

EXISTENCE OF THE MAX WEB BUREAUCRATIC CONCEPT AS AGENT OF CHANGE OF BUREAUCRATION REFORM IN INDONESIA

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A. INTRODUCTION

In the time when the reformation era begins, various issues or thoughts were raised by experts related to how to achieve good governance, including bureaucratic reform. These efforts are gradually carried out not only by the central government but also the regional governments (Provinces and Districts/Cities).

Empirically, the bureaucracy is identical with the government civil servant which has three dimensions of organization, human resources, and management (Kristiadi in Thoha and Agus Dharma, 1999). In government, the dimensions are known as institutions, staffing and management, which are elements of state administration; presumably these dimensions can be added to the culture / mind set.

The legal rational concept of Max Weber's bureaucracy is actualized in Indonesia with various disadvantages and advantages as seen from bureaucratic behavior. This bureaucratic behavior arises when interactions occur between individual characteristics and bureaucratic characteristics, moreover, with the developing issues and current law enforcement related to bureaucratic pathology.

Gradually in Indonesia, bureaucratic reform is carried out in the institutional dimension, civil servants and management resources, both by the central government and regional governments. Moreover, it is in line with the statement written in Law Number 17 of 2007 concerning about the National Long Term Development Plan for 2005-2025 which states that: "The development of state civil servant is carried out through bureaucratic reform to improve the professionalism of the state apparatus and to realize good governance, both at the center and in the regions".

In relation to the bureaucracy reform, the central government regulates legislation known as the pillars of bureaucratic reform namely: 1) the Public Service Bill; 2) Government Administration Bill; 3) State Administration Ethics Bill; 4) State Civil Service Bill; 5) State Ministry Bill; 6) Draft Bill on Authority Relations between the Central Government and Regional Governments; 7) Public/Nonprofit Service Agency Bill; 8) National Oversight System Bill; and 9) State Administration Accountability Bill.

THEORITICAL FRAMEWORK

a) Max Weber Concept

Max Weber created a model of the ideal type of bureaucracy that explains that a bureaucracy or administration has a definite form in which all functions are carried out in rational ways. According to him, the ideal type can be used to compare bureaucracy between one organization and another. According to Max Weber in Thoha (2003) that the ideal type of rational bureaucracy is carried out in the following ways:

First, individual officials are personally free, but are limited by their positions when

they carry out their duties or individual interests in their positions. Officials are not free to use their positions for their personal needs and interests including their families.

Second, the positions are arranged in hierarchical levels from top to bottom and to the side. Consequently there are positions of superiors and subordinates, and there are also those who hold more power and some are smaller.

Third, the duties and functions of each of the position in the office are specifically different from each other.

Fourth, every official has a position contract that must be executed. Job

description of each official is a domain that becomes their authority and responsibility that must be carried out in accordance with the contract.

Fifth, every official is selected on the basis of his professional qualifications, ideally this is done through competitive examinations.

Sixth, every official has a salary including the right to receive a pension in accordance with the level of his hierarchy position. Each official can decide to leave his job and his position based on his wishes and his contract can be terminated in certain circumstances.

Seventh, there is a clear structure of career development with promotions based on seniority and merit in accordance with objective considerations.

Eighth, every official is not justified in carrying out his position and his institution's resources for his personal and family interests.

Ninth, every official is under the control and supervision of a system carried out in a disciplined manner.

In addition, the prominent characteristic of Max Weber concept (Thoha, 1991) states that:

- 1) There must be a principle certainty of matters of service, regulated by law, which is usually manifested in various administrative regulations or provisions.
- 2) There should be principle level of service and level of authority so that there is harmony and rationality in the field of work.
- 3) Modern management must be based on written documents.
- 4) Specialization in management or organization must be supported by trained expertise.
- 5) The working relationship between people in an organization is based on an impersonal principle.
- 6) Those fifth application are all tied to government organizations that cannot be separated from the government activities.

In connection with government organizations, there are three things of authority which become the sources of legitimacy for the government (Max Weber in Thoha, 1991), namely:

a) Traditional Authority

It claims the legitimacy on the basis of authenticity and controlling power inherited from the past and still considered to exist or is valid until now. This will create intensive personal relationships between superiors and subordinates.

b) Charismatic authority.

It has very personal nature derives its authority from the personal qualities carried out from birth, which can lead to loyalty from its followers. In terms of being charismatics, there is no rules of hierarchy and formality, except for the basic wish for followers' loyalty to charismatic leaders.

c) Rational legal authority.

It does not only need social organizations based on stability but also provides opportunities for change.

The nature of personal authority that intensively develops in relation with charismatic situation and the use of personal power in the Traditional system gives way to impersonal authority that comes from regulations.

Furthermore, Max Weber argues that legitimacy is the basis of almost all authority systems, with five items of legitimacy related to authority (Albrow, 1996), namely:

- a) Legitimate regulations, so it can demand compliance from members of the organization.
- b) Law is a system of abstract rules that are set in certain cases, while administration takes care of organizational interests within the legal limits.
- c) Humans who exercise authority also have an impersonal order.
- d) Only qua members who truly obey the law.
- e) Compliance should not be the impersonal order that guarantees him to take a position in the field of work.

Albrow (1996) puts forward Weber's formulation of eight propositions concerning about the preparation of a system of legal authority on the basis of legitimacy conceptions, namely:

- 1) The duties of officials are organized based on continuous rules.
- 2) The tasks are divided into areas that are

differentiated according to function, each of which is equipped with the terms of authority and sanctions.

- 3) Positions are arranged hierarchically, control rights and complaints between them are detailed.
- 4) Rules that are in accordance with work are directed both technically and legally. A trained human being is highly needed.
- 5) Organizational resources are very different from those originating from members of some private individuals.
- 6) The holder of office is not in accordance with his position.
- 7) Administration is based on written documents and this tends to make the office the center of modern organizations.
- 8) The systems of legal authority can take many forms, but are seen in their original form, namely in a bureaucratic administrative staff.

Furthermore, Max Weber in Thoha (1991) stated that there are two things in principles of application of bureaucratic conception in office as follows:

1. Job training must be a program that is obliged to occupy a position for a certain period.
2. Personal positions in an agency must be patterned as follows:
 - a) It should have and enjoy a social esteem that can be distinguished from the one served, for a social position guaranteed by the rules of regulation and for political office guaranteed by the provisions of the existed law or legislation.
 - b) The original form of bureaucratic position must be appointed by a higher authority.
 - c) Under normal circumstances, the position is held throughout life.
 - d) Officials receive regular and certain salaries.
 - e) Position is arranged for a career in hierarchical arrangement in government agencies.

Weber argues that rational bureaucracy is increasingly important, which has a set of features of determination, continuity, discipline of power, stability (reliability) that make it technically the most satisfying form of organization, both for authorities and for

all other interest groups (Albrow, 1996). There are three reasons for Weber's concept of legitimacy which supports legal authority as rational, namely:

1. It includes the idea that both goals and values can be formulated in a legal rule or legal code.
2. The abstract legal regulations are applied to certain cases, while the administration includes the achievement of interests within the framework.
3. The obligation of persons in such a system is limited to specific tasks.

The formal rationality of bureaucracy is the application of regulations based on expertise. The essence of the idea of correct calculation is good according to numerical terms such as accountants and in terms of logic. This can be needed even though it is not a suitable condition for achieving goals and can even clash with material rationality if the values and beliefs of a society are known to be clearly based on logic, calculation and scientific knowledge. In other words, the process of rationality in society has developed, then the bureaucracy can run effectively (Albrow, 1996).

Max Weber in Albrow (1996) suggested a mechanism to limit the scope of authority systems in general and the bureaucracy in particular which are grouped into the following five categories:

1. Collegiality, bureaucracy in the sense of each stage of a person's hierarchy and only one person has the responsibility to make decisions; if other people are involved in decision making, collegiality is carried out.
2. Separation of power, the division of responsibility for the same function between two bodies or more. Any decision requires a compromise between these bodies to be achieved.
3. Amateur administration, when a government does not hire its administrators, then government depends on people who have resources that can enable them to spend time in unpaid activities; but these amateurs are assisted by professionals, the real decision is made by professionals.
4. Direct democracy, there are several ways

that ensure that officials are guided directly by and can be accounted for in an assembly. In this part, it needs people who are experts as decision makers.

5. Representations (representatives), collegial representative bodies whose members are elected by voting and are free to make decisions and hold the authority together with those who have chosen them.

b) Bureaucratic Behavior

Organization, administration and bureaucracy are both systems. The organization is a collection of people who have certain attitudes and behaviors in working together to achieve a certain goal. While administration is a system in working together that facilitates the effort to achieve organizational goals. Similarly, the bureaucracy is a system that tries to understand the behaviors within an organization that can remain rational so that it effectively reaches the goals of the organization (Thoha, 1991).

Behavior is a function of the interaction between an individual and his environment, taken from a psychological formula. Thus, bureaucratic behavior is essentially the result of interactions between individuals and their organizations.

Individuals are brought into a bureaucratic structure that is characterized by the existence of abilities, needs, beliefs, experiences, expectations and others. Whereas, bureaucracy as a system to rationalize organizations is also characterized by the existence of order manifested in hierarchical arrangements, the division of labor, the existence of tasks, the existence of authority, the existence of responsibilities, the existence of a reward system and a control system, etc. (Thoha, 1991). When individual characteristics interact with bureaucratic characteristics, bureaucratic behavior arises.

c) Bureaucratic Pathology

Bureaucratic behavior will occur both when both individual characteristics and interacting bureaucracy are fulfilled well and vice versa, when it is not achieved, there will be

unexpected bureaucratic behavior, even bureaucratic pathology will emerge.

Pathology means the science of medicine (medical science). It is in purpose to find out various types of diseases that might be suffered by humans, although at the same time it is understandable that no human being suffers from all types of the disease. Such analogy also applies to a bureaucracy, meaning that all state government bureaucracies are able to face a variety of challenges that may arise, whether political, economic, socio-cultural and technological, moreover, various diseases that may have suffered or threaten to attack them, need to be identified then the most effective treatment therapy is sought and might be applied.

It must be admitted that there is no bureaucracy that is completely free of various bureaucratic pathologies; on the contrary, there is no bureaucracy that suffers from all bureaucratic ailments at once (Siagian, 1994).

Siagian (1994) suggests that various bureaucratic pathologies can be categorized into five groups below:

1. Pathology that arises because of the perception and managerial style of officials in the bureaucratic environment, for example: 1) Abuse of authority; 2) Perceptions based on prejudice; 3) Conflict of interest; 4) Receiving bribes; 5) Fear of change, innovation; 6) Arrogant attitude; 7) Deception; 8) Blaming others; 9) Lack of commitment; and 10) Ignorance of criticism and suggestions.
2. Pathology caused by lack of knowledge and skills of the officers implementing various operational activities, for example: 1) Inaccuracy; 2) Self-satisfaction; 3) Act without thinking; Counter productive action (time lapse); 4) Learning disabilities; 5) Undecided attitude; 6) Less initiative; 7) Inability to describe leadership policies; 8) Irregularities; and 9) Carry out irrelevant activities.
3. Pathology that arises because of the actions of members of the bureaucracy that violate legal norms and valid legislation, for example: 1) Fattening

- costs; 2) Receiving bribes; 3) Dishonesty; 4) Corruption; 5) Crime; 6) Deception; 7) Cleptocracy (stealing); 8) Fictitious contracts; 9) Sabotage; and 10) Wrong book arrangement.
4. Pathology that is manifested in the behavior of bureaucrats that are dysfunctional or negative, for example: 1) Acting arbitrarily; 2) Pretend to be busy; 3) Conspiracy (conspiracy); 4) Fear attitude; 5) Decreasing the quality of work; 6) Not polite; 7) Discrimination; 8) Non-discipline; 9) Insensitive; and 10) Low sense of responsibility.
 5. Pathology which is the result of internal situations in various agencies within the government environment, for example: 1) Placement of inappropriate goals and objectives; 2) Exploitation (abuse / position / authority); 3) Extortion (form of extortion); 4) Not responsive; 5) Covert unemployment; 6) Inappropriate motivation; 7) Inadequate working conditions; 8) spoil system; 9) Miscommunication; and 10) Workload that is too heavy.

In the current era, various media arise some issues concerning about bureaucratic pathology in Indonesia, both corruption-collusion-nepotism (KKN), abuse of authority, gratification, etc, and the application of sanctions/law enforcement.

d) Bureaucratic Reform

Bureaucratic reform is one of administrative reforms (Trilestari, 2008). The main buffer for reform is good governance, one of the main bases of which is good bureaucracy. With good governance and supported by bureaucracy in accordance with the demands of the 21st century, sustainable governance can be realized to carry out the mandate of the people (Azizy, 2007). This is in line with the goal of bureaucratic reform that is to realize good governance supported by professional state administrators and free from nepotism and to improve services to the community so that excellent service is achieved (Sunarko, 2008).

According to Rewansyah (2008), the target

of bureaucratic reform is to form:

- Clean bureaucracy (free from nepotism (KKN) practices through revamping the budget management system, improving employee welfare, increasing supervision and law enforcement);
- Efficient and effective bureaucracy (carried out through a program to save on resource use, methods and time);
- Transparent bureaucracy (the opening of public spaces and the public can access widely the administration of government affairs and public services);
- The bureaucracy that serves (changing the primordialism of the bureaucracy or asks to be served becomes a bureaucracy that serves the community);
- Decentralized bureaucracy (delegation of decision-making authority to leading civil servants)

Rewansyah (2008) berpendapat bahwa dalam rangka mencapai sasaran reformasi birokrasi, sudah barang tentu diperlukan strategi yaitu:

- Development of public trust (public trust);
- Empowering people;
- Increasing community participation in government administration;
- Creation of sustainable development;
- Increased professionalism of the government officials.

Furthermore, Rewansyah (2008) states that bureaucratic reform is carried out with the following principles:

- Improving performance of work units and human resources professionalism;
- Savings: men, money, material, method and time;
- Not just raising salaries, supervision is also increased;
- Remuneration;
- Performance reward.

THEORY OF WEBER BUREAUCRATION IN PRACTICE

The ideal type of rational bureaucracy put forward by Max Weber in applications in Indonesian government both central and regional government can be expressed as follows:

NO	IDEAL TYPE OF MAX WEBER BUREAUCRACHY	NO	IMPLENENTATION IN INDONESIAN GOVERNMENT
1	The official is not free to use his position for personal interests including his family.	1	Article 26 paragraph (2) Law No. 49 of 1999: Composition of vows / promises and will always prioritize the interests of the country rather than my own interests, someone or group.
2	Positions are arranged at the level of the hierarchy.	2	Positions are structurally arranged from echelon 1 to echelon IV in both the central and regional governments.
3	Tasks and functions of each position are different from one to another.	3	Tasks and functions according to their position and different from each other.
4	Each position has a contract position that must be carried out	4	Some of them have done it in some of Government departments, such as being required to make an annual action plan. It only focuses on how far is the evaluation and follow-up?
5	Each official is selected on the basis of his qualifications.	5	Article 11 Law No. 43/1999 concerning Civil Servants being appointed as state officials. Article 17 W No. 43/1999 Civil servants are appointed to certain positions and ranks. Selection is done, but sometimes the results have not been transparent.
6	Every official has a salary including pension rights	6	Every official has a salary including benefits / incentives (Article 7 of Law No. 43/1999).
7	There is a clear structure of career development with promotions based on seniority and merit with objective considerations.	7	Article 17 & article 20 Law No. 43/1999 was followed up with government rule No.100 / 2000 concerning the appointment of Civil Servants in Structural positions. Sometimes Sitting first followed by Diklat or Sometimes spoil systems (subjective).
8	Every official is not allowed to carry out his office's positions and resources for his personal and family interests.	8	There are 26 obligations and 18 prohibitions for civil servants as set out in Law No. 8/1974 followed by the government rule No. 30/1980 concerning Civil Servant Discipline Regulations. The government rule No. 42/2004 concerning about fostering the Soul Corps and the Code of Ethics for Civil Servants.
9	Every official is under the control and supervision of a system that is carried out in a disciplined manner.	9	Government rule No 30/1980 concerning about Control by the Chairperson of the organization in relation to an internal supervision unit.

Max Weber states that the principle of the application of bureaucratic conception in

positions which is practiced in Indonesian government as explained below:

NO	Principles Of Application Of Bureaucratic Conception (Max Weber)	NO	Practice in Indonesian Government
1	Job training must be a mandatory program to occupy positions.	1	Article 31 Law No. 43/199 about Education and Training, followed by government rule No. 101 year 2000 concerning about Training for Civil Servants positions. Sometimes it is not appropriate for Diklat needs analysis.
2	Personal position in an institution Should have the following aspects: a. He should have and enjoy social esteem; b. The original form of bureaucratic office must be appointed by an authorized official; c. Under normal circumstances the position is held for life; d. Officials receive regular and definite salaries; e. Position is arranged for a career in hierarchical concept in government agencies.	2	There is a social award from the leader of the organization / government. Position is appointed by an authorized official. Position is not held for life; there is a limit (time). Receiving salary set out in article 7 Law No. 43/1999 in every month at the beginning of the month (right / regular). Positions are arranged for career positions whether they are structural or functional positions.

From these two things, the rational ideal type and the principle of the application of bureaucratic conception, the Weber concept has been applied within the Indonesian government although it still has not reached expectations as the goals and objectives of bureaucratic reform. As related to the obligations of Civil Servants (PNS) when not implemented and the prohibition of civil servants when it is violated, while Government Regulation Number 42 of 2004 concerning Coaching of the Soul Corps and the Code of Ethics for Civil Servants, which is a follow-up of Article 1 of Law No. 43/1999, has not been implemented properly For example in the enforcement of the code of

ethics as referred to Article 17 PP No. 42/2004, the Ethics Code Assembly has not yet been established in each agency, which is stipulated by the relevant Personnel Development Officer.

ANALYSIS

Bureaucratic behavior will be good if the individual characteristics and characteristics of the bureaucracy are fulfilled. In order to meet the needs of individual characteristics, the challenges that need to be addressed and answered include: 1) Capacity building through education and training; 2) Meeting their life needs; 3) Increased trust; 4) Increasing and developing work experience;

and 5) Awarding.

In order to meet the characteristics of bureaucracy, there should be some aspects to consider such as: 1) the existence of a hierarchy of appropriate hierarchies; 2) the detailed and precise division of duties and functions in each position (not overlapping); 3) The existence of an appropriate (decentralized) delegation of authority; 4) The existence of clear and precise responsibilities (not throwing each other responsibility); 5)

The existence of rewards (rewards), which are correct and appropriate, for example, proper payroll, adequate remuneration; and 6) There is a continuous, consistent control, monitoring and supervision (control system) for improvement and improvement.

Changes in bureaucratic behavior towards a better one relate to the object / target of bureaucratic reform from the dimensions of aspects and policies (Hidayat, 2005), namely:

No	Aspect Dimensions	No	Policies
1	Institution / Organization	1	Restrukturisasi
2	Human Resources	2	Rasionalisasi dan relokasi (TK-PHK-PNS)
3	Management / Procedure System	3	Simplification and Automaticity
4	Bureaucracy Culture / Mindset	4	Changing culture / mindset

These things were done in an effort to accelerate bureaucratic reform by paying attention to the actualization of the rational ideal concept of Max Weber's bureaucracy. The acceleration of reform is certainly related to learning organizations as stated by Peter Senge in LAN RI (2008), that is organizations whose people continually increase the capacity they desire, new thought patterns are maintained, collective aspirations are left free, and everyone continually learns to learn together. The learning organization can provide system of improvements for learning organizations through the five disciplines of: 1) System Thinking; 2) Personal Mastery; 3) Mental Models; 4) Building a shared vision; and 5) Learning Team.

Furthermore, Eko Prasjo (Kompas Newspaper, Thursday, January 15, 2009) stated that there are several reform directions that can be the main levers, such as:

1. Developing paradigm, culture and mentality of public entrepreneurs on how to make state civil servant who always think and act efficiently and make the community as stakeholders and customers whom must be well served.
2. Developing state civil servant based on the implementation of a merit system in the bureaucracy. Pembangunan aparatur negara adalah penerapan sistem merit dalam birokrasi.
3. Leveraging the development of state

civil servants also lies in strengthening the supervision of ethics and their personal behavior.

There are some factors which determine the critical success of bureaucratic reform such as: 1) leadership commitment, 2) willingness of oneself; 3) Similarity in perceptions and goals; 4) Institutional; 5) Consistency and continuity; 6) Budget / funds; and 7) Community support (Rewansyah 2008 and Sukarno, 2008).

CLOSING

The actualization of the Max Weber bureaucracy concept in responding to the challenges of bureaucratic reform in Indonesia in order to build and create good governance, has generally been applied in the Indonesian government both central government and regional government. Although it has been implemented, there should be changes / improvements are still needed so that bureaucratic behavior will be better and bureaucratic pathology can be reduced.

This includes institutional dimensions, human resources, management and culture / mind set. These changes are carried out gradually through consistent and sustainable learning organizations by paying attention to the critical success factors of bureaucratic reform.

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