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## **Institutional Design on Corruption Prevention Collaboration in South Sulawesi Province**

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**Abstract**--Prevention of corruption requires the involvement of all elements. This is because corruption has become an acute problem, especially in the auction of goods and services. The level of corruption in this sector based on data from the Corruption Eradication Commission (KPK) in 2020 is the second highest after bribery cases. The purpose of this study is to analyze the collaborative Institute Design model for preventing corruption in the procurement of goods and services in South Sulawesi Province. This study uses a descriptive qualitative research approach. Data collection techniques used in the form of interviews, literature study, observation, and documentation. The results of the study indicate that the Institute's Design for auctions of goods and services has not been optimal in realizing the Collaborative Prevention of corruption in the procurement of goods and services in the health sector in South Sulawesi Province. This is because although the auction of goods and services is open to the public to participate, there is no joint forum between auction organizers, law enforcement, providers and non-governmental organizations in preventing corruption. In addition, joint decisions across stakeholders are only at the central level and have not been implemented well to the regions. As for the transparent process, it has only been implemented at the elite and formalistic level but not yet at

the evaluation stage and there is still strong leadership intervention for technical implementers to commit fraud.

**Keywords**---Collaboration, Corruption, Institutional design.

## Introduction

The problem of corruption in Indonesia has seriously endangered the life of the nation, state, society and even in the global arena (Kadarisman, 2020) (Com Monweath Secretariat, 2016). Corruption has now occurred in almost all levels, both in government institutions both at the central and regional levels (Executive realm), people's representative institutions (Legislative realm) (People's Representative Council, People's Legislative Assembly, and Regional Representatives Council), in the judiciary (Legislative realm) Yudikatif) (Supreme Court, Constitutional Court), among State/Regional Owned Enterprises and in the private sector/entrepreneurs, as well as the community. Corruption in Indonesia is already systemic, meaning that criminal acts are carried out in all state institutions from the lowest to the highest levels, so that the realization of Good Governance through the administrative reform format is still difficult to realize (Sudrajat, 2009).

Djaya (2010:28) explains that <sup>5</sup> corruption in Indonesia has developed in three (3) stages, namely elitist, endemic, and systemic. At the elitist stage, corruption becomes a typical social pathology in the elite or official circles. At the endemic stage, endemic corruption reaches the wider community. It ends with the critical stage becoming systemic, when ever<sup>5</sup> individual in the system is infected with the same disease. Many people refer to the disease of corruption in this nation as the most critical stage, because almost every field of government organization cannot be free from corrupt behavior.

<sup>3</sup> Corruption as a power deviation behavior has the potential to be carried out by anyone, including the bureaucracy which should be the gatekeeper for the implementation of the anti-corruption spirit, even law enforcers. This shows that corruption is not only a legal issue, but also a cultural mentality issue. This means that people who really understand and understand the law can be caught in corruption cases, let alone others. If so, corruption is not just a legal issue and can only be approached from the legal aspect alone, but also other aspects that surround it. The legal aspect only sees corruption as a juridical problem by looking at behavior from a legal point of view. It is undeniable that corruption is a legal case, but simply seeing corruption from a legal perspective clearly simplifies the problem.

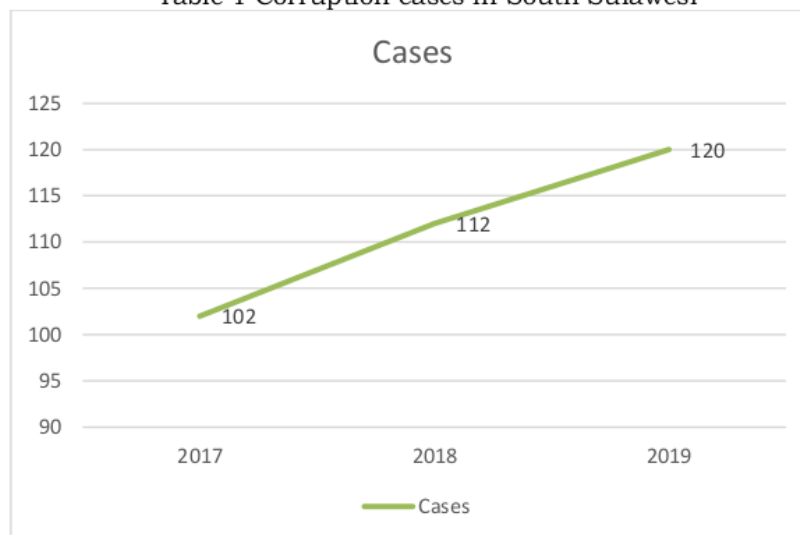
<sup>1</sup> Corruption always occurs in a bureaucratic environment. Not only because of the tendency of personal desire, but also a mentality construction that helps build a person's desire to commit corruption from the facilities or access to power he has.

According to Haryatmoko (2004:123), <sup>1</sup> corruption is simply understood as an attempt to use one's abilities, intervene because of his position to abuse information, decisions, influence, money or wealth for his own benefit. Therefore,

it is reasonable to say that every corruption cannot be separated from interaction with power. People who are involved in politics are still with the mentality of animal laborans (Hannah Arendt, 1958) whose orientation to the necessities of life and the obsession with the production-consumption cycle is still very dominant, which eventually becomes power politics and/or bureaucracy as the main place of livelihood. In such a position, the syndrome that eventually accompanies is corruption.

From the data of the State Police of the Republic of Indonesia, it is stated that the South Sulawesi Police managed to outperform 33 other Polda to rank in the settlement of corruption cases and saving state finances for FY 2020. This is stated in the telegram letter of the Chief of Police number: ST/114/I/RES.7.1./2021, January 21, 2020 addressed to all Kapolda throughout Indonesia as a form of appreciation for the leadership of the Police for the achievements of their personnel. How not, of the 59 corruption cases handled by the South Sulawesi Regional Police, 48 of them were successfully resolved or (81.4%) and managed to save state finances through confiscation/blocking of Rp. 15,322,774,235,- (fifteen billion three hundred twenty two million seven hundred seventy four thousand two hundred thirty five rupiah). Specifically, the increase in corruption data is as follows:

Table 1 Corruption cases in South Sulawesi



Source: Polda Sulsel 2020

This data shows that the achievements of the South Sulawesi Regional Police have not been able to suppress the increase in the number of corruption each year. In addition, the number of cases handled is still at 81.4%, so a more effective handling model is still needed to solve this problem.

To prevent and eradicate corruption, it is necessary to involve all parties. The involvement of all stakeholders as part of the prevention and eradication of corruption can be done with a collaboration model. This collaborative governance

is used to analyze the approach to preventing and eradicating corruption to support the realization of good governance. Ansell and Gash (2007:544) explain that collaborative governance is a process of collaborative activities by regulating a decision in the policy process carried out by several public institutions with other related parties and involved directly or indirectly with the aim of solving public problems.

Anis Wijayanti and Azhar Kasim (2021) explain that there are several obstacles that need to be fixed in preventing corruption from the perspective of: Collaborative Governance in the form of adjusting the legal umbrella, Fulfilling the quality and capacity of resources, Forming a model of civil society participation, Increasing the involvement of non-government actors, Increasing the involvement of K/L/PD and Measuring the impact of implementation.

The basis for cooperation in preventing corruption in the auction of goods and services is stated in the Joint Decree of the Chairperson of the Corruption Eradication Commission, the Minister of National Development Planning/Head of the National Development Planning Agency, the Minister of Home Affairs, the Minister for Empowerment of State Apparatus and Bureaucratic Reform, and the Chief of Presidential Staff on Actions to Prevent Corruption. Year 2019-2020. As for the specifics related to the auction of goods and services, it is stated in point 7, namely Increasing Professionalism and Modernization of Procurement of Goods and Services.

## Literature Review

### Collaborative governance

Collaborative governance according to Ansell and Gash (2007: 544) is a series of arrangements in which one or more public institutions directly involve non-state stakeholders in a formal, consensus-oriented and deliberative policy-making process that aims to make or implement public policies or regulate public program or asset.

According to Ansell and Gash, collaborative governance is a process of collaborative activity by regulating a decision in the policy process carried out by several public institutions with other related parties and involved directly or indirectly with the aim of solving public problems.

The Collaborative Governance model according to Ansell and Gash is that the initial conditions in a collaboration are influenced by several phenomena, namely the stakeholders have common interests and visions to be achieved, the history of past cooperation, mutual respect for the existing cooperation, the trust of each stakeholder, power imbalance, resources, and knowledge. Facilitative leadership is related to deliberation conducted by stakeholders, setting clear ground rules, building trust, facilitating dialogue between stakeholders and sharing mutual benefits. Institutional design relates to procedures and basic rules in collaboration for procedural legal collaboration processes, process transparency, participant inclusion, and forum exclusivity.

## Corruption

The problem of corruption in Indonesia has seriously endangered the life of the nation, state, society and even in the global arena (Kadarisman, 2020) (Com Monweath Secretariat, 2016). Corruption has now occurred in almost all levels, both in government institutions both at the central and regional levels (Executive realm), people's representative institutions (Legislative realm) (People's Representative Council, People's Legislative Assembly, and Regional Representatives Council), in the judiciary (Legislative realm) Yudikatif) (Supreme Court, Constitutional Court), among State/Regional Owned Enterprises and in the private sector/entrepreneurs, as well as the community. Corruption in Indonesia is already systemic, meaning that criminal acts are carried out in all state institutions from the lowest to the highest levels, so that the realization of Good Governance through the administrative reform format is still difficult to realize (Sudrajat, 2009).

Indonesia Corruption Watch (ICW) reports that the modes or methods of corruption that are often carried out include budget abuse, embezzlement, mark-ups, abuse of authority, fictitious reports, bribes or gratuities, extortion, mark-downs, extortion, and double budgets (Tashandra, 2016).

Setiyono (2017: 39–40) states that generally the mode of corruption that is often found in each case consists of four methods (modes), namely: Mark-up and mark-down, fictitious accountability, abuse of power, and embezzlement. Mark-up is done by increasing the budget for budgetary financing (expenditures) that are not supposed to benefit personal interests, and state finances or regional finances are harmed. Mark-down mode by lowering the value of potential income that is not based on field facts where there is an increase in income that exceeds the existing potential. Fictitious reports are often carried out by reporting budget realizations that are not based on reality. This mode is most common on official trips: Redundant (doubling) is done through doubling different types of budgets but for one function, for example, budget items for health insurance, but in other budget items a budget item appears with the name health insurance benefits. Actually, the budget post for health insurance and health insurance benefits is the same function, namely the budget for the health of legislative members. Another example, entrusting budget items to the executive or local government through institutional assistance budget items, Creating budget items that are not in accordance with statutory regulations, such as Government Regulation Number 110 of 2000 concerning the Financial Position of the Regional House of Representatives. Examples: allocating budget posts for retirement/retirement, and/or official residences which are only for the leadership of the DPR/DPRD but an official housing budget item is created for all members of the DPR/DPRD, Corruption in the finances of activity programs, such as falsification of official travel tickets, warrants fictitious business trips, and fictitious liability reports. This mode of corruption is generally carried out through manipulation of financial documents in the realization of the APBD, the implementation of fictitious activities to enrich oneself or a group of people to the detriment of regional finances or state finances.

Regulations related to eradicating corruption in Indonesia are contained in Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999, concerning the Eradication of Criminal Acts, Law Number 7 of 2006 concerning Ratification of the United Nations Convention Against Corruption 2003 and Law Number 19 of 2019 concerning the second amendment to Law Number 30 of 2002 concerning the Corruption Eradication Commission, Presidential Regulation (Perpres) Number 55 of 2012 concerning the National Strategy for Corruption Eradication and Prevention, and Presidential Regulation Number 54 of 2018 concerning the National Strategy for Corruption Prevention.

## Methods

This research is a type of descriptive research supported by qualitative data which in this study seeks to reveal the facts of a social phenomenon that occurs as it is and provide an objective picture of the circumstances or problems that may be faced naturally. The location of this research is in South Sulawesi Province. This research was conducted in the implementing unit for goods and services at the provincial and district levels in South Sulawesi. As for the district/city level based on the classification of the level of corruption, namely for the high category, namely Makassar City and Bulukumba Regency. For the medium category, namely Bone and Gowa districts and for the low category, namely Barru and Pangkep districts.

The data collection technique was carried out through the interview method and the interviewees were selected through a purposive sampling technique, namely by taking several people involved or knowing about the collaboration that was carried out. The data validity test used is source triangulation technique and technique triangulation. Meanwhile, the data analysis technique uses the Miles and Huberman data analysis model which consists of data collection, data reduction, data presentation and drawing conclusions.

## Results and Discussion

### ***Institutional Design Kolaborasi Prevention of corruption in procurement of goods and services in South Sulawesi Province***

Prevention of corruption in the auction process of goods and services has been carried out across sectors with a joint decision of the Chairperson of the Corruption Eradication Commission, the Minister of National Development Planning/Head of the National Development Planning Agency, the Minister of Home Affairs, the Minister for Empowerment of State Apparatus and Bureaucratic Reform, and the Chief of Presidential Staff regarding Corruption Prevention Action 2019-2020. This collaboration is carried out at the central level. Although the collaboration between implementing institutions and law enforcement should continue to the provincial and district/city levels. However, in its implementation in South Sulawesi, the cooperation between the auctioneers of goods and services does not have a formal cooperation, either through joint forums or joint decisions at the provincial and district/city levels in South Sulawesi.

The design of the institution implementing the auction of goods and services in South Sulawesi and at the district/city level is guided by the Presidential Regulation of the Republic of Indonesia Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 concerning the Procurement of Government Goods/Services. As for those involved in the auction of goods and services described in article 8, it is explained that the actors for the procurement of goods/services consist of budget users (PA), budget user power (KPA), commitment making officials (PPK), Procurement Officers, working group (Pokja) Election, Procurement Agent, Self-Management Operator; and Provider. For internal supervision, namely the Inspectorate and DPRD as well as for external supervision

### **Participant Inclusiveness**

The auctioneer of goods and services in South Sulawesi has provided access to the public to participate in becoming bidders as well as supervising the auction process. The executor also provides complaint and rebuttal services that are available in the online system.

Meanwhile, UKPBJ has prepared a facility to handle complaints related to problems with the SPSE application and its supporters, namely the Bidding Room. And you can also consult through the Helpdesk on the LPSE Support application. As for the objections from the tender participants to the rebuttal through the SPSE at the stage of the rebuttal period. For reports and complaints via PIP. UKPBJ Districts in South Sulawesi annually request APIP to conduct a Performance and Compliance Audit on the implementation of the Procurement of Goods and Services (PBJ). This is in line with the Monitoring Center for Prevention (MCP) Program of the Corruption Eradication Commission (KPK) which is carried out every year during the auction process. Commitment-making officials (PPK) are also given space to answer questions if needed.

For fraud reporting complaints, the South Sulawesi Inspectorate does not have a special complaint service. So that if there is an alleged corruption crime, the community will apply to report corruption to the South Sulawesi Police.

### **Forum exclusivity**

Institutions related to the organizers of auctions of goods and services at the provincial and district/city levels in South Sulawesi do not yet have a special forum. This is indicated by the absence of an MoU between the organizer of the auction of goods and services and law enforcement. However, several corruption prevention programs such as the goods and services procurement work unit (UKPBJ) participate in the Corruption Eradication Commission's (KPK) Monitoring Center for Prevention (MCP) Program which is conducted every year.

In particular, in the auction process there was no MoU, but at the time of signing the official integrity pact related to the prevention of corruption, it was included in it. Budget User Policy (PA)/Budget User Power (KPA) to request assistance in the process of procurement of goods and services to the Prosecutor's Office and the Government Goods/Services Procurement Policy Institute (LKPP) to prevent

things like the above from happening. This is in accordance with PerkaLKPP 12/2021 regulations, the legal requirement for service providers/business actors is to sign an integrity pact to prevent collusion, corruption and nepotism (KKN) practices with a copy to APIP.

### **Clear ground rules**

The rules used in conducting the auction process for goods and services are Presidential Regulation No. 12 of 2021 which is a change from Presidential Regulation No. 12 of 2018 concerning goods and services. As for the technical instructions contained in the LKPP regulation number 12 of 2021. As for specifically related to strategic plans for efforts to prevent and eradicate corruption at the Inspectorate, there are none, but in general all forms of program implementation and activities carried out by the Inspectorate one of which leads to prevention. and eradicating corruption considering that one of the Inspectorates is an early warning. UKPBJ in carrying out its main tasks and functions, apart from having standard operating procedures (SOP) for Administration (general), it also has a technical SOP set by the Regional Secretary.

The rules for preventing corruption are contained in the Joint Decree of the Chairperson of the Corruption Eradication Commission, the Minister of National Development Planning/Head of the National Development Planning Agency, the Minister of Home Affairs, the Minister for Empowerment of State Apparatuses and Bureaucratic Reform, and the Chief of Presidential Staff on Corruption Prevention Actions for 2019-2020. As for the specifics related to the auction of goods and services, it is stated in point 7, namely Increasing Professionalism and Modernization of Procurement of Goods and Services. However, this joint decision only applies at the central level and there is no technical cooperation at the provincial and district/city levels.

### **Process Transparency**

The auction of goods and services in South Sulawesi is carried out based on Presidential Regulation 16/18 UKPBJ which emphasizes more transparent, open, and competitive procurement of goods and services. At the procurement preparation stage, UKPBJ facilitates regional apparatus organizations (OPD) consisting of budget users (PA) and commitment-making officials (PPK) in announcing the General Procurement Plan (RUP) at the SiRUP, and at the stage of selecting the work unit organizing the auction of goods and services. (UKPBJ) organizes tenders and non-tenders through SPSE.

In e-Procurement, it provides convenience and is widely open for the public to access information related to the procurement of goods/services. All processes occur through an application that can be accessed by participants according to a schedule. carried out according to procedures, starting from preparation for procurement such as KAK review, determination of HPS, preparation of contract designs, determination of Detail Engineering Design (DED) (for construction), etc. After that, the auction was carried out by UKPBJ.

Accountably, the Procurement Service Unit (ULP/Pokja) is also obliged to review tender documents in a transparent manner by uploading all activities in the Electronic Procurement Service (LPSE). However, the transparency of the auction process for goods and services in South Sulawesi province contained in the LPSE can be accessed by the public except for the evaluation process. This evaluation process can only be accessed by auction organizers and the Government Internal Supervisory Apparatus (APIP) consisting of the Financial and Development Supervisory Agency (BPKP), provincial and district/municipal inspectorates. Law enforcers and the public have not been given access to conduct surveillance. In addition, there is still a growing opinion that the auction process is only transparent at the elite and formalistic level, but there are still many that are entrusted by technical implementers due to leadership intervention.

### Conclusion

The institutional design of the auction of goods and services has not been optimal in realizing the Collaboration on Prevention of corruption in the procurement of goods and services in the Health sector in South Sulawesi Province. This is because although the auction of goods and services is open to the public to participate, there is no joint forum between auction organizers, law enforcement, providers and non-governmental organizations in preventing corruption. In addition, joint decisions across stakeholders are only at the central level and have not been implemented well to the regions. As for the transparent process, it has only been implemented at the elite and formalistic level but not yet at the evaluation stage and there is still strong leadership intervention for technical implementers to commit fraud.

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