

OBSTACLES AND CHALLENGES IN LAW ENFORCEMENT AGAINST CORRUPTION IN PUBLIC SERVICES

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OBSTACLES AND CHALLENGES IN LAW ENFORCEMENT AGAINST CORRUPTION IN PUBLIC SERVICES

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Abstract

Corruption in public services has long been a major concern in various societies and countries. This study aims to analyze the main obstacles and challenges faced in efforts to enforce law against acts of corruption in the context of public services. The research method used is qualitative analysis with a case study approach to several cases of corruption in public services that have occurred. The results of the study reveal that the main obstacles in law enforcement against corruption in services are categorized into structural, cultural and instrumental barriers. In addition, the challenges faced in law enforcement against corruption in public services involve complex aspects of proof, limited human, financial and technical resources, political interference that threatens independence, weak legal system in handling corruption cases, slow judicial process, and lack of public awareness. The conclusion of this study underscores the need for strategic steps to improve law enforcement against corruption in public services. Efforts are needed to increase the integrity of law enforcement officials, reform the judiciary, allocate adequate resources, and change culture and public awareness of the importance of preventing and prosecuting corruption.

Keywords: Obstacles, Challenges, Law Enforcement, Corruption, Public Services.

A. INTRODUCTION

According to the Law of the Republic of Indonesia Number 31 of 1999, which pertains to the Eradication of Corruption Crimes, corruption and criminal acts are delineated as any conduct that has the potential to result in financial detriment to the state. Nevertheless, the ramifications of corrupt practices are extensive, as elucidated by Law Number 20 of 2001, which serves as an amendment to Law Number 31 of 1999. This legislation stipulates that acts of corruption not only result in financial detriment to the state, but also infringe upon the societal well-being and economic entitlements of the collective populace. Hence, it is stipulated by the Anti-Corruption Law that corruption should be seen as a criminal offense necessitating dedicated measures to be undertaken in its eradication (Pane & Pudjiastuti, 2020; Trinchera, 2020; Sitompul & Hasibuan, 2021).

In the context of Indonesia, corruption has emerged as a pervasive and systematic criminal activity that permeates several dimensions of both national and state affairs. This pervasive and organized corruption also implies neglecting people's social and economic rights. Hence, it is imperative to promptly address the escalating and unregulated surge in instances of corruption. An unchecked escalation in corruption will not alone affect the domestic economy, but will also undermine the fundamental pillars of national and state existence (Caiden, 1988; Rose-Ackerman & Palifka, 2018). Epistemologically, the type of corruption that can be found in government circles, both at the central and regional levels, is corruption related to public services. In this context, acts of corruption occur within bureaucratic structures or public service units (Sung, 2002; Firmansyah & Syam, 2021). The most common form of corruption in public services is related to the process of permits or business permits. Some business actors report obstacles in obtaining business licenses, such as complex procedures, long time required, and unexpected costs (Graycar, 2020; Holidin & Hariyati, 2017). In terms of the integrity of regional heads, the research results also show that some business actors believe that some regents or mayors are involved in corrupt activities for personal gain. The public service environment is very vulnerable to this corrupt practice because it is influenced by organizational culture, the effectiveness of anti-corruption systems in each agency, and existing human resource management (Pillay, 2004; Graycar & Masters, 2018).



The impact caused by corrupt practices is very widespread, so corruption must be the main target in eradication efforts (Myunt, 2000). Therefore, efforts to fight criminal acts of corruption must be increased so as not only to prevent suffering and risks to the survival of the nation, but also to maintain the continuity of the struggle in creating a just, prosperous and prosperous society (Prabowo & Cooper, 2016; Setyaningrum et al., 2017) Although various efforts have been made in Indonesia to eradicate corruption using various methods, practices such as abuse of authority, bribery, kickbacks, illegal levies, collusion, nepotism and use of public funds for personal interests still occur. In fact, operational methods tend to be increasingly sophisticated and organized, which makes handling them increasingly difficult (Henderson & Kuncoro, 2004).

One approach used in efforts to eradicate corruption in public services is through law enforcement (Fijnaut & Huberts, 2000). The concept of law enforcement can be explained as a series of processes that transform abstract values and ideas into concrete legal goals. The purpose of this law involves moral values such as justice, certainty, and expediency (Fridman, 1986). According to Weingast (1997) explains that the essence of law enforcement is integrating the values hidden in strong norms, and translating them into concrete actions as the final manifestation of these values, with the aim of creating, maintaining and upholding peace in life. social.

Law enforcement always involves human roles and human behavior. Law cannot stand alone, meaning that law does not have the ability to realize the promises and goals stated in legal regulations without human intervention (Aldiyan & Negi, 2022). In the context of law enforcement related to public services, officials responsible for providing public services must avoid conventional approaches and implement a progressive approach in law enforcement (Shim & Eom, 2008). It is important to note that this approach does not mean that all means are permitted, but rather a firm determination to carry out law enforcement with more effective methods (World Bank, 2012).

Law Number 25 of 2009 also outlines the objectives of the Public Service Law, which include: (1) setting clear boundaries and relationships between the rights, responsibilities, obligations and authorities of all parties involved in the administration of public services; (2) creating a proper public service system by adhering to the general principles of good governance and governance; (3) ensuring the implementation of public services in accordance with applicable laws and regulations, and (4) providing protection and legal certainty to the community in the context of public service delivery. However, even so, the implementation of these goals still has a gap between the ideal and the implementation practice that occurs.

The phenomenon of corruption involving regional heads is nothing new. Data on the kpk.go.id website reveals that from 2004 to January 3 2022, no less than 22 governors and 148 regents/mayors have faced legal action by the Corruption Eradication Commission. This figure could be higher if data from the Attorney General's Office and the Police are also counted (KPK, 2023). The Indonesia Corruption Watch (ICW) organization noted that in the period 2010 to June 2018, more than 253 regional heads had been declared suspects in corruption cases by law enforcement agencies (ICW, 2019). The corrupt practices that came into the spotlight earlier in the year were part and parcel of a larger problem. This condition is often likened to an iceberg phenomenon, where what is visible is only a small part of a problem that is actually more complex (Lewis & Hendrawan, 2020).

It is recorded as an open secret that one of the root problems behind widespread corruption among regional heads is the high costs that must be incurred in the political context. ICW (2019) notes that the high costs of politics are caused by at least two main factors, namely money politics in the form of political dowries (nomination buying) and vote buying and selling transactions. According to research and development from the Ministry of Home Affairs in 2015, the costs required to run for regent/mayor to governor range from IDR 20 to 100 billion. Meanwhile, the average income from the salary of a regional head is only around IDR 5 billion during one leadership period.

Quality public services that are free from corrupt practices are an important foundation in ensuring community welfare and government integrity (Langseth et al., 1997). However, based on the data above, what cannot be ignored is that corruption in public services is still a troubling issue in various countries, including Indonesia. This phenomenon indicates that there are significant obstacles and challenges in law enforcement efforts against corrupt practices in public services.

This study aims to explore and analyze more carefully the obstacles and challenges that arise in the context of law enforcement against acts of corruption in public services. With a deeper understanding of corruption in public services in Indonesia, it is hoped that this research will provide richer insights in supporting efforts to eradicate corruption in the realm of public services. Theoretically, this research will look at corruption in the public service as a phenomenon that is more than just a violation of state finances. Corruption has widespread impacts, including violating people's welfare and economic rights as a whole, as recognized by Law of the Republic of Indonesia Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes.

B. METHODS

The present study employs a descriptive research design utilizing a qualitative technique. Padgett (2016) describes the qualitative descriptive technique as a research approach grounded in the postpositivist philosophy. This method is employed to investigate the characteristics of natural objects, as opposed to experimental settings, with the researcher serving as the primary instrument. The process of gathering data involves employing triangulation, which is a method that combines many data collection approaches. The analysis of this data is conducted in an inductive manner, focusing on qualitative aspects. Consequently, the outcomes of qualitative research prioritize the interpretation of meaning rather than the establishment of generalizations. The objective of qualitative descriptive research is to provide a comprehensive description, depiction, explanation, and understanding of the issues under investigation. This is achieved by closely examining an individual, a group, or an event. Qualitative research involves the utilization of human researchers as the primary instrument for data collection, with the outcomes of the study being presented in the form of textual descriptions or statements that accurately reflect the observed phenomena. This study is primarily grounded in the ideas of descriptive analytics/descriptive analysis. Descriptive analysis is commonly conceptualized as a method of analysis that is directed towards addressing contemporary issues and challenges. This research aims to analyze the obstacles and challenges faced by law enforcement agencies in combating corruption inside public services. In conducting this research, a comprehensive literature analysis will be conducted, encompassing the examination of scholarly works that are pertinent to the Research Object.

C. RESULTS AND DISCUSSION

1. Public Service Corruption in Indonesia

In the last three years, Indonesia's Corruption Perception Index (IPK) has increased, although not too significantly. In 2017, Indonesia's GPA reached a score of 37, which then rose to 38 the following year, and in 2019, the score reached 40. This increase had a positive impact on the country rankings, where Indonesia managed to rank 85 out of 180 countries in the index list. The lower the rating, the better the perception of corruption. The increase in this score is largely due to stricter law enforcement measures against perpetrators of corruption and bribery. This evaluation is published by Transparency International Indonesia (TII) which conducts annual research.

Despite improvements, when compared to other countries in the ASEAN region, the eradication of corruption in Indonesia is still considered not as good as in Singapore, Malaysia and Brunei Darussalam, which have GPA scores above Indonesia. Although the steps taken have yielded positive results, the perception of corruption which is still quite high in Indonesia still has a correlation with the Ease of Doing Business ranking which places Indonesia at 73 out of 180 countries. This reflects that there are still challenges in creating a cleaner and more transparent business environment, which will ultimately support Indonesia's increased global competitiveness.

In the corruption prevention book published by the Corruption Eradication Commission (KPK) in 2019, interesting data was found regarding corruption crimes handled by the institution between 2004 and 2018. During this period, the KPK has faced 998 individuals who were involved in various cases corruption crime. Analysis based on the profession or position of the actors shows that 31% of this number are members of the DPR/DPRD, 25% are ASN officials at the Echelon I-III level, while Mayors/Regents and their Deputy constitute 12% of the total, and the Governor only contributes 2%.



. Overall, it can be concluded that as many as 70% of the total individuals involved in criminal acts of corruption are public officials and legislative members (Krisdayanti & Putri, 2023).

Moreover, the aforementioned illegal acts of corruption exhibit a categorization system predicated on the specific nature of each case, derived from the total of 887 cases that were under scrutiny. Based on the provided data, it was determined that there were 564 instances of bribery, 188 instances related to the acquisition of goods and services, and 46 instances associated with budget misuse. The data presented below serves to exemplify that instances of criminal corruption, particularly in the form of bribery, are among the most prevalent occurrences. Subsequently, issues pertaining to the acquisition of products and services, as well as the misappropriation of budgetary resources, follow suit as significant concerns.

The prevalence of corruption cases can be attributed to inconsistencies in the provision of public services to the community, resulting in a failure to meet the expected service standards. The aforementioned aberrations have a detrimental impact on the fundamental nature of public services, which should promote the welfare of the population. Common types of deviations in public service frequently seen encompass non-service, extended delays, procedural deviations, inequitable alignments, abuse of authority, solicitation for monetary contributions, products or services, and instances of discrimination.

According to Law Number 25 of 2009 regarding Public Services, service standards are regarded as benchmarks that function as a guiding framework for service provision and as a basis for evaluating the quality of services. Service providers have an obligation and commitment to the community to deliver services that are of high quality, efficient, prompt, easily accessible, and measurable. The minimum standards for public services encompass various components, including a legal foundation, stipulated criteria, operational frameworks, mechanisms and protocols, projected timeframes for completion, associated expenses or tariffs, scope of services rendered, provisions for facilities and infrastructure, requisite officer competencies, internal oversight mechanisms, procedures for addressing complaints, soliciting suggestions and feedback, quantification of personnel involved, assurance of adherence to established benchmarks (Service Maklumat), dedication to fostering a perception of safety, and assessment of the provider's performance.


The low level of compliance or implementation of service standards in the delivery of public services has the potential to result in various forms of maladministration, which ultimately harm society (Van Wart, 2013). This maladministration can include situations such as unclear service procedures, uncertain estimates of service periods, and extortion practices. The impact of this maladministration is very detrimental, because it can trigger negative economic impacts such as high costs and obstacles to investment growth. In addition, there has been a decline in public trust in government officials and public institutions as a whole. This can potentially lead to public apathy towards government policies (Citrin, 1974).

The Ombudsman of the Republic of Indonesia has identified the most common types of irregularities reported by the public in relation to public services. Among them, protracted delays in providing services, deviations in service procedures that should be followed, and situations when services are not provided at all. These situations create frustration among the people because they feel that their rights are not being respected and the services that should be provided by the government are not being carried out properly (Ombudsman, 2022).

In a broader context, efforts to increase compliance with service standards and overcome maladministration are essential in maintaining public trust in the government. By implementing transparent, accountable and effective measures in the delivery of public services, the government can build better relationships with the community, encourage active community participation, and reduce potential dissatisfaction and apathy that could have a negative impact on the stability and development of the country.

2. Obstacles in Law Enforcement against Corruption in Public Services

Efforts to enforce the law against corruption in public services are not easy. Even though various efforts have been made to enforce the law to eradicate corruption, there are still several obstacles



in eradicating corruption. Barriers to law enforcement against corruption in public services can be classified as follows:

a) Structural Barriers

Structural obstacles in law enforcement against corruption in public services result to a number of practices in state and government administration that result in the handling of criminal acts of corruption not running according to expectations. These factors create a situation that makes it difficult to eradicate corruption and causes law enforcement efforts to be less than optimal. Some of the things included in this group of structural barriers are as follows:

First, sectoral and institutional egoism. This practice refers to the tendency of stakeholders in various sectors and institutions to allocate funds as much as possible for their respective interests without considering the national needs as a whole. This often results in inefficient budget allocations and even has the potential to create loopholes for corrupt practices. In addition, efforts to cover up deviations in certain sectors or agencies are also a significant obstacle. Second, the supervisory function is weak. The failure of an effective oversight function is a serious obstacle to the enforcement of corruption laws. A lack of transparency in budget management and a lack of firmness in monitoring irregular practices can provide opportunities for acts of corruption to develop.

Third, the lack of coordination between the supervisory apparatus and law enforcement officials. Poor coordination between agencies responsible for monitoring and enforcing corruption laws can hinder the exchange of information necessary for further investigations and legal action. Fourth, weak internal control system. An ineffective internal control system has a positive correlation with irregularities and inefficiencies in the management of state assets. In addition, the low quality of public services can also come from weak internal control systems in various government agencies.

b) Cultural Barriers


These obstacles involve mindsets and attitudes that can hinder efforts to eradicate corruption, create a conducive environment for corrupt practices, and complicate further legal action. Some of the things included in this group of cultural barriers include: first, there is still "reluctance" and tolerance among government officials. This attitude can impede firm steps in dealing with criminal acts of corruption. The hesitance or reluctance to take tougher law enforcement measures can allow corrupt practices to continue to develop. Second, the lack of transparency and openness of agency leaders. When agency leaders are not sufficiently transparent in their efforts to eradicate corruption, this can send the wrong message to their subordinates and the general public that acts of corruption can be tolerated and even protected.

Third, interference from the executive, legislative and judiciary in dealing with criminal acts of corruption. When corruption law enforcement actions are influenced by intervention from various branches of power, this can undermine the independence of the law enforcement process and hinder firm and fair action. Fourth, the low commitment to deal with corruption firmly and thoroughly. If the commitment to combating corruption is not strong at all levels of government and society, efforts to eradicate corruption can be hampered by political interference and personal interests. And fifth, the permissive attitude and lack of support from the majority of society for efforts to eradicate corruption. This attitude creates obstacles in forming public opinion that is proactive in demanding accountability and transparency from government institutions.

c) Instrumental barriers

These obstacles arise due to deficiencies or weaknesses in the legal framework needed to prevent, detect, investigate, and punish perpetrators of corruption. Some of the things included in this group of instrumental obstacles are as follows: First, there is overlap in laws and regulations. There are cases where several laws and regulations overlap, which can create loopholes for corrupt practices. An example is a situation where various government agencies have overlapping authority in managing funds, which can then be used for fundraising or other misuse.

Second, the absence of a "single identification number" or single identification that is valid for various community needs, such as driving licenses, taxes and bank accounts. The presence of this single identification can reduce the opportunity for identity misuse by malicious individuals. Third, weak law enforcement regarding handling corruption. If law enforcement against criminal acts of



corruption is not strong enough or is hampered by various obstacles, then this can make it difficult to take firm and comprehensive law enforcement action against perpetrators of corruption. Fourth, it is difficult to prove criminal acts of corruption. The complex and often covert nature of corrupt practices makes proof more difficult. The evidence may not be as clear as in other cases, requiring a careful and comprehensive investigative approach.

3. Challenges in Law Enforcement against corruption in Public Services

Challenges in law enforcement against corruption in public services involve a number of factors that can complicate efforts to prevent, detect, investigate and punish perpetrators of corruption. Some of the main challenges in this context include:

a) Lack of evidence and proof

Corruption crimes often include very complex practices and are often hidden behind complex layers. Therefore, gathering sufficient evidence and building a strong case for prosecution can be a serious challenge. In many cases, corrupt practices do not always occur in a way that is blatant or immediately visible, but instead involve complex networks and transactions that are difficult to trace. The process of proving corruption requires careful and thorough efforts to link scattered evidence, reveal hidden transaction patterns, and find relationships between the various parties involved in corrupt practices. Ultimately, the complex nature of these corrupt practices makes the evidentiary process even more complicated and requires a team of trained and skilled investigators to ensure that the truth is revealed and justice is served.

b) Resource limitations

The effectiveness of law enforcement in dealing with corruption cases is an effort that is closely related to the availability of adequate human, financial and technical resources. Human resources who are skilled and trained in handling corruption cases are key in uncovering often complex networks of corrupt practices. The process of identification, analysis and enforcement action requires in-depth knowledge of corrupt practices as well as meticulous investigative skills. However, limited numbers of personnel or lack of adequate training can hamper the ability of law enforcement agencies to overcome various challenges in corruption cases.


In addition, the financial aspect is also an integral part of effective law enforcement. Comprehensive investigations often involve significant costs, including monitoring, forensic analysis, and expert witnesses. Budget constraints can be an obstacle that hinders crucial steps in uncovering the truth behind corruption cases. In addition, modern technology and analytical tools are key factors in uncovering increasingly complex corruption practices. Access to adequate technology allows law enforcement agencies to track the flow of funds, examine financial transactions, and identify digital traces that can reveal corrupt practices. However, these institutions may have difficulty adopting the latest technology if they are constrained by limited funding or required technical skills.

c) Political interference

Political interference in the law enforcement process can result in a slowdown or even deviation from the proper objectives of law enforcement, especially if political objectives become more dominant than the objectives of justice and accountability. The independence of law enforcement agencies is the main pillar in ensuring that criminal acts of corruption are thoroughly investigated and appropriate punishments are given. However, political interference can hinder this independence. Political pressure or intervention can lead to postponement of cases, selective choices in who will be investigated or given leniency, as well as compromising integrity and objectivity in efforts to eradicate corruption. When law enforcement actions against corruption are influenced by political considerations, this not only undermines efforts to eradicate corrupt practices, but also creates an image of weak law enforcement and justice in the eyes of the public. Communities can lose faith in the ability of the legal system to provide justice regardless of political position or influence.

d) Weak legal system

Some legal systems may face limitations in dealing with corruption cases which are often complex and involve complicated aspects. A lack of firmness in sentencing or the existence of certain legal loopholes can be a factor that allows perpetrators of corruption to avoid punishment that should be commensurate with the crimes committed. Corruption cases often involve violations of public trust



and harm society and the country at large. However, if the legal system is unable to provide adequate punishment and provide a deterrent effect to perpetrators of corruption, this can damage public trust in the justice system and undermine efforts to eradicate corruption as a whole. Legal loopholes or ambiguous legal actions can also be exploited by perpetrators of corruption to avoid prosecution or punishment. Sometimes, long and complex legal processes, along with varying interpretations of applicable laws, can result in uncertainty in law enforcement against corruption.

e) Slow judiciary system

The slowness of the judicial process can be a serious obstacle in law enforcement efforts against corruption cases. When the legal process takes too long, this can reduce the effectiveness of the punishment that should be applied and ultimately provide opportunities for perpetrators of corruption to avoid their responsibility for actions that are detrimental to society and the state. Corruption cases often involve complicated evidence and complex transactions. Therefore, the investigation and trial process can take quite a long time to gather strong enough evidence and understand in depth the corrupt practices that occur. However, if this process drags on without a clear time limit, this could affect the effectiveness of law enforcement. Slow judicial processes can also have a negative impact on efforts to prevent and warn other potential perpetrators of corruption. If the sanctions or penalties given to corruptors are delayed for too long, this can dampen the deterrent effect that should be part of deterrence. Apart from that, slow judicial processes can also affect public confidence in the justice system and the effectiveness of eradicating corruption.

f) Lack of societal awareness

People who don't care enough about efforts to eradicate corruption tend not to pay enough attention to law violations that occur in their surroundings. Lack of participation in providing information or reporting corrupt practices they witness can hinder the ability of law enforcement agencies to investigate such cases. Community support also plays a role in creating moral pressure on corruptors and related parties to be held accountable for their actions. When society actively condemns and rejects corruption, this will create an environment that is intolerant of corrupt behavior. On the other hand, if the public is less sensitive to the problem of corruption or even feels that corruption is commonplace, then law enforcement efforts will be more difficult to be effective. Therefore, it is important for the government, corruption eradication institutions, and various related parties to make efforts to educate and raise public awareness about the dangers of corruption and the importance of the community's role in eradicating it. By building strong awareness and support from the community, the law enforcement process against corruption can be more effective, transparent and accountable, and create an environment that does not provide room for the growth of corrupt practices.


D. CONCLUSION

The level of corruption in Indonesia's public services has increased gradually in the last three years, although not yet significantly. Although tougher legal action against perpetrators of corruption has yielded positive results, Indonesia needs to make more efforts to catch up with neighboring countries in efforts to eradicate corruption. The KPK's corruption prevention book reveals that the majority of corruptors are public officials and members of the legislature, with the root of the problem lying in irregularities in public services that are detrimental to society. Low adherence to service standards can result in maladministration which has an impact on the economy and public trust in the government. Therefore, transparent, accountable and effective efforts are needed in public services to build public trust and increase the stability and development of the country. Even so, law enforcement against corruption in public services is faced with various obstacles, including structural, cultural, and instrumental. Efforts to overcome these obstacles require comprehensive steps to increase transparency, independence of law enforcement, a¹⁷ public awareness in efforts to eradicate corruption in public services. The challenges faced in law enforcement against corruption in public services involve uncertainty in evidence, limited resources, and political interference that can reduce the effectiveness of law enforcement. In addition, a weak legal and judicial system can

prevent corruptors from being punished accordingly. The delay in the judicial process and the lack of public awareness can undermine the overall effectiveness of efforts to eradicate corruption.

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