

The Regulation Model of Public Services Based on The Integrity Zone in The Religious Higher Education in Indonesia

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ABSTRACT

Since 2020, Indonesian Ministry of Religious Affairs commits to build the integrity zone in all its work units. Universitas Islam Negeri Maulana Malik Ibrahim Malang has been pointed to be the pilot project of The Integrity Zone Establishment in 2020 under the Ministry of Religious Affairs' supervision. The emerged problem is that there is no Minimum Service Standard (MSS) as the requirement of integrity zone made by rector. This is a juridical-empirical study by applying qualitative approach. The primary data were from interview and Focus Group Discussion with structural team and academic staff who are directly involved in services in the said university. The FGD results reveal that the MSS is made based on The Organization and Work Procedures of UIN Malang, and that it is related to services in Tri Dharma both academic and non-academic. The MSS of UIN Malang must refer to Permen PAN-RB No. 10 of 2019 on the amendment to Permen PAN-RB No. 52 of 2014 concerning The Guidelines to Establish an Integrity Zone towards a Corruption Free Area and a Clean and Serving Bureaucratic Area in a Government Institution. The service regulation is also made based on international standard ISO 37001: 2016 as an anti-bribery management system that is able to provide access for complaint on bribery. This article is expected to be the policy reference for services in the State Religious Higher Education in Indonesia which follows the service standard of the integrity zone and international standard so they can lessen the corruption and collusion in the serving process.

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PRELIMINARY

Bureaucracy reformation is the goal of the President of the Republic of Indonesia. It is expected to realize the government institution which is clean from the so-called KKN (*Eng.* Corruption, Collusion, and Nepotism). Hence, the President Regulation No. 47 of 2015 concerning "The Ministry of State Apparatus Utilization and Bureaucratic Reform (abbreviated as MenPAN-RB)" was issued; and in 2018, the President Regulation No. 54 of 2018 concerning "The National Strategy of Corruption Prevention" was also issued. Those regulations are the commitment and follow-up to the Law No. 28 of 1999 on "The State Administrators that are Clean and Free from Corruption, Collusion, and Nepotism". For realizing the president regulation, MenPAN-RB issued the regulation Permen PAN-RB No. 52

of 2014 concerning The Guidelines to Establish an Integrity Zone towards a Corruption Free Area and a Clean and Serving Bureaucratic Area in a Government Institution; it was then amended to Permen PAN-RB No. 10 of 2019.

In the process of implementing ISO 9001: 2015 concept, a new ISO is adopted in the Indonesian National Standard, namely ISO 37001: 2016 (Anti-Corruption Management System). The prominent point in this new concept is that there is a regulation on anti-bribery. Through this standard, the anti-bribery excellent service will be realized. This new standard has been adopted in the Integrity Zone (ZI) concept by establishing a Corruption Free Area (WBK) and a Clean and Serving Bureaucratic Area (WBBM). ISO 37001: 2016 has been a standard for measuring the integrity of an institution (company) in Indonesia.

In 2022, UIN Maulana Malik Ibrahim Malang has a Strategic Plan to be internationally reputable. One of the endeavors done by the leader is to ensure that the institution has the international reputable service standard to realize the excellent service. The policy to gain international reputation is definitely the main concern of the leader; that the academic service provided by UIN Malang must comply with the law and be internationally standardized. Therefore, UIN Malang is obliged to refer to Permen PAN-RB No. 10 of 2019 and ISO 37001: 2016 in the business process.

The regulation on the Integrity Zone (hereinafter called as ZI) establishment states the guidelines on how to be an institution that has human resources with integrity. It also covers services that provide corruption-free facility and excellent service or, in the regulation concept, it is called WBK and WBBM.

The Ministry of Religious Affairs has committed to build the integrity zone in all its work units started from 2020. UIN Maulana Malik Ibrahim Malang is one of state higher education institutions under the Ministry of Religious Affairs that has implemented ISO 9001: 2015 management. UIN Malang's commitment in supervising the quality management gained attention from The Directorate of Islamic Education of The Ministry of Religious Affairs (*Pendis Kemenag*) that the institution was then appointed to be the pilot project of the Integrity Zone Establishment for higher education in 2020.

The first assessment process done by The Inspectorate General of The Ministry of Religious Affairs in Sharia Faculty of UIN Malang revealed that the work unit has yet to meet the standard of ZI required by The Ministry of State Apparatus Utilization and Bureaucratic Reform. One of many important notes on the weaknesses of UIN Maulana Malik Ibrahim Malang is that the service types are unidentified and there is no service standard (UIN Maliki Malang, 2021).

Since academic service is the prominent business in UIN Maulana Malik Ibrahim Malang, the institution must be able to provide the excellent service to its stakeholder. Based on the reviews on auditor's report, it is urgent to give a follow-up on the findings of the Inspectorate General focusing on services in compliance with ZI standard. It is important to identify the state higher education's services and its Minimum Service Standard in the perspective of ZI and ISO 37001: 2016 because in 2022, UIN Malang plans to be the internationally reputable campus (UIN Maliki Malang, 2018).

The authors present something different in this article compared to previous relevant studies. Caesaringi et al. (2017: 41-50) and Purnamasari & Kushandajani (2019: 51-60) did a research study on bureaucracy reformation in 2017 and 2019, however, both studies focused on the attempts to improve services and did not make a service regulation model. In 2020, Wilujeng & Lhaksmi (2020:127-135) wrote *Evaluasi Penerapan Zona Integritas* which only discussed the evaluation on ZI implementation. Agustina (2019), reviewed the ZI policy implementation in National Land Agency in Bandung. Other studies such as Julia et al. (2019:25-42), Riyandari (2021: 1-12), Astuti (2021: 137-144), and Chadijah et al. (2021:41-53) only described the ZI implementation. The previous studies have yet to create a service

model in the educational institution through the ZI instrument and ISO 37001: 2016. This article gives the recommendation on the public services regulation in UIN Maulana Malik Ibrahim Malang based on the concept of the integrity zone and the international standard of ISO 37001- 2016.

METHOD

This is an empirical study with descriptive qualitative and juridical-sociological approaches. It is conducted by qualitatively describing and analyzing the types of academic services in UIN Maulana Malik Ibrahim Malang by employing the instrument of Permenpan-RB No. 10 of 2019 on the Amendment to Permenpan No. 52 of 2014, Permenpan No. 15 of 2014 concerning the Guidelines of Service Standard, and ISO Standard 37001:2016.

To start the identification of services in UIN Malang, we should refer to the regulation of organization and work unit in the university. The Focus Group Discussion is done next to identify the existing services based on the needs in the field.

Based on the written norm regulation, structural services are categorized according to the Regulation of The Ministry of Religious Affairs No. 2 of 2018 on the amendment to The Ministry of Religious Affairs Regulation (PMA) No. 8 of 2013 concerning The Organization and Work Procedures (known as *Ortaker*) of UIN Maulana Malik Ibrahim Malang. The services are categorized into 4 (four):

1. Academic Services
2. Public Administration, Plans, and Financial Services
3. Student Affairs Services
4. Cooperation and Institutional Establishment Services

To simplify the description of academic services, according to PMA No. 8 of 2018 and the results of field identification, it covers University-Level Academic Services, Faculty-Level Academic Services, Major-Level Academic Services, Library Academic Services, Graduate-Level Academic Services, and Research and Community Academic Services. Based on *Ortaker* and Focus Group Discussion (FGD) results, Public Administration, Plans, and Financial Services covers¹ Public Services, Financial Services, and Staff Services. Meanwhile, Cooperation Services is only about doing collaboration by opening the access to make an agreement with UIN Malang (April 1, 2022).

The results of FGD reveal that all services in UIN Maulana Malik Ibrahim Malang only have SOP (Standard Operating Procedure). This is because UIN Malang bases its quality management on ISO 9001: 2015 which only requires SOP for their services. Whereas in fact, there is also the Minimum Service Standard considered as the special policy of an institution that should be made.

There are two Components of Service Standard as regulated in the Law No. 25 of 2009; first, the one related to the process of service delivery (service point) which covers requirement, system, mechanism and procedure, service period, fees, service product, complaint handling, and suggestion and appreciation. Second, the Components of Service Standard related to the process of service management (manufacturing). That covers legal basis, facility and infrastructure, practitioner's competence, internal supervision, number of practitioners, service guarantee, the guarantee of service security and safety, and the evaluation of practitioner's works.

In this regulation, the thing that should be focused on in the process of the Service Standard making is the components related to service delivery. This part is the main focus because it connects the service provider with the service user. The components of service standard in this part, must at least be publicly exposed.

The primary data were analyzed using descriptive qualitative method, namely, first, categorizing and identifying, followed by analyzing interview results, referring to the government policy through Permenpan RB No. 10 of 2019 and Permenpan No. 15 of 2014 concerning the Guidelines of Service Standard and KMA No. 109 of 2017 concerning Service Standard in the Ministry of Religious Affairs, ISO 37001:2016 and the hierarchy theory of Hans Kelsen regulation.

RESULT AND DISCUSSION

The 1945 Constitution of The Republic of Indonesia explains that a state administrator must comply with the law and the regulation and has the spirit for establishing the country. The morals in Pancasila become the fighting spirit for the administrator to do the job. The issuance of Law No. 28 of 1999 concerning The State Administrators that are Clean and Free from Corruption, Collusion, and Nepotism becomes the government's commitment to perform their duty and also becomes the guidelines for vision, perception, and mission for all administrators and society. The state administrators mentioned in the said law are the state officials performing their executive, legislative, and judicative functions and other relevant officials whose jobs are related to state administration based on the applicable regulation and law.

Through this law, the state administrators are expected to perform their job and function wholeheartedly and responsibly; it means that the job performance should be effective, efficient, free from corruption, collusion, and nepotism. The regulation about society's participation in the aforementioned law is meant to empower the society to realize a country which is clean and free from corruption, collusion, and nepotism. By owning the rights and obligations, the society is expected to be more enthusiastic in doing social control optimally in the state administration, by obeying the applicable law. The state administrator in the said law, must work through the good government general principles, namely the principle to uphold decency norm, appropriateness, and law norm. As a result, they will be the administrators who are clean and free from corruption, collusion, and nepotism.

UIN Maulana Malik Ibrahim Malang is one of state administrators in the field of education. This institution is definitely obliged to perform education based on Law No. 28 of 1999. In 2014, Menpan RB issued Permen PAN-RB No. 52 of 2014 concerning The Guidelines to Establish an Integrity Zone towards a Corruption Free Area and a Clean and Serving Bureaucratic Area in a Government Institution. The regulation is a part of government regulation to build a bureaucracy reformation which is free from corruption and collusion.

Establishing ZI as entrusted by Permen PAN-RB No. 52 of 2014 is by building an anti-bribery integrated management system in a public service. This anti-bribery management system is an international standard stated in ISO 37001: 2016, which is substantially adopted by ZI standard in the instrument called as a Corruption Free Area (WBK) and a Clean and Serving Bureaucratic Area (WBBM).

To achieve the goal or vision as an internationally reputable institution, the education services in UIN Maulana Malik Ibrahim Malang must comply with the international service standard. Based on the results of FGD on April 1, 2022, the anti-bribery management with ZI instrument towards WBK and WBBM is still partial. The establishment absolutely must go through many stages. The first stage is to mainly focus on public service in the field of education by making a minimum service standard through the Rector's Decision Letter. The minimum service standard is part of establishing the anti-bribery management. This is to provide the principles of public openness, either the service is paid or free of charge.

To complete the instrument of ZI establishment towards WBK and WBBM through several rector's policies, UIN Malang needs to refer to the instrument of ISO 37001: 2016 (the anti-bribery management). This instrument will help the campus to achieve the ZI goal. Before establishing the anti-bribery management (the law instrument through ZI WBK-

WBBM), the manual quality guidelines of ISO 37001: 2016 should be made. This will help UIN Malang's management to arrange the policy of anti-bribery and to establish ZI.

To date, UIN Malang has the ZI guidelines towards WBK and WBBM in the form of Rector's Decision Letter. However, the campus does not have the instrument for the anti-bribery quality management with international standard. Based on The Decision Letter of UIN Maulana Malik Ibrahim Malang's Rector No. 44 of 2021 concerning The Guidelines for ZI Establishment towards a Corruption Free Area and a Clean and Serving Bureaucratic Area, the public services that should be done by the university is through its internal and external management. This study will mainly discuss the internal efforts of UIN Malang before the performance in the external factors. The internal efforts as stated in the Rector's Decision Letter and Permen PAN-RB No. 10 of 2019 are: (1) to sign the integrity pact between the head of work unit (rector) and the structural subordinates; (2) the signing of the integrity pact between the structural members with public services staff; (3) the commitment to charge the fees only as what has been stated in the regulation; (4) no discrimination; (5) no gratification (both the recipient and the recipient will get sanction); and (6) providing the best service for the society.

The improvement of public service is an attempt to increase the quality based on society's needs and expectation. The target that is expected by UIN Malang through the quality management improvement is to increase the quality of public services (faster, easier, safer, and cheaper). This improvement is measured by increasing the amount of service unit which gain international service standard and increasing the society's satisfaction index on public service performance. Hence, there are some indicators that should be performed by UIN Malang to implement the improvement of public service quality, first, creating a service standard according to Permen PAN-RB No. 15 of 2014 concerning The Service Standard. This activity is completed with supporting documents, information of on-the-spot service standard, and create the SOP for service performance. The service standard should also be reviewed and enhanced.

Second, to have the so-called Service Culture. It is conducted by doing socialization or training on The Excellent Services for the staffs, giving information on the accessible services through printed media, announcement board, social media, website, and so forth. Besides, there is a punishment (sanction) system or reward (appreciation) for the service administrators as well as giving the compensation for the service users if they experience trouble because of the non-standard service. It is important to have an integrated service facility and innovation. To test the quality, there should be a routine evaluation on society's satisfaction and the survey results are published via website, social media, and, after that, there must be a follow-up on the survey results. The incentive should be given both for internal and external elements through the model of whistleblowing system (Teichmann, 2019: 519-525). This concept (whistleblowing system) is crucial as an attempt to control from the organization's external elements (Zhang, et.al., 2009: 25-41).

Based on the guidelines made by rector, The Head of Quality Assurance Institution stated in the interview on August 3, 2022, that:

"To date, UIN Malang has yet to have one-door service regulation, even though it has been stated in the guidelines of integrity zone since 2020. The leaders might be busy at that moment due to the reformation of leader position. For the time being, the services only have SOP based on the guidelines of ISO 9001: 2015."

Another interview was done with The Head of Internal Supervision Unit:

"UIN Malang has followed the integrity zone program held by The Ministry of Religious Affairs for two consecutive years, and has yet to fulfill the standard point of MenPAN-RB. One of the findings is that the university did not have one-door service standard and the minimum service standard. To date, the leader does not yet have the plan to provide the all-

in-one service. The complaint center also does not have the permanent staff, in other words, they are incidental.”

The leader’s commitment to establish the integrity zone must be executed following the already-made guidelines of ZI. Based on the FGD, there are several things related to the ZI commitment to improve the public service’s quality; (1) UIN Malang does not have service standard; and (2) UIN Malang has yet to make the excellent service standard (one of them is a one-door and integrated offline service).

Employing the Stufenbau concept (levels of regulation), Kelsen constructs the thoughts on juridical orders. This construction determines the stages of legislation. The whole system of legislation has a certain pyramidal structure (starting from the abstract one, that is *grundnorm*, to the concrete one, namely the constitution, the government regulation, and so forth). So, according to Kelsen, to distinguish whether a regulation is legal or not is by checking it through the Stufenbau logic, and the *grundnorm* becomes the main touchstone.

Based on the Stufenbau’s rule of law theory, UIN Maulana Malik Ibrahim Malang as one of the state officials in the education field obliges to execute the education in accordance with the Law No. 28 of 1999. In 2014, Menpan RB issued Permenpan RB No. 52 pf 2014 concerning The Guidelines to Establish an Integrity Zone towards a Corruption Free Area and a Clean and Serving Bureaucratic Area in a Government Institution. The regulation is a part of government’s commitment to build a bureaucratic reformation which is free from corruption and collusion.

Establishing the integrity zone as entrusted by The Regulation of the Ministry of State Apparatus Utilization and Bureaucratic Reform (abbreviated as Permenpan-RB) No. 52 of 2014 is to build an anti-bribery management system integrated in the public services system. The anti-bribery management system based on an international standard is written in the ISO 37001: 2016, which substantially is adopted by the integrity zone through the instrument of WBK (Corruption Free Area) and WBBM (Clean and Serving Bureaucratic Area).

ISO 37001: 2016 is the applicable standard only for handling bribery. This standard contains requirements and provides the guidelines of management system made for helping an institution to prevent, detect, and handle bribery, as well as to obey the law and regulation related to anti-bribery and appropriate voluntary commitment. This standard is actually not specified for bribery, cartel, and anti-alliance/competition violation, money laundry, or other activities related to corruption, even though the organization can enhance the scope from a management system to cover the activity. Organization for Economic Cooperation and Development (OECD) has made an anti-bribery guideline for the country in 1998 (Spahn, 2013: 13-16). The guideline of conflict management has also been made by OECD in 2003(OECD, 2003). The anti-bribery and corruption concept has been used by number of countries to be implemented in private sectors, companies, or government (Philippou, 2019: 83-99).

This standard’s requirement is generic and is meant to be utilized for all organizations (or part of organization), without considering type, size, and characteristic of the activities, for public, private, and non-profit sectors. UIN Malang has to make a guideline on an anti-bribery commitment via rector’s policy. The implicit anti-bribery policy regulated in the ZI policy has yet to show the commitment. The involvement of stakeholder in the form of bribery complaints in the service process should be regulated in the rector’s policy. Besides, the efforts of intense audit on quality service management made by external elements can prevent the bribery (Kubiciel, 2013: 213-219).

CLOSING

The service regulation in the educational institution under The Ministry of Religious Affairs, such as UIN Malang, to establish the integrity zone (or ZI) through a Corruption Free Area (WBK) and a Clean and Serving Bureaucratic Area (WBBM) must be made according to the rector's policy. UIN Malang must have the minimum service standard referring to Permen PAN-RB No. 10 of 2019 concerning The Guidelines to Establish an Integrity Zone towards WBK and WBMM in a Government Institution. To meet the international standard on anti-bribery management system, UIN Malang must also refer to ISO 37001: 2016. The rector's policy through a minimum service standard containing procedure transparency, time, and expense shows UIN Malang's serious attempt to provide excellent and corruption-free services and anti-bribery commitment. The division of structure of minimum service standard made by UIN Malang must be based on the organization and work procedure covering the *Tri Dharma* of higher education services.

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