

Bridging Regulatory Principles and Practice Through Transparency and Anti-Corruption Measures

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Abstract

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Anti-corruption and transparency principles are fundamental components in establishing a clean and accountable governance system. This study aims to analyze the phenomenon of implementation and the challenges in applying anti-corruption and transparency principles in public services based on three key regulations, namely Law Number 28 of 1999 concerning the Administration of a Clean and Corruption, Colusion and Nepotisme, Law Number 14 of 2008 concerning Public Information Disclosure, and Law Number 25 of 2009 concerning Public Services. Using a normative juridical method with conceptual and statutory approaches, this research examines the legal norms governing integrity, openness, and the accountability of state administrators. The findings indicate that although these regulations provide a strong normative foundation for strengthening governance, their implementation continues to face structural and cultural obstacles. The identified phenomena reveal gaps between legal principles and administrative practice, including weak oversight, resistance to transparency, and the suboptimal digitalization of public services. The urgency of legal reconstruction emphasizes preventive supervision, digital openness enhancement, and the development of an integrity-based bureaucratic culture.



1. Introduction

The phenomenon of corruption and weak transparency in public services remains a serious challenge in the development of good governance. Corruption not only has an impact on state financial losses but also erodes public trust in state institutions. In this context, transparency, accountability, and community participation are key elements in realizing clean and effective public services. The Government of Indonesia has adopted various policies and regulations to strengthen the corruption prevention system and improve the transparency of public services, including Law No. 28 of 1999 concerning a Clean and Corruption, Collusion, and Nepotism (CCN)-Free State Administration, Law No. 14 of 2008 concerning Public Information Disclosure, and Law No. 25 of 2009 concerning Public Services.

The effort to strengthen public integrity, as mandated by Law No. 28 of 1999, asserts that every state administrator must implement the principles of openness, accountability, and responsibility in carrying out public functions.¹ This indicates that the eradication of corruption is not sufficient through a repressive approach but must be preventive and systemic by building a culture of transparency. In this regard, transparency becomes the main instrument for supervising state administration and reducing the potential for abuse of power.²

Furthermore, Law No. 14 of 2008 concerning Public Information Disclosure is present to provide legal assurance for the public's right to obtain information. This

¹ Dera Izhar Hasanah. "Moral dan etika birokrasi dalam Pelayanan publik." *JISIPOL| Jurnal Ilmu Sosial Dan Ilmu Politik* 3, no. 1 (2019): 48-58.

² Albert Meijer, Paul 't Hart, and Ben Worthy. "Assessing government transparency: An interpretive framework." *Administration & Society* 50, no. 4 (2018): 501-526.

principle of information disclosure is a concrete step in encouraging public participation and increasing the accountability of public institutions. According to Saraswati,³ public information disclosure can significantly strengthen the community's supervisory system over the bureaucracy and serve as a means to suppress the potential for corruption that arises due to lack of access to information. With the right to information, the community can actively participate in evaluating the performance of state apparatus.

Meanwhile, Law No. 25 of 2009 concerning Public Services is the legal basis for implementing public services that are effective, transparent, and responsive to community needs. This law affirms the obligation of public service providers to establish service standards and provide clear complaint mechanisms. As stated by Bisri and Asmoro,⁴ the application of the principle of transparency in public services not only strengthens public trust but also becomes an important indicator in the evaluation of bureaucratic reform. In practice, the synergy between these three laws reflects the government's efforts to build a governance system based on integrity and openness.

However, the phenomenon of corruption in the public sector has not been entirely suppressed, despite the existence of various legal instruments that regulate it. There is still a gap between legal norms and their implementation in the field. Factors such as weak internal supervision, low legal awareness among apparatus, and

³ Dewi Saraswati. "Public Information Disclosure in Good Governance for The Prevention of Corruption in Indonesia (Study: The Implementation of Public Information Disclosure in LIPI)." *Asia Pacific Fraud Journal* 2, no. 2 (2017): 193-201.

⁴ Mashur Hasan Bisri and Bramantyo Tri Asmoro. "Etika pelayanan publik di Indonesia." *Journal of Governance Innovation* 1, no. 1 (2019): 59-76.

resistance to transparency often become major obstacles.⁵ This indicates that the existence of regulations does not necessarily guarantee a change in bureaucratic behavior, but requires political commitment, a clean organizational culture, and a consistent system.

Furthermore, challenges in the application of anti-corruption principles and transparency are not only related to regulation but also to social and institutional aspects. According to Zacka,⁶ public bureaucracy often faces a dilemma between administrative interests and public moral demands. In this context, a reconstruction of the public service paradigm is needed, one that places transparency as a basic value, not merely an administrative obligation.

Thus, this research seeks to examine juridically-normatively how the phenomenon of implementing anti-corruption and transparency principles in public services, as regulated in the three aforementioned laws, unfolds, as well as analyzing the challenges and the urgency of legal reconstruction in their application.

2. Methods

This research uses a normative juridical approach, which is a legal research method that focuses on the study of norms, principles, and legal principles applicable in statutory regulations. This approach is used because the issues discussed are related to positive legal norms that regulate the principles of anti-corruption and transparency in the administration of public services. The normative juridical

⁵ Rodi Wahyudi. "Maladministrasi Birokrasi di Indonesia Dalam Perspektif Sejarah." *Jurnal Niara* 13, no. 1 (2020): 145-154.

⁶ Bernardo Zacka. *When the state meets the street: Public service and moral agency*. Harvard University Press, 2017.

approach views law as a system of norms that must be systematically analyzed to understand the substance, suitability, and effectiveness of its application in the social and institutional context of government. Thus, this research does not emphasize empirical field data but focuses on the study of doctrinal and conceptual legal materials.

The legal materials used in this research include primary, secondary, and tertiary legal materials. Primary legal materials cover various statutory regulations that form the basis of the analysis, such as Law No. 28 of 1999 concerning a Clean and CCN-Free State Administration, Law No. 14 of 2008 concerning Public Information Disclosure, and Law No. 25 of 2009 concerning Public Services. These three laws are the main objects of study to examine the extent to which these legal norms provide a foundation for building a transparent and corruption-free government system. Secondary legal materials are used to strengthen the analysis of legal texts, including academic literature, scientific journals, opinions of experts, and relevant previous research results. Tertiary legal materials include legal dictionaries, legal encyclopedias, and supporting documents that help provide terminological explanations for key concepts.

Data collection techniques in this research were carried out through library research by tracing relevant legal sources and scientific literature. The data obtained were analyzed using a qualitative descriptive analysis method, which involves describing, elaborating, and interpreting the content of legal norms and their relationship with the principles of anti-corruption and transparency in public services. The analysis was conducted systematically to assess the compatibility

between the norms contained in the laws and the principles of good governance and the actual needs of the community for clean and accountable public services.

In addition, this research also uses a conceptual approach as a complement to the normative approach, to understand the substantive meaning of the principles of transparency and accountability in the context of public administration law. This approach is necessary so that the discussion is not only textual regarding legal norms but is also able to explain the philosophical basis and purpose of their formation. Thus, the research results are expected to provide a comprehensive picture of the relationship between legal norms and their implementation in the bureaucratic system, and to find potential legal reconstruction that is more effective in encouraging a culture of anti-corruption and transparency in the public service environment.

3. Results and Discussion

3.1. The Phenomenon of Implementing Anti-Corruption and Transparency Principles Based on Existing Laws

The phenomenon of implementing anti-corruption and transparency principles in public services in Indonesia reflects the dynamic relationship between legal norms and bureaucratic practice. Although the regulatory framework governed by Law No. 28 of 1999, Law No. 14 of 2008, and Law No. 25 of 2009 has provided a clear direction for clean and accountable government administration, its implementation in the field often does not align with the spirit of these laws. This is

evident from the persistence of disparity between legal idealism and the administrative reality faced by the public in accessing public services.

Normatively, these three laws have built a strong legal foundation. Law No. 28 of 1999 emphasizes the importance of integrity among state administrators through the principles of transparency, accountability, and moral responsibility. This principle places state administrators as public servants who must be free from practices of corruption, collusion, and nepotism. According to Hartati,⁷ this regulation reflects the government's commitment to reorganize the behavior of the state apparatus to align with public morality values and the principles of good governance. However, even though the norms are clear, their implementation is often hindered by weak internal supervision and low ethical awareness among public officials.

Meanwhile, Law No. 14 of 2008 concerning Public Information Disclosure (KIP) provides the legal right for the public to access information from public bodies as a form of participation in oversight. According to Mustofa,⁸ information disclosure is a crucial instrument in creating transparent government because it opens space for the public to control budget usage and the performance of public institutions. The phenomenon that emerges shows that even though access to information is legally guaranteed, in practice, the public often faces administrative and technical constraints when requesting public information. This indicates a gap

⁷ Sri Hartati. "Penerapan model New Public Management (NPM) dalam reformasi birokrasi di Indonesia." *Jurnal MSDA (Manajemen Sumber Daya Aparatur)* 8, no. 2 (2020): 65-84.

⁸ Mustofa, Syahrul. *Hukum Keterbukaan Informasi Publik di Indonesia*. Jakarta: Spasi Media, 2020.

between normative regulation and bureaucratic implementation that is not fully ready to implement the principle of openness.

On the other hand, Law No. 25 of 2009 concerning Public Services contains provisions that require every organizing institution to have transparent, measurable, and accountable service standards. The goal is to create legal certainty for the public and encourage bureaucratic professionalism. However, a frequent phenomenon is the discrepancy between the established service standards and the reality of their implementation in the field. As stated by Engin and Treleven,⁹ many public agencies have not yet established effective complaint mechanisms, and have not optimized information technology to support service transparency. As a result, the public often does not receive services that meet the standards, and the potential for maladministration remains quite high.

Conceptually, the principle of transparency in public services is not only a matter of access to information but also concerns process openness, procedural clarity, and accountability of results. Altayar,¹⁰ states that the success of implementing the transparency principle highly depends on institutional commitment and organizational culture. In many cases, bureaucratic reform in Indonesia is still formalistic it emphasizes the fulfillment of administrative procedures rather than changes in the values and behavior of bureaucrats. This

⁹ Zeynep Engin and Philip Treleaven. "Algorithmic government: Automating public services and supporting civil servants in using data science technologies." *The Computer Journal* 62, no. 3 (2019): 448-460.

¹⁰ Mohammed Saleh Altayar. "Motivations for open data adoption: An institutional theory perspective." *Government Information Quarterly* 35, no. 4 (2018): 633-643.

phenomenon indicates that the existence of laws has not been fully capable of forming new value systems within the public service structure.

Furthermore, in the context of anti-corruption, the application of the principles regulated in Law No. 28 of 1999 is often still declarative. The public does have mechanisms to report alleged violations, but their effectiveness depends on the performance of internal and external oversight institutions. According to Castro et al.¹¹ the success of anti-corruption efforts is highly determined by the consistency between legal rules and the integrity of the individual implementers. When legal norms are not supported by strong incentive and sanction systems, the potential for deviation remains open.

Another noteworthy phenomenon is the inconsistency in coordination between public institutions in carrying out the principles of openness and accountability. In several sectors, such as administrative services and public resource management, transparency mechanisms often operate partially. This creates space for non-transparent practices that can potentially become loopholes for corruption or abuse of authority. Thus, although Indonesia normatively possesses adequate legal instruments, their implementation still faces complex systemic and cultural challenges.

From these various phenomena, it can be concluded that the legal system designed through these three laws indeed has clear normative power but is not yet fully effective in implementation. The weakness occurs not in the substance of the

¹¹ Patricia Reis Castro, Juliana Ventura Amaral, and Reinaldo Guerreiro. "Adherence to the compliance program of Brazil's anti-corruption law and internal controls implementation." *Revista Contabilidade & Finanças* 30 (2019): 186-201.

law, but at the level of internalizing anti-corruption and transparency values within the bureaucratic culture. Therefore, the evaluation of the implementation of the laws needs to be directed not only at the regulatory aspect but also at the transformation of values, oversight mechanisms, and the active role of the community in enforcing the principles of good governance.

3.2. Challenges, Urgency, and Reconstruction of Anti-Corruption and Transparency Principles in Public Services

The challenges of implementing the principles of anti-corruption and transparency in public services originate not only from the normative legal aspects but also from structural, cultural, and institutional dimensions. Although Law No. 28 of 1999, Law No. 14 of 2008, and Law No. 25 of 2009 have provided a strong legal foundation, the reality of the bureaucracy in Indonesia shows that the implementation of these principles still faces serious obstacles. One of the biggest challenges is the weak institutional commitment to translate legal values into consistent and sustainable administrative actions. As stated by Rusdiana et al.¹² the success of regulation is highly dependent on the political will of the government and the integrity of bureaucratic actors in executing legal rules transparently and free from personal interests.

Another significant constraint is the bureaucratic culture that is still closed and hierarchical, which often hinders the flow of information and reduces public

¹² Emmilia Rusdiana, Pudji Astuti, Nurul Hikmah, and Gelar Ali Ahmad. "Hambatan Implementasi Pencegahan Tindak Pidana Korupsi pada Pelaksanaan Program Dana Desa di Kabupaten Gresik." *Law, Development and Justice Review* 3, no. 1 (2020): 29-41.

participation. In this context, the implementation of Law No. 14 of 2008 concerning Public Information Disclosure still faces resistance, especially in institutions that do not yet have adequate digital information mechanisms. According to Saputra,¹³ public transparency in Indonesia is often perceived as a threat to administrative authority, rather than a moral obligation for accountability. This condition indicates that a paradigm shift in the bureaucracy is an urgent factor to ensure the success of implementing the principle of information disclosure.

Furthermore, challenges also arise from the lack of strict supervision and law enforcement against violations of anti-corruption and public service principles. Law No. 28 of 1999 has actually provided a basis for internal and external supervision systems for public officials, but its effectiveness is often weakened by the lack of strict sanctions and poor coordination among supervisory institutions. According to Pujiyono et al.¹⁴ anti-corruption efforts often only focus on repressive actions after violations, rather than on prevention based on systems and values. Therefore, a policy reconstruction is needed that emphasizes strengthening preventive supervision systems based on technology and community involvement.

The urgency of implementing anti-corruption and transparency principles is increasing in line with public demands for clean, efficient, and participatory governance. In the digital era, the public demands fast and open access to information. However, the readiness of information technology infrastructure in

¹³ Wahyu Saputra. "Implementasi Undang-Undang Keterbukaan Informasi Publik Dan Transparansi Pelayanan Publik Di Jawa Timur." *Al-Adabija: Jurnal Kebudayaan dan Keagamaan* 14, no. 01 (2019): 31-48.

¹⁴ Pujiyono Pujiyono, Fajar A. Setiawan, and David MT Hutabarat. "A New Approach to Prevent Corruption in Indonesia: A Case Study on TP4 in Central Java, Indonesia." *Journal of Social Studies Education Research* 10, no. 1 (2019): 93-115.

public institutions is still uneven. According to Sumardi,¹⁵ the implementation of e-government and open data is a key strategy in encouraging bureaucratic transparency, but its implementation is often constrained by limited human resources and internal resistance to digital change. Therefore, strengthening the capacity of the apparatus in the fields of technology and information management is a necessity so that transparency does not stop at the normative level.

From a legal reconstruction perspective, an approach is needed that not only strengthens the regulatory aspect but also builds an ecosystem of values and behavior in the bureaucracy that is integrated. Regulatory reform needs to be directed at perfecting public accountability mechanisms, increasing budget transparency, and applying an integrity system in every public service institution. According to Fadhil,¹⁶ the legal reconstruction of anti-corruption must be oriented towards the integration between legal norms and performance management, where transparency is not only viewed as an administrative obligation but as a moral evaluation tool for public services. This can be realized through the implementation of digital reporting systems that allow the public to directly monitor bureaucratic performance.

Institutional reconstruction is also an important factor in strengthening the implementation of anti-corruption and transparency principles. Synergy is needed among institutions such as the Ombudsman, Information Commission, and internal government supervisory apparatus to avoid overlapping functions and strengthen

¹⁵ Sumardi Sumardi, Adi Nawir, and Suardi Mukhlis. "Analisis Transformasi Birokrasi Melalui Pengembangan e-Government di Indonesia." *Journal of Government Insight* 1, no. 2 (2021): 84-91.

¹⁶ Moh Fadhil. "Pendidikan Agama Islam, Internalisasi Nilai-Nilai Anti Korupsi dan Pencegahan Tindak Pidana Korupsi." *Jurnal JRTIE* 2, no. 1 (2019).

the effectiveness of supervision. Furthermore, increasing public legal literacy also has a strategic role so that citizens can effectively use their rights in accordance with the Public Information Disclosure Law. As stated by Mustanir et al.¹⁷ empowering the community to control the performance of public institutions is the main foundation for realizing clean and responsive governance.

Thus, the implementation of anti-corruption and transparency principles in public services requires a comprehensive approach. It is not enough just to strengthen legal instruments, but also to improve bureaucratic behavior, enhance the quality of supervision, and expand public participation. Sustainable reform requires a balance between strict regulation, effective oversight mechanisms, and an organizational culture open to accountability. Without strong political and moral commitment, the law will lose its power as an instrument of social change. Therefore, legal reconstruction must be directed toward building a public governance system that not only adheres to rules but is also rooted in the values of integrity and honesty in serving the community.

4. Conclusion

The principles of anti-corruption and transparency in public services are two main pillars in realizing clean, accountable, and community-oriented governance. Through Law No. 28 of 1999, Law No. 14 of 2008, and Law No. 25 of 2009, the state has established a strong normative basis to ensure the administration of public

¹⁷ Ahmad Mustanir, Zainuddin Samad, Abdul Jabbar, Monalisa Ibrahim, and Juniati Juniati. "Kepemimpinan Lurah Terhadap Pemberdayaan Masyarakat Di Kelurahan Lautang Benteng Kabupaten Sidenreng Rappang." *Journal of Social Politics and Governance (JSPG)* 1, no. 2 (2019): 99-118.

services operates according to the principles of integrity and openness. Nevertheless, the effectiveness of the implementation of these three laws still faces various challenges, especially those stemming from weak supervision, bureaucratic resistance to transparency, and the suboptimal utilization of information technology in supporting service openness.

The phenomenon that occurs indicates that the main problem lies not in the lack of regulation, but in the gap between legal norms and the reality of implementation. Therefore, legal reconstruction efforts need to be directed at forming a more integrated system of values, behavior, and institutions. Government commitment, the integrity of the state apparatus, and active public participation are the main prerequisites for the success of fair and corruption-free public service reform. With a consistent and sustainable approach, the principles of anti-corruption and transparency will not only be normative slogans but can be realized as a living legal culture rooted in Indonesian bureaucratic practice.

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