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Corruption Acts Seen From Administrative Law in Public Services

Subarno ^{1*}, Retno Mawarini Sukmariningsih ²
University 17 Agustus 1945 Semarang, Indonesia

* Corresponding Author: **Subarno**

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Abstract

State administrative law is a course that helps students understand a set of regulations that govern the relationship between state administration and citizens. One thing that is often considered is in the field of public service, especially in terms of the quality or quality of government apparatus services to the community. The government as a service provider by the community is required to be able to provide quality services. Especially in the current era of regional autonomy. The quality of government apparatus services will be increasingly challenged to be more optimal and able to respond to all the increasingly high demands from the community.

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Introduction

Service activities are inseparable from human life, because all aspects of life require services also in public services have been given to the government. The provision of public services is a way for the state to fulfill every basic desire and rights of every citizen from the administration, goods, services provided by public service providers are civilians. Improving the quality of public services provided by government agencies is increasingly becoming a demand for the community. Efforts to realize a sovereign regime system, the government must change the system of governance in public services as part of the ideals of improvement from 1998 in order to form a good service system and become an evaluation for government administrators in restructuring their government patterns ^[1].

Public service is the provision of services from government agencies through their employees. Because the state and government system are the reference for citizen services in obtaining guarantees for their rights, efforts to improve the quality of services will become increasingly important. Public service in the public bureaucracy is intended to improve the welfare of the community and a country that adheres to the ideology of the state in welfare.

It is undeniable that administrative law is a necessity not only for the government, but also for the needs of a pluralistic society that continues to experience development that must be served by the government. While in the practical order, corruption, collusion, and nepotism (KKN) always become obstacles to the smooth running of public services, so that the desire to create a clean government system or good governance as desired will be difficult to realize.

Law No. 32 of 2004, the Regional Government continuously strives to improve the quality of public services. In improving public services, the regional government is given the right to design and determine the type of service needed by the community. With this policy, the regional government is able to provide excellent quality services to the local community to achieve local prosperity and welfare.

State Administrative Law comes from two words, namely "law" and "state administration". The definition of law according to JCT Simorangkir and Woerjono Sastropranoto as quoted by Yos Johan Utama is regulations that are mandatory in nature, which determine human behavior in the community environment made by authorized official bodies, violations of which regulations result in action being taken, namely with certain laws ^[2].

¹ Tedi Sudrajat, "The Realization of Good Governance Through Reform Format," *Legal Dynamics* 9, No. 2 (2009): 118-125, p. 118.

² Yos Johan Utama, *State Administrative Law*, (South Tangerang: Open University, 2014), p. 3.

Theoretically, a country that has the main objective of realizing the welfare of the people is a welfare state type. In carrying out its duties, administrative law is actively involved in overseeing and providing certainty that its actions do not violate the rules and guarantee the basic rights of citizens, and must distinguish between the interests of the state "state administration" which embraces the needs of every citizen^[3]. However, in reality, the implementation of public services carried out by the government is still faced with services that are not yet effective and efficient and the quality of human resources is not yet adequate. This can be seen from the many complaints from the public, both directly and indirectly, such as through the mass media demanding an increase in the quality of public services.

The success of a service can be seen from the form of government and the needs of its people who always require public services. Public service is a must for the state or government to serve its citizens. Service is not an easy thing to do, and many people fail to receive services. The failure and success of a service provided by Disdukcapil can be determined through a service that has been provided and how the service process has been provided. Based on the initial observations above, the author is interested in researching "Corruption Acts Viewed from Administrative Law in Public Services".

A. Problem

Based on the background description above, the main problems in this research are as follows:

1. How is the Quality of Public Services in Indonesia in the Reform Era?
2. What are the Supervision and Role of Administrative Law in Resolving Corruption Problems in Indonesia?

B. Research Methods

The research method that I use is normative with a written statutory rule approach. Primary materials include written legal rules whose secondary legal basis includes journals or articles and tertiary materials related to the development of the case discussed and combined with the perspective from the researcher's point of view. The normative legal method is a method carried out based on the main legal material by examining theories, concepts, legal principles and laws and regulations related to this research.

Data collection is a literature study conducted by collecting and analyzing research results, laws and legal books, then the collected data is analyzed qualitatively to provide an overview of the study that has been conducted.

C. Discussion

1. Quality of Public Services in Indonesia During the Reform Era

Quality is one of the dynamic conditions related to products, services, people, processes and environments that can meet needs or exceed expectations. Good service will be felt by the community if the agency providing the service can really serve politely and professionally with standard service quality, good procedures, safe, smooth, orderly, and certainty of costs for the services provided. The community will feel

satisfied if they receive good and professional service from the service provider. If they are satisfied with the service provided, then trust will arise from the community as service users to reuse the service. The word quality itself can contain several meanings, an example of the meaning of quality according to Fandy Tjiptono (1995) in the book by Mansyur Achmad (2010) is^[4]:

- 1 Conformity to requirements
- 2 Suitability for use
- 3 Continuous improvement
- 4 Free from damage or defects
- 5 Fulfillment of customer needs starts from the beginning and at all times
- 6 Doing everything the right way
- 7 Something that can make customers happy.

Some problems related to the five dimensions of service quality consist of tangible evidence, reliability, responsiveness, assurance, empathy. Tangible evidence, reliability, empathy, the 3 indicators of the service are already good, including tangible evidence, the facilities are already available so that the public is comfortable when doing services, reliability, employees provide services according to existing procedures at the Disdukcapil, empathy, employees have provided sincere and attentive services to the public and do not discriminate.

Zeithaml (1990) in Pasolong (2011) stated that in supporting something, there are several dimensions that must be taken into account in viewing the benchmark for the quality of public services, namely as follows:

1. Tangible, which consists of physical facilities, equipment, personnel and communications.
2. Reliable, consists of the service unit's ability to create a service that has been promised accurately.
3. Responsiveness, willingness to help consumers in terms of being responsible for the quality of service provided.
4. Competence, there are demands that are possessed, providing knowledge and skills that are useful for the apparatus in providing quality services.
5. According to Fandi Tjipjono (2008), the characteristics or attributes that determine the quality of public services are:^[5] determining the quality of public services including:
 6. Punctuality in service, which includes waiting time and processing time.
 7. Accuracy of service, which includes being free from errors.
 8. Politeness and friendliness when providing service
 9. Ease of obtaining services, for example with many officers who can serve and many supporting facilities that can be used, such as computers.
 10. Convenience in obtaining services related to location, service space, parking, availability of information, etc.
 11. Other supporting service attributes that can be used, such as air-conditioned waiting rooms, cleanliness, etc.

Public service is a service or provision to a community in the form of utilization of public facilities, both services and non-services, which are implemented by public organizations in

³ Sjahran Basah, Existence and Benchmark of Administrative Court Bodies in Indonesia (Bandung: Alumni, 2014), p. 3.

⁴ Mansyur, Achmad. (2010). The latest theories of public administration. Yogyakarta: rangkang education

⁵ Tjipjono, Fandy (2008). Marketing strategy. Yogyakarta: Andi Offis Law No. 32 of 2004

this case a government. In government, the party that can also provide services is the government apparatus along with all its institutional equipment. Thus, public service is all activities carried out in order to fulfill basic needs in accordance with the basic rights of every citizen and resident for goods, services and/or administrative services that have been provided by service providers related to public services. In essence, the quality of public service can also be known by comparing the perceptions between customers (the public) of the actual service they want. If the service in practice that can be accepted by the public is the same as their expectations or desires, then the customer can be said to be satisfied.

2. The Role of Administrative Law in Resolving Corruption Problems in Indonesia

The State Administration Institute (LAN) defines governance as the process of organizing state power in implementing the provision of public goods and services. LAN further emphasizes that from a functional aspect, governance can be reviewed from whether the government has functioned effectively and efficiently in an effort to achieve the goals that have been outlined or vice versa ^[6]. The definition of governance as "method" or "use" or "implementation" above, with good governance containing the meaning of a method and implementation of good government, both in the sense of the actions or behavior of stakeholders in running the government based on ethics or morals ^[7]. Almost all community activities are always in contact with the government, because in the field of administrative life, both at the center and in the regions, the community always has interests such as looking for work, the economy and so on ^[8]. Article 10 of Law No. 30 of 2008 concerning Government Administration which includes the principles of legal certainty, benefit, impartiality, accuracy, not abusing authority, openness, public interest, and good service which are the obligations of state administrators to follow. Therefore, at least all governance matters in the form of public policies, both those related to public services and development in the regions must be known to the public.

This openness includes, substance and argument every time a government official issues a policy intended for the public. In administrative law, this openness to obtain information includes openness of hearings or meetings (*openbaarheid van vergadering*), openness of procedures (*openbaarheid van procedures*), and openness to access documents (*openbaarheid van register*) ^[9].

In the normative provisions in Law No. 30 of 2014 above, there is a relationship that is interrelated with Article 2 paragraph (1) of Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption. This article is often used to ensnare acts of corruption, because its formulation is broad and contains a very abstract understanding. The formulation of a broad and abstract understanding contains positive and negative aspects. The positive aspect can be used to easily ensnare acts of

corruption, while the negative aspect can reduce legal certainty because it can open up opportunities for using it carelessly ^[10].

This form of corruption can be influenced by at least three things ^[11]:

1. The officer who gave the signal, if you want it fast there must be an additional fee. The officer seemed to deliberately give the news that the manufacturing process is long, even though it is not long. Or in another form until a grease money appears.
2. The community itself. People who want their ID cards to be ready are willing to pay additional costs.
3. Weak supervision. Existing regulations still allow loopholes for bribery (additional costs).

The prohibition in Article 5 paragraph (1) contains a criminal threat or fine for citizens so that a person is not allowed to promise or give something so that the civil servant violates his authority. As for a person who has a close relationship with the civil servant, this prohibition applies to him. ^[12]

D. Conclusion

Based on the description of the discussion results, the following conclusions can be drawn:

1. The quality of public services in Indonesia is seen from the benchmarks of public service quality, namely Tangible, Reliable, Responsiveness, Competence. Maladministration of public service providers can be reported to the Ombudsman.
2. The role of administrative law in supervision in the field of public services has provided legal certainty in the form of Law No. 30 of 2014. The role of administrative law in overcoming the problem of corruption, collusion and nepotism at the level of public service delivery has been supervised repressively which is expressly regulated in Articles 2, 3, 5, and Article 11 of Law No. 30 of 2014, as well as Article 12 of Law No. 31 of 1999 which has been amended to Law No. 20 of 2001.

E. Suggestion

Regarding the Responsiveness dimension, employee response in providing services to the community needs to be improved in order to foster better service quality so that the community can get satisfactory service and the Assurance dimension so that employees improve service quality by providing timely guarantees to the community.

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⁶ State Administration Institute and Financial and Development Supervisory Agency, *Accountability and Good Governance* (2000), Jakarta, p.1.

⁷ Sadjijono, *Understanding Several Main Chapters of Administrative Law*, (2008) Yogyakarta: Laksbang Pressindo, pp. 141-142.

⁸ SF Marbun, *State Administrative Law I (Administrative Law I)*, Revised Ed. (Yogyakarta: FH UII Press, 2018), p. 4.

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¹⁰ Marbun, *State Administrative Law I...op.cit.*, p. 86.

¹¹ Tommy A. Legowo, (2005) "Direct Election of Regional Heads, Good Governance and the Future of Regional Autonomy", *Journal of Decentralization* Vol. 6 No. 4

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