# Bureaucratic Reform of Indonesia Attorney: Building Integrity of Law Enforcement and Improving Public Trust

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## Abstrak

Bureaucratic reform is the first step to structuring a good, effective and efficient government system, so that it can serve the community quickly, precisely and professionally. With the Bureaucratic Reform, it is hoped that good governance will be realized by achieving the level of public trust. In order to achieve the goals of the bureaucratic reform, the Attorney of the Republic of Indonesia concretely implemented a bureaucratic reform program at work units through the development of an Integrity Zone. The construction of this integrity zone is carried out to improve the performance of work units throughout the Republic of Indonesia Attorney in law enforcement and to increase public confidence.

Keywords: Bureaucratic reform, Indonesia Attorney, Legal enforcement, Public trust

# 1. Background

Bureaucratic Reform is a government program to organize a good, effective and efficient organization system. This program aims to improve services to the community. Government officials are encouraged to serve the community quickly, accurately, and professionally in realizing good and clean government. Based on Presidential Regulation No. 81 of 2010 concerning the Grand Design of the Indonesian Bureaucratic Reform 2010 - 2025, there are three main targets of bureaucratic reform, namely: 1. A clean, accountable, and high-performing government; 2. Effective and efficient governance; 3. Good and quality public services.

However, there are many obstacles faced in implementing this bureaucratic reform. These constraints include abuse of authority, practices of Corruption, Collusion and Nepotism, discrimination both in government institutions and in law enforcement agencies, including at the Indonesian Attorney General's Office. In the criminal justice system of Indonesia, the prosecutor's office has a very important position. The involvement of prosecutors in the process of law enforcement has started since the investigation and prosecution to the execution of court decisions. So that the attorney's performance becomes a public concern. Moreover, not a few prosecutors involved in corruption, collusion and nepotism. Based on Indonesian Corruption Watch data, in the period 2004 - 2018, there were at least seven prosecutors involved in corrupt practices and were caught by the Corruption Eradication Commission.<sup>1</sup> This situation is very contrary to their commitment to reform.

High public expectations of the law enforcement process lead to demands on the performance of the criminal justice system where the prosecutor's office is an important part in it. However, the prosecutor's performance in investigations and prosecutions has not yet been fully carried out. From the institutional side, the Attorney General's Office is still not completely independent. This independence problem can lead to other problems in the field such as arbitrariness due to abuse of power. There were even challenges to the AGO's institutions after the Corruption Eradication Commission was formed while there are commissioners from the Prosecutors' Office. In addition, the dualism of prosecuting corruption cases by the Prosecutors' Office and the Corruption Eradication Commission can confuse the public and create an impression of differential treatment. Therefore, building a Prosecutor's Office as a modern, professional and integrity law enforcer is an urgent agenda.

Bureaucratic Reform Program which refers to the general guidelines for Bureaucratic Reform issued by the Ministry of Administrative Reform, is basically a process to reorganize, change, and improve the Bureaucracy to be better (Professional, clean, efficient, effective and productive).

<sup>&</sup>lt;sup>1</sup> Oknum Jaksa Terjerat Korupsi, ICW Desak Jaksa Agung Mundur',

*nasional*<https://www.cnnindonesia.com/nasional/20190630065554-12-407662/oknum-jaksa-terjerat-korupsiicw-desak-jaksa-agung-mundur> [accessed 18 June 2020].

One of the strategic steps that have been taken is the development of an Integrity Zone towards a Corruption-Free zone by establishing a work unit to be proposed as a corruption-free zone and a clean and serving bureaucracy zone. But in its implementation, there is no proposed work unit that meets the minimum assessment standards. Therefore, this study is intended to examine how the bureaucracy reforms carried out by the prosecutor's office through the construction of integrity zones in building the Integrity of the Prosecutor as law enforcement and increasing public confidence.

# 2. Methodology

This study uses normative and empirical research methods which constitute legal research regarding the application of normative legal provisions (codifications, laws or contracts) in action on any particular legal event that occurs in society. The normative juridical approach is carried out through library research by studying and analyzing applicable legal provisions, documents or literature relating to the problem under study while the empirical approach is carried out by conducting direct research at the research location by observing to obtain an overview of the data related to the problem. The focus of this research is to analyze the application of bureaucratic reform in Indonesia Attorney through the development of an integrity zone. Data collection methods by combining secondary legal materials with primary data obtained in the field. After the data has been collected as a whole, the data is then analyzed qualitatively by describing the problem based on research.

## 3. Discussion

# 3.1. Bureaucratic Reform

Grammatically, reform is defined as forming, organizing, and reuniting.<sup>2</sup>Put simply, reform means changing the format, both in the structure and rules of the game, for the better. Bureaucracy basically means office power or leadership from the staffing level.<sup>3</sup>Max Weber said that there would be no welfare state without a bureaucracy. This thesis is based on the need to carry out the division of tasks due to the widespread and complex administrative tasks in quantitative terms. From these problems the government needs to develop a legal-rational organization.<sup>4</sup>Wrong gives a definition that bureaucracy is an organization that is appointed to achieve a certain goal from various goals. Bureaucracy is organized in a hierarchical manner with a firm chain of command, there is a clear division of labor, general rules are formed, employees are chosen based on competence and work as a bureaucrat is a lifetime job.<sup>5</sup>

The paradigm that is always attached to the bureaucrats always tends to regard as servants of the state rather than as servants of society. The negative stigma attached to government bureaucracy as a disease (bureau pathology) is a convoluted procedure, slow service, and various forms of corruption. Ideally, according to Ryaas Rasyid, the government essentially provides services to the community. Government is not held to serve themselves, but to serve the community. <sup>6</sup>For this reason, bureaucratic reform is needed to encourage improvement in the quality of the bureaucracy to have the ability to carry out sustainable development.

Without a clean and quality bureaucracy, it is impossible to achieved bureaucratic goals. To improve the bureaucracy, the effort that can be used is to reform the bureaucracy. Bureaucratic reform must be prepared with a comprehensive, non-sporadic and partial partialistic plan. Designing bureaucratic reform actually means formulating a bureaucratic model that can strengthen institutional capacity through redefinition and government intervention. Designing bureaucratic reform is not just simplifying bureaucratic structure, but changing the mind set and bureaucratic cultural set. Therefore, bureaucratic reform is actually finding efforts to do governance with the support of public administration. Related to bureaucratic reform planning, the Government of the Republic of Indonesia has made Republic of Indonesia's Presidential Regulation Number 81 of 2010 concerning the Grand Design of the Indonesian Bureaucratic reform aims to provide policy direction for implementing national bureaucratic reform during the period 2010-2025 so that bureaucratic reforms in government agencies can run effectively, efficiently, measured, consistent, integrated, institutionalized, and sustainable.<sup>7</sup>

<sup>&</sup>lt;sup>2</sup> W.T.Cunningham, 1982, Nelson Contemporary English Dictionary, Thompson and Nelson Ltd, Canada, p. 422

<sup>&</sup>lt;sup>3</sup> Miftah Thoha. 2004. "Birokrasi dan Politik di Indonesia". Cetakan ke 3. Raja Grafindo Perkasa, Jakarta.

<sup>&</sup>lt;sup>4</sup>Lihat, Agus Dwiyanto, 2011. *Mengembalikan Kepercayaan Publik Melalui Reformasi Birokrasi*. Gramedia Pustaka Utama, Jakarta.

<sup>&</sup>lt;sup>5</sup>Ali Mufiz, *Materi Pokok Pengantar Ilmu Administrasi Negara*, Pusat Penerbitan Universitas Terbuka Depdiknas, Jakarta, 2004, p.53

<sup>&</sup>lt;sup>6</sup> Ryaas Rasyid, *Makna Pemerintahan, Tinjauan Dari Segi Etika dan Kepemimpinan,* Mutiara Sumber Widya, Jakarta, 2000, p.1.

<sup>&</sup>lt;sup>7</sup>Kementrian Pendayaguaan Aparatur Negara dan Reformasi Biroksai, 2010, *Grand Design Reformasi Birokrasi 2010-2025*, Jakarta, p. 1 12

In addition, the Bureaucratic Reform Road Map which is compiled and implemented every five years aims to provide direction for the implementation of bureaucratic reform to run effectively, efficiently, measured, consistent, integrated, institutionalized, and sustainable. In 2025, it is expected that good governance with a professional bureaucracy, high integrity and servants of the public and public servants will be realized. The above conditions can be stated in the following figure.<sup>8</sup>



Figure x. Expected bureaucratic conditions

## **3.2.** The Concept of Integrity Zone

In the framework of Bureaucratic Reform, the Government has issued Presidential Regulation Number 81 of 2010 concerning the Grand Design of Bureaucratic Reform which regulates the implementation of the bureaucratic reform program. The regulation targets the achievement of three main outcomes, namely increasing organizational capacity and accountability, a clean and corruption-free government, collusion and nepotism, and improving public services. In order to accelerate the achievement of these targets, then applied to the Regulation of the Minister of Administrative and Bureaucratic Reform No. 52 of 2014 concerning Guidelines for the Development of Integrity Zones Towards Areas Free of Corruption and Clean and Serving Bureaucracy Zones. In the definition level of the Minister of Administrative and Bureaucratic Reform No. 52 of 2014, the integrity zone is defined as follows:<sup>9</sup>

- 3.2.1. Integrity Zone is a predicate given to government agencies whose leaders and staff have a commitment to realize the Corruption-Free zone / Clean and Serve Bureaucracy zone through bureaucratic reform, especially in terms of preventing corruption and improving the quality of public services;
- 3.2.2. Towards a Corruption Free zone is a predicate given to a work unit that fulfills most of the management of change, structuring management, structuring human resource management systems, strengthening supervision, and strengthening performance accountability;
- 3.2.3. Towards a Clean and Serve Bureaucracy zone is a predicate given to a work unit that fulfills most of the change management, management arrangement, structuring the human resource management system, strengthening supervision, strengthening performance accountability, and strengthening the quality of public services.

 <sup>&</sup>lt;sup>8</sup>'Reformasi-Birokrasi\_PERPRES-NOMOR-81-TAHUN-2010-TENTANG-GRAND-DESIGN-REFORMASI-BIROKRASI-2010-2025-.Pdf' <a href="http://rbkunwas.menpan.go.id/images/pedoman/reformasi-birokrasi\_PERPRES-NOMOR-81-TAHUN-2010-TENTANG-GRAND-DESIGN-REFORMASI-BIROKRASI-2010-2025-.pdf">http://rbkunwas.menpan.go.id/images/pedoman/reformasi-birokrasi\_PERPRES-NOMOR-81-TAHUN-2010-TENTANG-GRAND-DESIGN-REFORMASI-BIROKRASI-2010-2025-.pdf</a>> [accessed 22 June 2020].
<sup>9</sup>See explanation of Minister of Administrative and Bureaucratic Reform No. 52 of 2014 concerning Guidelines for the Development of Integrity Zones Towards Areas Free of Corruption and the Clean and Serving Bureaucracy Zones.

The purpose of this integrity zone development work unit that has become a corruption free zone / clean and serving bureaucratic zone can be a pilot project and bench mark for other work units so that all work units are given the freedom to work properly in accordance with statutory provisions. The outcome of the work unit predicated as a corruption free zone / clean and serving bureaucracy zone is a corruption prevention effort that is carried out concretely within the scope of the Integrity Zone, with the focus of implementing bureaucratic reform aimed at two main objectives, namely:

- 3.2.1. The realization of a Government that is Clean and Corruption-Free, Collusion and Nepotism as measured by the value of perception of corruption (external survey); and Percentage of case settlement.
- 3.2.2. The realization of the Improvement of the Quality of Public Services to the Community as measured through the perceived value of service quality (external survey).

Theoretically, the integrity zone is a concept derived from the island of integrity concept, which means government institutions / government agencies that have and implement the concept of the National Integrity System, so that the authority and integrity of the institution is able to realize transparency, accountability and open space for community participation extensively.<sup>10</sup>The National Integrity System will succeed with the existence of a conducive environment where efforts are needed to create conditions that uphold integrity, both at the institutional and individual level.<sup>11</sup>The validity of the norm must be established and rely on one single characteristic, namely the existence of self-explanatory. This self-explanatory is the ability of a norm to explain to the public that it is true in itself.<sup>12</sup>There are two keywords in the integrity zone namely integrity or integrity and zone or island. Integrity is defined as an attitude or culture that shows consistency between words and actions as well as an attitude to reject all despicable actions that can harm themselves and their institutions.

The Zone or Island is described by the units of government agencies that have instilled the value of integrity in it. While related to the implementation of the Minister of Administrative and bureaucratic reform No. 52 of 2014 itself has explained that the process of building the integrity zone has several stages that must be passed, namely the launching, development, proposing, evaluating, and determining. In the end, the effectiveness of the integrity zone is largely determined by the commitment of the leadership and all levels of employees in it. If commitment is strong, then realizing a clean government and serving through the integrity zone will become a necessity. But if commitment is weak, the proclamation will only be a memory and an image.

## 3.3. Integrity and Ethics of Prosecutors

The key to creating fair law enforcement for Indonesia in particular is related to the moral integrity and professionalism of law enforcement. Integrity is related to clean morals, honesty and sincerity towards others and God.<sup>13</sup>According to Gostick and Telford, Integrity is a strong adherence to a code, specifically moral values or certain artistic values.<sup>14</sup>Thus, Integrity is seen as a mental attitude that is always consistent in carrying out life so that humans always uphold ethical values. To foster high ethical standards, it also requires high integrity.<sup>15</sup> While Ethics is a critical reflection on how humans should live and act in concrete and specific situations.<sup>16</sup>Ethics always jokes to the pros and cons of humans as humans.<sup>17</sup>General Ethics is a general rule of action in community groups and is universal. While specifically Ethics is an ethics act in certain groups of people, including certain professions.<sup>18</sup>

Basically, the professional code of ethics is the norm of behavior that is considered right to satisfy the parties concerned, namely professional actors, for example: judges; prosecutor; notary, journalist, doctor, secretary, etc.) with the client. This norm is binding, and the violation may be subject to sanctions.

<sup>&</sup>lt;sup>10</sup>'Transparency International Indonesia', *Transparency International Indonesia*<https://ti.or.id/> [accessed 22 June 2020].

<sup>&</sup>lt;sup>11</sup> A. H. Rahadian, *Sistem Integritas Nasional sebagai Kebijakan Mencegah dan Memberantas Korupsi di Indonesia*", artikel dalam Prosiding Seminar STIAMI, Volume I, No. 02, 2014, p.10

<sup>&</sup>lt;sup>12</sup> Jaap Hage, 2011, Studies in Legal Logic, Law and Philosophy Library, Springer, Meta-juridica Department, University of Maastricht, p. 33-40.

<sup>&</sup>lt;sup>13</sup>J.E Sahetapy, Amburadulnya Integritas, Komisi Hukum Nasional RI, Jakarta, 2011, p.Xv-xvi

<sup>&</sup>lt;sup>14</sup> Gostick & Telford.2006, *The Integrity Advantage*, PT Bhuana Ilmu Populer, Jakarta, p. 13-14

<sup>&</sup>lt;sup>15</sup>Joan Pynes, 2009, *Human Resources Management For Public And NonProfit Organizations-A Strategic Approach.* San Fransisco: Jossey Bass, p. 331

<sup>&</sup>lt;sup>16</sup> Muhamad Sadi Is, 2015, Etika Hukum Kesehatan Teori dan Aplikasinya di Indonesia, Prenada Media, Jakarta, p. 132

<sup>&</sup>lt;sup>17</sup> Franz Magnis Suseno, 1989, Etika Dasar, Masalah-masalah Pokok Filsafat Moral, Kanisius, Yogyakarta, 1989, p. 19

<sup>&</sup>lt;sup>18</sup> Soekidjo Notoatmojo, 2010, *Etika dan Hukum Kesehatan*, Rineka Cipta, Jakarta, p.36

Thus, the professional code of ethics can prevent conflict and is useful as a reflection of the good name of the profession. The function of the professional code of ethics is as follows: <sup>19</sup>

- 3.3.1. The professional code of ethics as a moral control and behavior control which sanctions are more concentrated psychologically and institutionally;
- 3.3.2. The professional code of ethics requires the formation of moral integrity among the profession bearer;
- 3.3.3. The dignity and identity of professional organizations is determined by the quality of professional ethics empowerment itself. It is not only clients who articulated their rights, but also the interests of the state in general that must be safeguarded.

Regarding the integrity and ethics of the Prosecutor's profession, Article 8 paragraph (4) of Law No. 16 of 2004 concerning the Attorney General's Office of the Republic of Indonesia states that:

"In carrying out its duties and authorities, the Prosecutor always acts according to the law by respecting religious norms, politeness, decency, and must explore and uphold the human values that live in society, and always maintain the honor and dignity of his profession."

In its application, the Tri Krama Adhyaksa doctrine is the basis for creating a Prosecutor who has integrity, is responsible and is able to provide excellent service to the community, and creates a bureaucracy that is clean, effective, efficient, transparent and accountable.<sup>20</sup>Of the various basic values that must be possessed by a Prosecutor as a law enforcement officer and public servant, there are five basic principles filtered, among others, from Tri Krama Adhyaksa which are then passed down to Satya, Adhi, Wicaksana and various other international principles namely from the International Association of Prosecutors (IAP) in the Standards of Professional Responsibility and Statements of the Essential Duties and Rights of Prosecutors<sup>21</sup> and the United Nations Guidelines namely Guidelines on the Rule of Prosecutors.<sup>22</sup>*These principles are*:<sup>23</sup>

- 3.3.1. Integrity
- 3.3.2. Professional
- 3.3.3. Independent
- 3.3.4. Impartiality
- 3.3.5. Discipline.

Integrity value which is a basic value that must be possessed by a Prosecutor requires a Prosecutor to act and act consistently in accordance with the values and policies of the institution and the professional code of ethics. prosecutors must be consistent in carrying out their duties even in difficult circumstances to do this and not easily influenced by anyone in any way.<sup>24</sup>Code of Attorney code of conduct is the Regulation of the Attorney General of the Republic of Indonesia Number Per-014 / A / Ja / 11/2012 concerning the Code of Attorney Behavior. This rule is binding for prosecutors who work inside and outside the Prosecutor's Office.

## 3.4. Building Integrity of Law Enforcement and Improving Public Trust

The process of bureaucratic reform in the Indonesian Attorney General's Office is inseparable from the Grand Design of Bureaucratic Reform and criminal policy reform in Indonesia. The Institute for Criminal Justice Reform (ICJR) has periodically provided various recommendations on the direction of criminal law reform in Indonesia.

<sup>&</sup>lt;sup>19</sup> Muhammad Nuh, 2011, *Etika Profesi Hukum*, Pustaka Setia, Bandung, p. 125-126.

<sup>&</sup>lt;sup>20</sup> Peraturan Jaksa Agung Republik Indonesia Nomor Per–014/A/Ja/11/2012 Tentang Kode Perilaku Jaksa

<sup>&</sup>lt;sup>21</sup> Guidelines on the Role of Prosecutors disetujui dalam United Nations Congress on the Prevention of Crime and theTreatment of Offenders di Havana, Cuba. Perhatian atas profesionalisme Jaksa tercermin dalam salah satu butir pertimbangan yang menyatakan: "Whereas it is essential to ensure that prosecutors possess the profesional qualifications required for the accomplishment of their functions, through improved methods of requirement and legal and professional training, and through the provision of all necessary means for the proper performance of their role in combating criminality, particularly in its new forms and dimensions."

<sup>&</sup>lt;sup>22</sup> Standards of Professional Responsibility and Statement of the Essential Duties and the Rights of Prosecutors, determined by International Association of Prosecutors (IAP) on April 23, 1999. IAP is an International Association of Prosecutors established in June 1995 at the United Nations office in Vienna and was officially installed in September 1996 at the first General Meeting in Budapest. IAP is committed to setting and raising standards of professional and ethical behavior for prosecutors around the world; promote the rule of law, justice, impartiality, and respect for human rights and enhance international cooperation to fight crime.

 <sup>&</sup>lt;sup>23</sup>Badan Pendidikan Dan Pelatihan Kejaksaan Republik Indonesia, Integritas, Jakarta 2019, p. 19-22.
<sup>24</sup>ibid

Recommendations for the direction of criminal law policy in Indonesia include: (1) normative protection, namely renewal of the material and procedural legal framework in the integrated criminal justice system; and (2) institutional development and governance), namely the renewal of law enforcement institutions, penal institutions and other institutions related to the criminal justice system in Indonesia.<sup>25</sup>

The development agenda in the legal sector is one of the main focuses of the Indonesian government to develop a law enforcement system that is free of corruption, dignified and trusted. Renewal of criminal law and renewal of the criminal justice system, protection of human rights and civil liberties are the interests of the law that must be considered and protected. The protection of human rights has been explicitly stated in the Constitution of the Republic of Indonesia, Law No. 39 of 1999 concerning Human Rights, as well as various key international human rights instruments including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Reforming the criminal law and reforming the criminal justice system must be in line with civil liberties and the principles of human rights protection.

To carry out the above agenda, the integrity of law enforcement is the main target of carrying out bureaucratic reform in the Indonesian Attorney General's Office. This integrity is the basis and foundation for building a competent, professional, high-performing, prosperous and respectable Prosecutor's Office. Therefore, the Attorney General's Office continues to be encouraged to build its integrity continuously. The development of the integrity zone so far is evidence that the AGO continues to strive to make changes. In 2018, 13 work units in the Prosecutor's Office have successfully obtained the title of integrity zone leading to a corruption free zone from the Ministry of Administrative Reform and Bureaucracy Reform. In 2019, the Indonesian Attorney General's Office has pushed 184 Attorney General's work units at the Attorney General's Office, High Prosecutors and Echelon I levels to move towards a corruption free zone and a clean and serving bureaucracy zone.<sup>26</sup>

To increase public confidence in the Indonesian Attorney General's Office, it is not only determined by the optimization factor in handling cases but also determined by the Supervision Function on the implementation of the Prosecutor's Office, attitudes, behavior and speech. This oversight function is carried out to eliminate disciplinary violations or abuse of authority. In addition to punishment and punishment, rewards for high-discipline, high-achieving Attorney Officers are also needed. Firm and severe punishments of employees proven to have violated discipline and abuse of authority can have a deterrent effect for other employees not to commit disgraceful acts and try to achieve the highest possible performance.

The internal control mechanism for the Prosecutor's Office is carried out by the Deputy Attorney General for Supervision, Honorary Panel of Prosecutors, Code of Ethics and Case Examination. The oversight function of the Indonesian Attorney General's Office is regulated in the Regulation of the Attorney General of the Republic of Indonesia Number: PER-022 / A / JA / 03/2011 dated March 18, 2011 concerning the Implementation of Supervision of the Attorney General's Office. This provision is internally binding. This internal control system is considered to have a variety of problems that make the supervision function unable to function properly. Meanwhile, external control over the prosecutor's institution is carried out by the Prosecutors' Commission and the Public. As a complement to internal supervision, this external supervision is expected to improve the performance of the prosecutor's office in the process of law enforcement in Indonesia.

#### 4. Conclusion

- 4.1. Integrity zone means government institutions/ government bodies that own and implement the concept of National Integrity. Integrity is the main target of bureaucratic reform in the field of human resources. Integrity is the basis and foundation for building Prosecutors with integrity, competence, professionalism, high performance, prosperity and respectability. By building the integrity of the prosecutors' office, it is hoped that the attorney's institution will be able to realize transparency, accountability and open space for broad public participation.
- 4.2. To increase public trust in the apparatus and institutions of the Republic of Indonesia Attorney's Office, it is not only determined by the optimization factor in the case subscription, but also is determined by the extent to which the Oversight function in the implementation of the Prosecutor's function works well. Providing rewards and punishment for prosecutors can improve the performance of prosecutors in the process of law enforcement.

<sup>&</sup>lt;sup>25</sup>Zainal Abidin, 'Kertas Kerja: Rekomendasi Arah Reformasi Kebijakan Pidana 2019 – 2024' (Institute for Criminal Justice Reform, 2019).

<sup>&</sup>lt;sup>26</sup> Kejaksaan Republik Indonesia' <a href="https://www.kejaksaan.go.id/reformasi\_birokrasi.php">https://www.kejaksaan.go.id/reformasi\_birokrasi.php</a> [accessed 22 June 2020]. 130

Giving rewards to prosecutors with high discipline and achievements will motivate prosecutors to try to achieve the highest performance. Meanwhile, the provision of punishment will provide a deterrent effect for prosecutors so they do not commit despicable acts and abuse of authority.

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