a democratic rule of law state to uphold justice and bring about the welfare of its citizens. Encourage the implementation of a government that is free from KKN (Collusion, Corruption, and Nepotism) and make state officials and public servants realize the welfare of citizens and prevent and correct maladministration practices that often occur. What is also carried out in the existence of the Ombudsman is that in every case resolution, systemic review, or complaint report that it handles, the Ombudsman RI must instill a legal culture that is oriented towards real justice, legal awareness of all parties, both the reporter and the reported party, so that it can be directed at the position of law as the supreme instrument to settle cases into harmony (Supremacy of Law) [11]. Therefore, the presence of the Ombudsman as an external monitoring institution is expected to improve service quality. Good government and state administration can be achieved if the principles of good governance are upheld.

Since 2017, the Ombudsman RI has launched a survey of the maladministration perception index (inperma) related to public services by regional governments. Inperma is a new method for obtaining primary data from public service users by mapping the level of maladministration of basic public services. This survey aims to measure people's comfort in obtaining information about service standards and community interactions, focusing on providing special services, such as education, health, population administration, and licensing. This Inperma measure is divided into four categories, namely low maladministration (≤ 4.50), moderate to low maladministration (4.51-5.50), moderate to high maladministration (5.51-6.50), and high maladministration (≥ 6.51) [15].



Source: Ombudsman Report, 2022

Figure 2: Maladministration cases in Indonesia 2022.

From the empirical facts above, it is clear that corruption is still a severe problem in Indonesia. Behavior is defined as attitudes or actions and everything humans do daily.

Individual behavior in an organization is an expression of personality, perceptions, and attitudes, which can influence work performance [16].

Therefore, in studying corrupt behavior, the emphasis is on how the actual internal conditions of an organization are thought to direct the opportunities for corruption to occur by its members. Bad bureaucracy can encourage corrupt behavior by creating opportunities for perpetrators inside and outside the bureaucracy to gain personal gain [17].

Based on monitoring by Indonesia Corruption Watch (ICW), budgeting is the mode most often used by corruptors in corruption crimes in Indonesia. It was recorded that there were 303 cases of corruption using the method of budget manipulation in 2022. Then, there were 91 cases of fictitious activities/projects. Then, the mode of markup and fictitious report were 54 cases and 46 cases, respectively. According to ICW, this fourth mode is often found in cases of corruption in the procurement of goods/services and government budget management. Another method corruption perpetrators use is trading in influence with 29 cases. Then, illegal levies 24 cases and circumcision/cutting in 18 cases [18].

Furthermore, the actors most often involved in corruption cases are regional government employees, private sector employees, and village heads. During 2022, 21 Mayor/Regent were handled by law enforcement officials, 18 investigated by the KPK, 2 by the Prosecutor's Office, and 1 by the Police. If we look in more detail, of the 1,396 suspects, 506 are civil servants [18]. Some of the cases that occurred were venality of office. This is part of the maladministration of talent scouting, which should be able to find potential middle managers (3rd-grade echelon) for professional bureaucracy.

In these cases, the venality of office was held because of their "gift." Gifts have always been a feature of human interaction, and every gift has an obligation. Rewards take many forms and are often a hallmark of public service behavior. What rewards are expected when prizes are awarded in the public sector? When is a gift considered a bribe? Bureaucratic gift-giving is often, but only sometimes, governed by an organization's code of ethics that guides the form, value, and other conditions of gifts received. The differences between social gift-giving and bureaucratic gift-giving have been explored in the literature [19], and in advanced democracies, conflicts of interest and influence peddling are bound up in gift culture.

3.2. Corruption and Bureaucratic Reform

Bureaucratic reform is a preventive effort to follow up on criminal acts of corruption, which are still a severe problem in Indonesia. Public officials often carry out this act of self-enrichment, and it is starting to be considered an ingrained culture. Bureaucratic reform of bureaucratic ranks as government administrators have the authority to manage public assets, determine policies, and provide services. With the power and authority possessed by bureaucratic ranks, strong self-control must be followed to prevent abuse of authority.

Currently, ethical weaknesses and the integrity of bureaucratic ranks must be taken into account. A standard of ethics and integrity is needed to prevent criminal acts of corruption, prohibition, and the like. This is important in efforts to develop a work culture that is included in the bureaucratic reform agenda. The form of cultural, bureaucratic reform in Indonesia is the ASN core value "**BerAKHLAK**".

ASN Core Values are a milestone in strengthening work culture, which is not only carried out at the central level of ASN but also the regional level. Be from service-oriented (*berorientasi pelayanan*), means understanding and meeting community needs. Friendly, agile, solutive, and reliable. Carry out continuous improvements.

A from accountable (*akuntabel*), means carrying out tasks honestly, responsibly, carefully, with discipline, and with high integrity. Use state wealth and goods responsibly, effectively, and efficiently. Do not abuse the authority of the position.

K from competence (*kompeten*), means increasing competence to answer ever-changing challenges. Help others learn. Carry out tasks with the best quality.

H from harmony (*harmoni*), means Respecting everyone regardless of their background. Likes helping other people and building a conducive work environment.

L from loyalty (*loyal*), means upholding the ideology of Pancasila and the 1945 Constitution of the Republic of Indonesia. Loyal to the Republic of Indonesia and the legitimate government. Maintain the good name of fellow ASN, leaders, agencies, and the state, as well as safeguard position and state secrets.

A from adaptive (*adaptif*), means quickly adapting to change. Continue to innovate and develop creativity. Act proactively. K from collaborative (*kolaboratif*), means providing opportunities for various parties to contribute. Open to working together to produce added value. Mobilize the utilization of multiple resources for common goals.

Furthermore, implementing bureaucratic reform is currently directed at thematic bureaucratic reform by President Jokowi's direction. This thematic bureaucratic reform can unravel and answer governance problems that are felt directly by the community;

focus on resolving every problem related to governance directly related to expected performance (thematic); and accelerate the benefits of development programs so that the community can quickly feel the impact.

The Ministry of State Apparatus Empowerment and Bureaucratic Reform (KemenPAN & RB) measures the bureaucratic reform index. The Bureaucratic Reform Index describes how government agencies have implemented improvements in government governance aimed at effective and efficient government, free from corruption, and quality public services.

The Bureaucratic Reform Index is used to measure the success of Bureaucratic Reform in a government agency. This index consists of the Lever Component and the Results Component. The Leverage Component measures the extent of the agency's efforts in implementing the RB program. In contrast, the Result Component measures the success of the RB program through Service Quality Surveys, Anti-Corruption Perception Surveys, BPK Opinions on Financial Reports, etc. The average value of the Bureaucratic Reform Index increased at the ministry/institution and regional government levels. The Bureaucratic Reform Index describes the extent to which government agencies have implemented improvements in governance that are effective and efficient, free from corruption, and have quality public services.

Implementing bureaucratic reform like this will lead to clean government practices and good governance. For this reason, regional bureaucratic structures should still be able to ensure that there is no distortion of aspirations from the community and avoid abuse of power.

4. Conclusion

Maladministration and corrupt behavior cannot be separated because maladministration is a form of bureaucratic pathology due to incompetence and abuse of power. This is often an indication of corruption cases, which can be seen from the most significant percentage of corruption cases that occur due to abuse of power. Therefore, thematic bureaucratic reform is the right choice, especially thematic on digitalization. This digitalization will narrow the opportunities for abuse of power in the practice of maladministration and corrupt behavior in Indonesia.

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