

Anti-Gratification Commitments in Local Regulations on Public Services: Comparative Perspectives

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Abstract. Public services in the reform era are encouraged to be free from corruption, collusion, and nepotism. One of them is to encourage implementers not to accept gratuities from the public related to their work in public service activities. Local regulations on public services are thus essential, and public servants are prohibited from receiving gratuities. Research on anti-gratification commitments in this local regulation was carried out in five local regulation texts in five regencies Banyumas, Banjarnegara, Cilacap, Kebumen, and Purbalingga. This study used qualitative research methods based on secondary data and data analysis techniques using content analysis. This study indicates Banyumas and Cilacap explicitly forbid executors from accepting gratuities or asking for fees from the public. This result shows that anti-gratification still needs to campaign mainly to the bureaucracy. A weak commitment to fight gratuity will affect the spirit of reform in the public sector.

Keywords: public service, commitment, bureaucracy reform, administrator.

1 Introduction

Public service is an arena for betting the level of government trust in the public. The better managed public services will increase public trust in the government [1], [2]. The Reformation Era that has come along with technological developments made public service reform even stronger. Bureaucratic reform in public services demanded to proceed quickly, as public participation increases in providing input to improving public services [3], [4], [5], [6].

The issue of public service responded by local governments with various attitudes. One positive response from the local government is the issuance of local public services regulations. Local regulations on public services are usually structured to be the basis for implementing public services in the region. The local government in the Ex-Residency of Banyumas area responded to this by issuing regional regulations regarding public services. The regencies of Banyumas, Cilacap, Kebumen, Banjarnegara, and Purbalingga in the last three years have tried to update local regulations on public services (see table 1).

The oldest local public service regulations in the Ex Residency of Banyumas that still applies is the local regulation on public services in Banjarnegara Regency and Banyumas Regency issued in 2016. Local regulations regarding special public services in Cilacap Regency are not available, so this research focused on the Cilacap Regency Regional Regulation Number 16 of 2017 concerning the Implementation of One-Stop Integrated Services Cilacap Regency.

Table 1. Local Regulations on Public Services in the Ex Residence of Banyumas

No.	Name of Local Regulation	Year
1.	Purbalingga Regency Regulation Number 3 regarding Public Services	2020
2.	Kebumen Regency Regulation Number 6 regarding Public Services	2019
3.	Cilacap Regency Regulation Number 16 regarding the Implementation of One-Stop Integrated Services	2017
4.	Banyumas Regency Regulation Number 29 regarding Public Services	2016
5.	Banjarnegara Regency Regulation Number 12 regarding Amendments to the Banjarnegara Regency Regulation Number 16 concerning Public Services	2016
6.	Banjarnegara Regency Regulation Number 16 regarding Public Services	2014

Source: processed from secondary data 2020.

Local regulations on public services must participate in encourage the birth of quality public services and a clean and authoritative government. Therefore, the local public service regulations in the Ex-Residency of Banyumas must also include clauses on anti-corruption and anti-gratuity. Public services are vulnerable to gratification because of differences in position between the giver and recipient of public services. Therefore, it is interesting to study how the anti-gratification value in the regional regulations in Banyumas, Cilacap, Kebumen, Banjarnegara, and Purbalingga Regencies compiled?. This article will reveal how the development of the anti-gratification value in the regional regulation on public services in the Ex-Residency of Banyumas.

2 Methodology

This research has used qualitative research methods based on secondary data. The research locations are five regencies in the former Ex-Residency of Banyumas (Banyumas, Purbalingga, Banjarnegara, Cilacap, and Kebumen). Secondary data is reliable data from the official government website which contains local regulations on public services in five regencies. Local regulations published officially by the respective regency governments are credible and valid. Analysis of the data used is content analysis [7] and interactive data analysis [8].

3 Finding and Discussion

3.1 The Urgency of Anti-Gratification in Local Regulations on Public Services

Local regulations on public services regulate the obligations and rights of organizers, implementers, and the public in the administration of public services. Local public service regulations have a strategic position. This regulation can regulate the roles of actors in the implementation and innovation of public services. Public service innovation is essential and needed by public organizations to get excellent service [9]. Therefore, the value of anti-gratification is critical to enter into local regulations on public services.

Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption, explaining that gratuities are giving money, goods, discounts, commissions, interest-free loans, travel tickets, travel facilities, travel facilities, travel travel, free medical treatment, and other facilities. The gift is considered as gratuity if was given to a

civil servant or state administrator. This gift is related to the position of the employee and contrary to his obligations or duties [10]. Gratification motives mean any gifts made to public servants/state administrators with the hope that the recipient of the gratuity does something or does not do something contrary to his duty, and solely to fulfill the wishes of the gratuity provider [11], [12]. Bribery can also be called gratification. It happens when a bribe is given to influence decisions or policies taken by state officials/administrators [13].

Anti-gratification is a movement to fight gratification in government, in policy, and in public services. Relationships between service providers and the community are often not balanced. The service provider feels more needed and has the right to determine the price of a service. On the other hand, the public is in a position that needs help, and its position is inferior, and also often does not have a bargaining position before public service providers. These two conditions cause service providers to use them often to ask for extortion. The public also often wants to show gratitude by giving service providers something, even though what they have done is including the seeds of corruption in the bureaucracy. Steps such as periodic review of operational procedures, the appointment of leaders who have a healthy morality, anti-corruption education programs, administration of a "culture of shocks" can be part of preventing corruption [14], [15], [16]. Efforts to include the value of anti-gratification can at least reinforce corruption prevention in terms of education and culture shock for the bureaucracy. This is also meaningful for institutional strengthening against corruption [17], [18], [19].

The role of organizers, implementers, and the public in the anti-gratification movement be essential for regulating local public services regulation. This is because incorporating the anti-gratification clause in the local regulation on public services will be beneficial to first, become a legal basis for the public to reject illegal fees; secondly, being the legal basis of giving punishment to implementers who receive something from the recipient of the service (public); third, shows that public services are truly carried out transparently and fairly; and fourth, showing the commitment of local governments in increasing public trust by embodying a clean and authoritative government.

3.2 Administrators and Gratuities

Local regulations on public services are strategic in the regency because they can be used as a legal basis for improving public service governance in the regions. Local regulations on public services usually regulate the types of services offered by the government, providers, implementers, utilization of information technology, and efforts to encourage one-stop integrated services.

Public service and policy at conceptual and empirical level depend on the capacity and attitude of the implementer. No matter how good the design of policies and public services will not be useful if, at the lowest level, the implementation of policies and public services is held by administrators who do not have good competence and attitude. One attitude of public servants is committing not to accept gratuities. A gratuity is a form of corruption in developing country administrative agencies [20], [21], [22]. Lower-level administrators must participate in building public trust [23].

The administrator's public services attitude is a strategic matter regulated in local regulations. An excellent local regulation is a regulation that encourages the birth of anti-gratuity administrators. In the local regulation on public services in the Ex-Residency of Banyumas, only the regulations on public services in the Regencies of Banyumas and Cilacap expressly forbid implementing / administrators to accept gratuities. Local regulations on public services in Banyumas Regency forbid implementing agents to accept gifts or gifts from anyone related to their position and/or work. In the local regulation regarding PTSP, organizers, and

implementers are prohibited from being prohibited from receiving compensation in any form from the applicant for licensing and/or non-licensing which is directly or indirectly related to the implementation of One door integrated service (*PTSP-Pelayanan Terpadu Satu Pintu*) (see table 2). This shows that only two out of five regencies have a high commitment to fight gratification.

Table 2. Prohibition for Implementers

	Kebumen, Purbalingga, Banjarnegara Regencies	Banyumas Regency	Cilacap Regency
Prohibition Clause for Administrator/Implementers	Implementers are prohibited from: a. concurrently as a commissioner or management of a business organization for executors who come from the environment of government agencies, state-owned enterprises, and locally-owned enterprises; b. leave their duties and obligations, unless they have clear, rational, and valid reasons following the provisions of the legislation; c. add executors without the approval of the organizer; d. make cooperation agreements with other parties without the organizer's agreement, and e. violates the principle of public service delivery.	Implementers are prohibited from: a. concurrently as a commissioner or management of a business organization for executors who come from the environment of government agencies, state-owned enterprises, and locally-owned enterprises; b. leave their duties and obligations unless they have clear, rational, and valid reasons following the provisions of the legislation; c. add executors without the approval of the organizer; d. make cooperation agreements with other parties without the organizer's agreement, e. violates the principle of public service delivery, and f. accept any gift or gift from anyone related to his/her position and, or occupation.	<i>The Operator or Implementer of PTSP Providers is prohibited from receiving compensation in any form from the applicant for Licensing and, or Non-Licensing, which is directly or indirectly related to the implementation of PTSP.</i>

Source: processed from secondary data 2020.

Regencies that do not include anti-gratuity may argue that the sign includes anti-gratification in the local regulation on public services, gratification is still prohibited. This statement can be a defense, and accurate. However, local regulations on public services that regulate relations between implementers and the public are very strategic to include the spirit of building a clean government free from corruption, collusion, and nepotism. When the momentum to create local regulations on public services is not fully utilized, local governments

will lose the opportunity to show enthusiasm for the community. The anti-gratification value in local regulations on public services can be excellent evidence. The government can play a role in improving the integrity of the public sector. This public sector integrity can strengthen the national integrity system to fight corruption [24]. Gratification is the initial door to corruption. The pleasure of getting gratification will lead to a desire to commit corruption [25]. Local governments must show an intolerant attitude in every act of gratification.

4 Conclusion

Awards can be presented to local governments that have committed to making local regulations on public services. Local public service regulations useful as the basis for bureaucratic reform at the local level. However, the commitment to public services does not only lie in having or not having public service regulations. The contents of local regulations on public services must also show commitment to making changes to public services. One of them is that the local regulation explicitly declares war on gratification. In this study, only two regencies out of five regencies clearly stated the prohibition for implementers to accept gifts or any gifts from anyone related to their position and/or work. This shows that the executive committee to eliminate gratuities completely is still low. Continuous efforts to encourage the bureaucracy to increase its commitment to combat extortion and gratuities will be a serious matter in the future.

Acknowledgments. This article only limits the study of the value of anti-gratification in the local public services regulation in five districts in the former Banyumas Residency. This research has not yet explained the impact resulting from differences in values on these policies.

References

- [1] D. Lanin and N. Hermanto, "The effect of service quality toward public satisfaction and public trust on local government in Indonesia," *Int. J. Soc. Econ.*, vol. 46, no. 3, pp. 377–392, 2019, doi: 10.1108/IJSE-04-2017-0151.
- [2] R. Nulhusna, P. I. Sandhyaduhita, A. N. Hidayanto, and K. Phusavat, "The relation of e-government quality on public trust and its impact on public participation," *Transform. Gov. People, Process Policy*, vol. 11, no. 3, pp. 393–418, 2017, doi: 10.1108/TG-01-2017-0004.
- [3] D. Nurhidayati, "Does Digital Public Service Complaint Promote Accountability? A Comparative Analysis of Upik Yogyakarta and Qlue Jakarta," *Policy Gov. Rev.*, vol. 3, no. 2, pp. 127–141, 2019, doi: 10.30589/pgr.v3i2.139.
- [4] A. Minelli and R. Ruffini, "Citizen feedback as a tool for continuous improvement in local bodies," *Int. J. Public Sect. Manag.*, vol. 31, no. 1, pp. 46–64, 2018, doi: 10.1108/IJPSM-01-2017-0010.
- [5] C. Brennan and A. Douglas, "Complaints procedures in local government: Informing your customers," *Int. J. Public Sect. Manag.*, vol. 15, no. 3, pp. 219–236, 2002, doi: 10.1108/09513550210414569.
- [6] A. Pramusinto, "Building Complaint Handling Mechanisms For Effective Leadership," *Bisnis Birokrasi J.*, vol. 20, no. 3, pp. 144–152, 2014, doi: 10.20476/jbb.v20i3.3203.

- [7] U. Kuckartz, *Qualitative Text Analysis: A Systematic Approach*. Springer International Publishing, 2019.
- [8] M. B. Miles, A. M. Huberman, and J. Saldana, *Qualitative Data Analysis: A Methods Sourcebook and The Coding Manual for Qualitative Researchers*. London: SAGE, 2014.
- [9] L. R. Andhika, H. Nurasa, N. Karlina, and C. Candradewini, "Logic Model of Governance Innovation and Public Policy in Public Service," *Policy Gov. Rev.*, vol. 2, no. 2, pp. 85–98, 2018, doi: 10.30589/pgr.v2i2.86.
- [10] T. Santoso, "Menguak Relevansi Ketentuan Gratifikasi Di Indonesia," *J. Din. Huk.*, vol. 13, no. 3, pp. 402–414, 2013.
- [11] N. Mauliddar, "Gratifikasi sebagai Tindak Pidana Korupsi Terkait Adanya Laporan Penerima Gratifikasi," *Kanun J. Ilmu Huk.*, vol. 19, no. 1, pp. 155–173, 2017, doi: 10.24815/kanun.v19i1.6601.
- [12] Fazzan and A. Karim Ali, "Gratification In The Perspective Of The Positive Law In Indonesia," *Int. J. Islam. Stud.*, vol. 2, no. 1, pp. 173–190, 2015.
- [13] Hafrida, "Analisis Yuridis Terhadap Gratifikasi dan Suap Sebagai Tindak Pidana Korupsi Menurut Undang-Undang Nomor 31 Tahun 1999 Jo. Undang-Undang Nomor 20 Tahun 2001 Tentang Pemberantasan Tindak Pidana Korupsi," *J. Inov.*, vol. 6, no. 7, pp. 1–17, 2013.
- [14] H. Y. Prabowo, K. Cooper, J. Sriyana, and M. Syamsudin, "De-normalizing corruption in the Indonesian public sector through behavioral re-engineering," *J. Financ. Crime*, vol. 24, no. 4, pp. 552–573, 2017, doi: 10.1108/JFC-10-2015-0057.
- [15] A. A. Hetami and M. F. Aransyah, "Investigation of Corruption Prevention Plan In Construction Industries," *J. Perspekt. Pembiayaan dan Pembangunan Drh.*, vol. 8, no. 1, pp. 51–64, 2020, doi: 10.22437/ppd.v8i1.8722.
- [16] A. R. Assegaf, "Policy Analysis and Educational Strategy For Anti Corruption in Indonesia and Singapore," *Int. J. Asian Soc. Sci.*, vol. 5, no. 11, pp. 611–625, 2015, doi: 10.18488/journal.1/2015.5.11/1.11.611.625.
- [17] H. Y. Prabowo and K. Cooper, "Re-understanding corruption in the Indonesian public sector through three behavioral lenses," *J. Financ. Crime*, vol. 23, no. 4, pp. 1028–1062, 2016, doi: 10.1108/JFC-08-2015-0039.
- [18] J. Sriyana, H. Y. Prabowo, and M. Syamsudin, "Preventing corruption in the Indonesian public sector," *Eur. Res. Stud. J.*, vol. 20, no. 3, pp. 538–553, 2017, doi: 10.35808/ersj/727.
- [19] S. Kusriyah, Warsidin, and T. Prasetyo, "the Principle of Gratification in Indonesian Corruption Law Based on Dignified Justice Values," *Int. J. Adv. Res.*, vol. 8, no. 3, pp. 398–406, 2020, doi: 10.21474/ijar01/10642.
- [20] O. Aigbovo and L. Atsegbua, "Nigerian anti-corruption statutes; an impact assessment," *J. Money Laund. Control*, vol. 16, no. 1, pp. 62–78, 2012, doi: 10.1108/13685201311286869.
- [21] I. Niaz, "Corruption and the Bureaucratic Elite in Pakistan: The 1960s and 1970s Revisited," *J. R. Asiat. Soc.*, vol. 24, no. 1, pp. 97–113, 2014, doi: 10.1017/S1356186313.
- [22] K. Rahman and M. Kirya, "Overview of corruption and anti-corruption in Ethiopia," 2018.
- [23] F. L. K. Ohemeng, T. Obuobisa Darko, and E. Amoako-Asiedu, "Bureaucratic leadership, trust building, and employee engagement in the public sector in Ghana," *Int. J. Public Leadersh.*, vol. 16, no. 1, pp. 17–40, 2019, doi: 10.1108/ijpl-05-2019-0018.

- [24] A. S. Lukito, "Building anti-corruption compliance through national integrity system in Indonesia : A way to fight against corruption," *J. Financ. Crime*, vol. 23, no. 4, pp. 932–947, 2016, doi: 10.1108/JFC-09-2015-0054.
- [25] Purwantoro, Fatriansyah, and Kailani, "Review Juridical Gratification as One of the Follow Offense Corruption in Perspective Criminal Law Indonesia," vol. 52, pp. 45–50, 2016.