

DEVELOPING THE CIVIL SERVANT ETHICS TO COMBAT CORRUPTION TO ENHANCE GOOD GOVERNANCE IN THE GOVERNMENT OF DKI JAKARTA (A LITERATURE STUDY)

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ABSTRACT

This article analyzes the causes of the occurrence of the crime of corruption among the civil servants within in the Government of DKI Jakarta. It presents the issues to the attention of the people at large. Based on the above, this study analyzes the causes of corruption among public service civil servants in Indonesia. The principle of Good Governance is one of the sound solutions, if not the best, in the prevention and combating of corruption in the Government agencies or institution. If this has been widely applied by several countries, now Indonesia is sincerely endeavoring to combat corruption in a systemic way, particularly from the aspect of civil servant ethics. Referring to the previous definition of Good Governance, we may comprehend that such ill-treatment to the ordinary citizen is a breach of human rights, in that it deprives the individual of his right to be taken care of properly by a clean government apparatus. Therefore, Human Rights for Humanism has to be strived for and again, may I herewith emphasize that, combating corruption is a "sine qua non" for the nation over all welfare development and social development. Nowadays corruption in "Pelayanan Terpadu Satu Pintu" (The Jakarta Capital Investment and One-stop Integrated Services), which administratively receives all files submitted by residents and eliminates other service points previously scattered in many agencies is a hot issue. Not because of the amount of the claim, but rather due to the far reaching effect of the character of the corruption cases. This condition became a problem of concern in many walks of life.

Key words: Good Governance, Public Service Civil Servants, Corruption.

INTRODUCTION

The Indonesian Public Civil Service has its roots in the Dutch colonial administration, which was certainly not free from corruption (Scott & James, 2002) Dutch business interests were used to bribe colonial administrators to secure their desired advantages. Later on, during the first two presidencies of the new republic, i.e. under Soekarno and Soeharto, from 1949 to 1998, strong forces endeavored to concentrate power in the hands of the executive bodies, predominantly at the central level in Jakarta. Corruption in the public sector bureaucracy during the Suharto era placed Indonesia as one of the world's most corrupt countries, while Indonesia was judged at this time to have one of the poorest corporate good governance standards in the Asian region (King & Dwight, 2000).

Corruption has become a troubling issue for the community since it is injuring the values of justice. Corruption in Indonesia is detrimental to the national economy, society, and causes deterioration of moral and ethical principles for Good Governance. The practice of corruption has spread in various State institutions such as the executive, legislative and judicative branches in the central and regional levels. Nowadays, the trend is a shift in the dominance of corruption perpetrators from the executive to the legislature as well as the judicative incumbents, either at central as well as local level.

By definition, corruption is a criminal act and should be combatted from its roots, at all times. The present prevailing opinion is that the punishment imposed upon the perpetrators of criminal acts of corruption is not compatible with the sum value of the corruption or its damage impact. Hence, the moderate penal sanctions imposed to the perpetrators of the criminal act of corruption has become a motivational factor behind the criminal act.

In fact, the penal sanction for the perpetrators of criminal acts of corruption in Indonesia is not up to maximum yet, contradictory to the deteriorating consequence thereof, which has been, directly or indirectly very harmful for the state and for the nation.

Even more tragic is the fact that, according to research, fines and penalties levied on corruption convicts are far lower than the losses that they cause, indicating that the losses are indirectly 'subsidized' by taxpayers. This subsidy, though indirectly, is, on the other hand, a loss at the side of the people at large, the taxpayers in particular, and as such a violation of their human rights. As stated before, the citizens of the State are entitled to good public services and an accountable and auditable administration of State finances. Since the State finances, by means of the act of corruption are severely harmed, this will affect the social capital and social development. Consequently, the human rights in that every citizen is entitled to social justice and social welfare, which goes parallel with good governance practices is then being threatened too.

Regarding the interest of the State, the act of corruption especially systemic occurrence so far, aggravates the loss of the State finances. Here is where ethics and transparence of systems and procedures of Good Governance practices are very important to be strategically embodied as an early warning signal alarm system, especially to be re-enforced in the public services domain. As a repressive measure this could also be enhanced in combination with the criminal sanctions as a retaliation for corruption being a criminal act so harmful to the well-being of the State and its people.

THEORETICAL FRAMEWORK

Corruption in the perspective of law is as actions against the law and as an extraordinary crime. Other descriptions of corruption can be obtained from the opinion the experts related to the position in the Government is seen in the work of three authors

According Sudarto, elements of corruption, among others, is the act to enrich oneself, other person's or an entity (Sudarto, 1993). The deed to enrich themselves can be anything within reach which is against the law and stated explicitly in the formulation of offense which needs to be proven. These actions directly or indirectly hurt the state finance and the state economy.

Baharuddin Lopa quoted from the opinion of David M. Calmens, outlined that corruption can occur in a variety of fields, among others manipulate decisions on state finances, payments disguised in the form of gifts, costs, administration, services, gifts to relatives, influence, social position, or in any case, harm the interests and welfare of the people (Lopa, 1997).

Several laws are governing the eradication of corruption in Indonesia;

- Law of the Republic of Indonesia No. 8 of 1981 on The Criminal Procedure Code;
- Law of the Republic of Indonesia No.28 of 1999 on The Implementation of the State Apparatus to be clean and free from corruption, collusion, and nepotism;
- Law of the Republic of Indonesia No.31 of 1999 on The Eradication of Corruption Crimes;
- Law of the Republic of Indonesia No. 20 of 2001 on The Amendment to Law of Republic of Indonesia No. 31 of 1999;
- Law of the Republic of Indonesia No. 8 of 2010 about Money Laundering Crimes;
- Law of the Republic of Indonesia No. 46 of 2009 about the Corruption Court.

Corruption based on Article 1, paragraph 3 of Law of Republic of Indonesia No. 28 of 1999 on The Implementation of the State Apparatus to be clean and free from corruption, collusion, and nepotism, is defined as a criminal offense as referred to in the provisions of legislation governing criminal offenses of corruption. Definition of the first type of corruption, is stipulated in Article 2 of Law of Republic of Indonesia No. 31 of 1999, which contains four elements. First, the deed to enrich themselves or another person or a corporation. Enriching means by deeds that causes the perpetrator accumulate personal wealth. Modus operandi can be, buying, selling, taking, transfer to a personal account, signing of a contract. Second, the act in question is by nature against the law. The legislators emphasize the act of manipulation of the law in its formal or material sense. The essence is that although such actions are not regulated in the legislation, but if such actions are deemed reprehensible because it is not according to the sense of justice and norms of social life, then such actions may be categorized as a crime. Third, the act can be detrimental to the financial economy of the state. State finance means all the wealth of the country in any form, separated or not separated, including any part of State assets, and all rights and obligation of State officials both at central and regional levels that arise from the management, maintenance, and accountability of the assets.

The return of the unlawful gain of corruption to the State, does not eliminate the penalty for criminal offenders, as mentioned in Article 4 of Law of Republic of Indonesia No. 31 of 1999. Whereas, Article 2, paragraph 1 stipulates that corruption is a formal offense. In the fulfillment of the elements of actions formulated in the law, perpetrators shall be categorized as violating a criminal offense, without considering whatever efforts done afterwards by the perpetrators to lower its criminality. Fourth, in certain cases the perpetrators of corruption were sentenced to death. Article 2, paragraph 2 of Law of Republic of Indonesia No. 31 of 1999 is the aggregate weighting against perpetrators of corruption. Certain circumstances, e.g. at the occurrence of national disasters, repetition of corruption, or at the time the state suffers from economic or monetary crisis.

The second type of corruption is set out in Article 3 of Law of Republic of Indonesia No. 31 of 1999 contains three elements. First, misuse of authority, opportunity, or means available to the incumbent because of the job position or facilities related to that position. This type of corruption is essentially relevant to civil servants, based on the fact that civil servants are most vulnerable to abuse their positions of authority, opportunity, and the means at his disposal. Second, such actions are aimed at a way to benefit themselves or others. Assessing the aspect of evidence can be easily proven by the prosecutor / prosecutor-general because of the elements of personal benefits require no dimensions whether the suspect/defendant would be rich or grow rich. Different from the aspect of enriching themselves or others, that are relatively more difficult to be proven. Corruption could be benefit the suspect or the accused in obtaining material gain. Third, such actions may be detrimental to the state finance or the country's economy.

Definition of a third type of corruption is the attempt, assistance or conspiracy, as well as providing the opportunity, means or information for corruption committed outside the territory of Indonesia. Conspiracy to commit criminal act of corruption although still in the stage of preparation is already liable to full penal sanction, since it is considered as a separate criminal offense which stands in itself. In terms of the act to attempt corruption, having been decreed as a criminal act of corruption, this is because it is very detrimental to the State finance or economy. Moreover, it is hampering the growth and sustainability of national development.

As contained in article 1 point 5 of Law of Republic of Indonesia No. 5 of 2014 of the civil state apparatus (ASN), that ASN management is to produce employees ASN professional, have the basic values, the ethics of the profession, free from intervention politics, clean from corruption, collusion, and nepotism. In September 2018, the Ministry of Home Affairs has published a circular

letter with the number of SE 180/6867/SJ about law enforcement's response to the Civil Authorities of the State which performs criminal acts of corruption. The discharge of this policy is related to the large number of civil servants who are proved to do criminal acts of corruption, and already has the force of law (*inkracht*), where the Minister of Home Affairs Mr. Tjahjo Kumolo request that they immediately dismissed with no respect. (Yozami, 2018). Besides the circular letter, then there is also the Joint Decree between the Minister of Home Affairs, Minister of Bureaucratic Reform and Head of National Civil Service Agency about process termination of civil servants' corruption. Joint decree are No. 182/6597/SJ, No. 15 of 2018, and No. 153/KEP/2018 is about regarding enforcement of rules against civil servants who conduct corruption (Harahap, 2018).

Provisions on the crimes of the Office (*ambtsmisdrijven*) found In the book legislation of criminal law (Werboek van Strafrecht/W.v. S) in force since January 1, 1918–But some of the articles are adapted into Law of the Republic of Indonesia No. 31 of 1999 about the eradication of criminal acts of Corruption (Marbun, 2013).

The sense of crime in the criminal code specifically associated with the nature of the perpetrators or the quality that serves as "civil servants" or "organizer of the country". (Marbun, 2013). In addition, in the Act of the crime of corruption also found an important element, that element of the abuse of authority. In administrative law, the authority is a part of life as a very basic act each agency/State administration officials, hence the concept or teaching about the authority addressed specifically and in-depth administrative law (Marbun, 2013). Crime in the office setting and prevent as well as eradicate found among others in: a) Law of the Republic of Indonesia No. 28 of 1999 about organizing clean and free from corruption, collusion and nepotism; b) Law of the Republic of Indonesia No. 30 of 2002 in the Commission for the eradication of criminal acts of corruption; c) Law of the Republic of Indonesia No. 31 of 1999 about the eradication of criminal acts of Corruption; d) Law of the Republic of Indonesia No. 20 of 2001 as amended by Law of Republic of Indonesia No. 31 of 1999 upon the eradication of criminal acts.

Provisions on corruption, Collusion and Nepotism are arranged in Law of the Republic of Indonesia No. 28 of 1999. In the Act is formulated some important notions, one of them the existence of about is as the organizers of the State. Organizers of the State is the State officials who run the functions of the Executive, legislature and judiciary and other officials whose duties and functions and substantially with regard to the Organization of the State in accordance with the provisions of the regulation apply. Those Countries include Organizers, including State officials in the highest institutions and high country, Ministers, Governors, Judges, officials of the other country that has a strategic function in relation to the conduct of the State in accordance with the provisions of the applicable legislation. (Marbun, 2013). For the sake of this Government that is clean and free of corruption, collusion and nepotism so then every State organizer in this rule, namely in article 5 paragraph (4), the organizer of the State is obliged not to do the Act of collusion, corruption and nepotism, which in this case the Organizer country including State officials in the Executive environment, i.e., including civil servants.

Provisions on civil servants who commit a criminal offence, as set forth in article 6 Government Regulation No. 53 of 2010 mentioned that, with no exclusion of provisions in criminal legislation, civil servants who commit violations of discipline sentenced to discipline. Then in the explanation stated that civil servants who violate provisions of the discipline of civil servants was sentenced to the discipline and in deed there are criminal elements then against civil

ANALYTICAL FRAMEWORK

Why is the quality of public services by the Indonesian government bureaucracy in the regions still poor? Numerous factors can affect government's bureaucracy performance, including the absence of meritocracy (the using of best talent) which is due to, for instance, recruitment process that does not target all segments of society, selection and advancement of the civil servant that is not based on capacity, knowledge and skill, under fair and open competition. In general, the placement of civil servants is not career-based (i.e. competency and performance based), but rather based on political consideration (spoils system) and patrimonialism. The situation is exacerbated by the unfair and uncompetitive compensation system.

In 2018 The Jakarta Capital Investment and One-stop Integrated Services (DPMPSTSP) received an `excellent` category in the Role Model of Public Service Provider Awards from the Ministry of State Apparatus Empowerment and Bureaucratic Reform.

The analysis of why there is continued corruption in developing countries is not new and has occurred on several fronts. At the core of each approach is that a better understanding of the conditions and justifications for corrupt acts will require more effective strategies to eradicate corruption. The socio-historical approach cites in particular the influences of economic development and underdevelopment in developing countries (Pellegrini, 2011) and the legacy of colonialism (Hoogvelt, 2001) An earlier focus upon more structural causes for corruption has investigated on the low levels of salary of civil servants (Budiman, 2013), the lack of transparency and accountability, and the inefficient use of human resources (Lindsey, 2002). In a newer approach, the individual perspective (Den Nieuwenboer, 2008) has examined how corruption becomes embedded in organizations through mutually reinforcing processes that underlie its ultimate normalization. The current research extends the understanding of corruption through a special focus upon the *social identities* associated with the professional role of being a public servant in DKI Jakarta Provincial Government. As some have previously argued, the acceptance of a more professional public service identity is one mechanism for reducing the incidents of corruption worldwide. Social identity is an individual's self-concept based upon their perceived membership of one or more social groups (Abrams, 1990) and individuals in organizations can hold multiple social identities linked to their membership of a professional role, work group, or discipline. Proponents of social identity theory propose that through self-categorization there is an accentuation of the perceived similarities between the self and other in-group members, and an accentuation of perceived differences between the self and identified outgroups (Abdellatif, 2003). If self-esteem is to be maintained, one's in-group (e.g., professional role) needs to compare favorably with out-groups, and in the case of corruption,

corrupt acts by in-group members might be expected to be motivated by more 'positive' types of rationalizations than acts by out-groups.

But the Government is supposed to serve rather than be served. In an era of democratization and decentralization at this time, the whole bureaucratic device need to realize that public service means also spirit of devotion to give priority to the efficiency and success of the nation in overall development, which is manifested in behavior among others "serve, not be served", "encourage, not impede", "simplify, not complicate", "simple, not convoluted", "open to everyone, not just to certain people".

As such we have to be aware that any proposed or "to be proposed" solution could be a set-back in itself. As described in Law of the Republic of Indonesia No. 25 of 2009 about Public Services to get good-quality public services, the Government should reform the public service paradigms. Reform of the public service is the paradigm shifted patterns of organization of the public service i.e. the Government as provider of service oriented mission to cater for the community needs as a user.

Up to now this poor quality of public services is still prevailing in the Regional Government outside DKI Jakarta, which are difficult to access, the convoluted procedure where certain permission must be endorsed first, the cost of which is not clear, and the occurrence of improper levies practices, all these are indicators of the poor quality of public services in Indonesia. Whereas, it is also a result of various problems of public welfare service that has not been enjoyed by the people. In addition, there is a tendency of the existence of inequities in the public service, in which a society, for a greater part felt by the poor, who are then deprived of sound public service. On the contrary, for those who have "money", it is very easy to get everything you want. To that end, in its unequal and injustice frequent happenings, then the Regional Government outside DKI Jakarta concerned will cause harmful potential in the life of a nation. This potential occurrence of disintegration of the nation, the wide gap between rich and poor in the context of public services, and staggering improvement of the economic conditions, may will explode and harm the nation of Indonesia as a whole.

RELATED LITERATURE (LITERATURE REVIEW)

Corruption in Indonesia is a chronic and widespread phenomenon that derogates good governance. Good Governance, according to the United Nations Commission on Human Rights, based on a significant degree of consensus, is that, "good governance relates to political and institutional processes and outcomes that are deemed necessary to achieve the goals of development" (Holiday, 2013).

Consistent with that concept, Professor G.H. Addink describes good governance as: "a norm and a right for the citizens in which more specific conditions have been formulated. These norms are sometimes linked to the norms of the rule of law or democracy, but mostly they have their own contents. Elements of good governance are: properness, transparency, participation, effectiveness, accountability and (economic, social and cultural) human rights". (Addink, GH and Anthony, Gordon and Buyse, Antoine and Flinterman, & Cees, 2010).

These norms are similar to and overlap with the nine "core characteristics" of good governance articulated by the United Nations Development Programme in 1994. According to the UNDP: "Good governance is, among other things, participatory, transparent and accountable. It is also effective and equitable. And it promotes the rule of law. Good governance ensures that political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources" (Abdellatif, 2003).

As such, corruption also erodes the rule of law, hampers the economic growth effort, increases social inequality, and distorts the nation's competitiveness in the global economy. Transparency International Report launched in 2018, shows that Indonesia's. Corruption Perception Index (CPI) ranks 89 out of 180 countries, with a score of 3.8 from the scale of 10 (very clean) to 0 (very corrupt) ((CPI), 2018) Scores 5.0 or below are considered as corrupt state. Furthermore, there is indication of the bureaucrats' lack of integrity. The integrity value of the public sector especially in public services in Indonesia is still low and not too far from the minimum integrity standard set up by KPK (Corruption Eradication Commission), which is 6.0 (in the scale of 1 as the lowest to 10 as the highest), and not to mention the widespread of manipulation practices in public financial accountability.

Corruption in Indonesia tend to be carried out by officials of the State, civil servants and the political elite. Corruption has become an inhibited corporate culture attached to, or better said, embodied into each of the bureaucracy or government institutions.

The central government-run public services sector, comprises functional departments, non-ministerial government agencies, whereas at the level of local government, it includes, tax services, spatial permit, ID card, business license, construction services license, Industry license, tourism license, trade license, company registration permit, billboard permit, extension of hiring foreign workers, parking permits, waste water disposal permits, hospital permits, clinics permits, route permits, building permits, pharmacy permits and drug store, land certificate titles, public utilities services e.g electricity, water, telephone, postal, etc. are the most vulnerable sectors for corruption, as it relates directly to the public interests. In the public services sector, obscure and unfair relationships occur between bilateral or multilateral domains, namely the government or the bureaucracy as the organizer of government, the business sector, and the general public.

In essence, corruption along with its similar phenomena namely, collusion and nepotism is not a unilateral action, but rather results from such relationships, e.g. between government officials with entrepreneurs. Due to such interaction, the possibility of corruption could occur, such as fee bargaining, extortion, collusion, commercialization of authority or position, nepotism, fictitious receipts,

manipulation of financial statements, extraordinary recommendation, transfer of commissions, mark-ups, extortion, bribery oftentimes disguised as grants, gifts or gratification, and other ways that cannot be accounted for, all of which pose a high economic cost (*high cost economy*).

This harmful condition has lasted a long time and spitefully continues to this day, remains crystallized rampant corrupt practices, in spite of the fact that the Government has issued the Law of the Republic of Indonesia No 28 of 1999 on The State Administration Apparatus to be clean and free from corruption, collusion and nepotism and Law of the Republic of Indonesia No 31 of 1999 on The Eradication of corruption, collusion and nepotism, also supporting instruments, such as the Corruption Eradication Commission (KPK), Eradication of Corruption Team, and Corruptor Hunting Team.

Corruption is synonymous with fraudulent behavior. Therefore, the time-line of corruption is almost the same age as human existence itself. In many corruption prevailing countries, both rich and poor, and developed, developing, or underdeveloped countries, there must be a clear combat against corruption. What distinguishes each country from the other, is the intensity level of corruption and its impact on the nation and the state.

Weak public position can become easy targets for fraudulent practices in the public service sector. Government apparatus can play squeeze of the public who deal with the bureaucrats. In such cases, the public did not receive proper care, hence they resorted to compulsory donations or a specific promise to the respective Government official.

Referring to the previous definition of Good Governance, we may comprehend that such ill-treatment to the ordinary citizen is a breach of human rights, in that it deprives the individual of his right to be taken care of properly by a clean government apparatus. Therefore, Human Rights for Humanism has to be strived for and again, may I herewith emphasize that, combating corruption is a "sine qua non" for the nation over all welfare development and social development.

Nowadays corruption in "*Pelayanan Terpadu Satu Pintu*" (One-Stop Integrated Service), which administratively receives all files submitted by residents and eliminates other service points previously scattered in many agencies is a hot issue. Not because of the amount of the claim, but rather due to the far reaching effect of the character of the corruption cases. This condition became a problem of concern in many walks of life. Based on the explanation above, this paper analyzes the causes of the occurrence of the crime of corruption among the civil servants within the Government of Greater Jakarta. It presents the issues to the attention of the people at large. Based on the above, this study analyzes the causes of corruption among public service civil servants in Indonesia. The principle of Good Governance is one of the sound solutions, if not the best, in the prevention and combating of corruption in the Government agencies or institution. If this has been widely applied by several countries, now Indonesia is sincerely endeavoring to combat corruption in a systemic way, particularly from the aspect of civil servant ethics. As yet, we have to be aware this is not an easy task, since proposed reforms often times may have an adverse direction or impact, or moreover even raise risk of corruption.

RESEARCH METHODOLOGY

The focus of this study is to examine the causes of criminal acts of corruption and the strategy to eradicate corruption among civil servants in the Provincial Government of Jakarta (DKI). The methodology applied in this study is a literature review by conducting meta-analysis toward several Book, law and journals. The literature review is conducted by discussing and evaluating the earlier research. The meta-analysis of research is arranged based on:

Title, author, year of publication.

Objective.

Research variable.

Applied method.

(the method of normative legal writing, that is based on an analysis of some of the principles of law and legal theory, and legislations that are appropriate and are associated with problems in this study. This normative legal research is a procedure of scientific research to find out the truth based on scientific logic normative legal terms.

Result and discussion.

The approach to the problem that is used in the writing of this study consists of three approaches namely, the statutory approach, the conceptual approach, and the comparative approach. The statutory approach is used to examine and criticize legislation whether there is still a deficiency, strictly in terms of the causes of criminal acts of corruption among civil servants in the Provincial Government of DKI. In the first stage, it will be specified what is meant by crime and deviant behavior, criminal acts of corruption, according to experts, and criminal acts of corruption according to prevailing laws in Indonesia, namely, pursuant to Law of the Republic of Indonesia No. 31 of 1999 and Law of Republic Indonesia No. 20 of 2001.

Recommendation.

Actually, the recommendation of the study representt the gaps of current research which require a further research.

RESULT AND DISCUSSION

In Indonesia there are several ways to dismiss a public official. However, concerning the corruption cases, it can be concluded that Indonesia uses two type of stages to remove the officials, (i) temporary removal, and (ii) permanent removal. Temporary removal will be applied if the public official is being charged by the public prosecutor before the court or in the trial process. This mechanism is usually regulated specifically in an act concerning the public official. It is a subject to permanent removal if the court imposed

the public official for committing corruption and the court declares that he/she is guilty. This mechanism has been also regulated in a specific act.

Most of the public officials are questioning the validity and constitutionality of the temporary dismissal clause through constitutional review. Therefore, the legality and validity of the law or the act is still questionable. Temporary dismissal of public official is a process of temporarily removing a public official caused by several legal reasons according to the law or regulation concerning the position. This procedure is written in laws which regulate the position and function of the related public official.

Basically, before the temporary dismissal has been practiced vastly and accepted as a standardized model in every legislation process, this standard is already exercised, at least from 1966, nevertheless this process was only used for civil servant. It is regulated in Government Regulation No. 4 of 1966 on Permanent or Temporary Dismissal for Civil Servant. Furthermore, the Law of Republic Indonesia No. 43 of 1999 on Amendment of Law of Republic of Indonesia No. 8 of 1974 is also accommodating Civil Servant Affairs.

The issue of validity and constitutionality of public official dismissal is also related to the violation of human rights mainly in the context of presumption of innocence at criminal law. Constitutionally, that principle is shown in Article 28D, paragraph 1 of Law of the Republic of Indonesia of 1945 which claims that every person shall have the right to the recognition, the guarantee, the protection and the legal certainty of just laws as well as equal treatment before the law. And also, it can be interpreted from the Article 1, paragraph 3 of Law of the Republic of Indonesia of 1945 mentioning that the state of Indonesia shall be based on law. Those verses mean that all of the process of upholding the law should be in line with the principle of due process of law and rule of law.

The Regional Government of Jakarta Provincial is currently continuously improving public services by giving easier permits to the community to eradicate corruption so it becomes an example for regional governments outside Jakarta Provincial. Even though there are some officers who want to have "money", easily from the public but still the Corruption Eradication Commission (KPK) has not taken action in The Jakarta Capital Investment and One-stop Integrated Services. KPK, is a government agency established to fight corruption (Wikipedia).

Many cases should have been reported to the KPK but instead reported to the Ombudsman. On the other hand, several reports related to public services are still reported to the KPK. An ombudsman, ombudsperson, ombud, or public advocate is an official who is charged with representing the interests of the public by investigating and addressing complaints of maladministration or a violation of rights. The ombudsman is usually appointed by the government or by parliament, but with a significant degree of independence (Wikipedia).

CONCLUSION

Based on this literature study, I found a gap that would be the material for my next study even though civil servants can be punished in according to Law of the Republic of Indonesia No. 31 of 1999 on The Combat of Criminal act of Corruption can be dismissed with disrespect, provided that:

1. Fulfil the criminal elements in Article 3 of Law of Republic of Indonesia No. 31 of 1999.
2. Prison sentences that are decided by a judge based on the decision have permanent legal force.
3. The criminal acts of corruption committed have to do with position.
4. Speed up legal proceeding against government officials, especially law enforcers and state officials who are suspected of corruption, collusion, and nepotism, and to do administrative actions to expedite the legal process.
5. Take legal actions more seriously of all cases of corruption, including corruption that occurred in the past, and for those who are proven guilty to be punished as heavy as possible.
6. Encourage broad community participation in monitoring and reporting to the appropriate authorities over alleged corruption, collusion, and nepotism committed by civil servants, state officials, and members of the public.
7. Revoke, amend, or replace all laws and decisions made by state officials indicated to protect or allow corruption, collusion, and nepotism.
8. Revise all laws and regulations related to corruption so they are synchronized and consistent between the one and another.
9. Forming a law and it's implementative regulations which include the establishment of Corruption Eradication Commission.

A major factor behind the entrenched corruption is the fact that it is considered by many as a logical choice of action for achieving goals and objectives. The high expected payoffs and the perceived low chances of detection and prosecution are among the factors considered by offenders when deciding to engage in corrupt practices. Organizational culture is a major factor that influences corruption offenders' decision-making process. Such culture is commonly established and maintained by leaders within the organizations which highlight the fact that leadership is a key factor that will shape an organization and the people within it to be either corrupt or accountable. Prior to one's professional life, education is also an influential factor to one's moral grammar development which enables him or her to tell the right from the wrong.

ACKNOWLEDGEMENTS

We would like to express our sincere gratitude to the Government of DKI Jakarta for providing the material in the form of secondary data and the permit to conduct an advanced research in The Jakarta Capital Investment and One-stop Integrated Services (DPMPTSP).

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