

**ELECTRONIC-BASED SERVICES AS AN EFFORT TO PREVENT
PUBLIC SECTOR GRATIFICATION IN MEDAN CITY**

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Abstract *The public essentially agrees to condemn acts of corruption, but the public actually justifies the behavior of paying thanks under the guise of gratification. Even though an online service system has been implemented through the SIBISA application, it does not rule out the possibility that gratuitous behavior still exists. This research aims to describe the implementation of the SIBISA application in DISDUKCAPIL Medan City. The author also analyzes the service system through SIBISA in an effort to prevent gratification in the public sector. This research is empirical juridical research, namely legal research regarding the enactment or implementation of normative legal provisions in action at each specific legal event that occurs in society. with a field research approach, namely research whose object is about symptoms or events that occur in community groups. The results of SIBISA implementation can be said to be very relevant in efforts to eradicate corruption because information on procedures for managing population documents is displayed at the entrance to the DISDUKCAPIL office so that people do not need to use CALO.*

Keywords: DISDUKCAPIL Medan; Public Sector; Gratification

Abstrak Masyarakat pada hakikatnya sepakat untuk mengancam tindakan korupsi, namun masyarakat justru membenarkan perilaku mengucapkan syukur berkedok gratifikasi. Meski sudah diterapkan sistem pelayanan online melalui aplikasi SIBISA, namun tidak menutup kemungkinan masih ada perilaku gratifikasi. Penelitian ini bertujuan untuk mendeskripsikan implementasi aplikasi SIBISA di DISDUKCAPIL Kota Medan. Penulis juga menganalisis sistem pelayanan melalui SIBISA dalam upaya pencegahan gratifikasi di sektor publik. Penelitian ini merupakan penelitian yuridis empiris, yaitu penelitian hukum mengenai pemberlakuan atau pelaksanaan ketentuan hukum normatif dalam tindakan pada setiap peristiwa hukum tertentu yang terjadi dalam masyarakat. dengan pendekatan penelitian lapangan yaitu penelitian yang objeknya mengenai gejala atau peristiwa yang terjadi pada kelompok masyarakat. Hasil penerapan SIBISA dapat dikatakan sangat

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relevan dalam upaya pemberantasan korupsi karena informasi tata cara pengurusan dokumen kependudukan dipajang di pintu masuk kantor DISDUKCAPIL sehingga masyarakat tidak perlu menggunakan CALO.

Kata kunci: DISDUKCAPIL Medan; Sektor Publik; Gratifikasi

Introduction

Public Service consists of two words, namely service and public. *Etymologically*, service is an activity carried out by a person or group of people on a certain basis where the level of satisfaction can only be felt by the person serving or being served, depending on the service provider's ability to meet the user's expectations. Meanwhile, the public is a group of people who have the same thoughts, feelings, hopes, attitudes and actions that are correct and good based on their normative values. In terms of *Terminology*, public services are all forms of services, both in the form of public goods and public services which are the responsibility and implemented by central and/or regional government institutions in order to fulfill the needs of the community, as well as in the context of implementing the provisions of statutory regulations.¹ Based on Article 1 of the Law Public Service, providing understanding what is meant by public service is an activity or series of activities in order to fulfill needs services in accordance with regulations legislation for every citizen countries and residents for goods, services, and/or administrative services provided by the service provider public.²

In this case, the government's main task is as a public service organizer (Public Servant) which regulates and manages government affairs, especially in the field of population administration, based on the principles of autonomy and assistance which are regulated to speed up the realization of community welfare. Public services can be categorized as effective if the public gets easy services with short, fast and precise procedures. However, based on public experience, people still complain that public services are complicated and full of KKN (Corruption, Collusion, Nepotism) and there is no certainty of time for administering the administration.³ Theoretically, basically the goal of

¹ Abu Bakar, "Hakekat Pelayanan Publik," *Jurnal Perspektif* 13, no. 2 (2021): 81–87, <https://doi.org/10.53746/perspektif.v13i2.15>.

² UU RI Nomor 25 Tahun, "Law of the Republic of Indonesia Number 25 of 2009 on Public Service," *Www.Bphn.Go.Id* 2003, no. 1 (2009): 3, [https://peraturan.bpk.go.id/Home/Details/38748/uu-no-25-tahun-2009#:~:text=UU No. 25 Tahun 2009,Pelayanan Publik \[JDIH BPK RI\]](https://peraturan.bpk.go.id/Home/Details/38748/uu-no-25-tahun-2009#:~:text=UU No. 25 Tahun 2009,Pelayanan Publik [JDIH BPK RI].). .

³ Kiki Endah and Endah Vestikowati, "Birokrasi Pemerintahan Dalam Penyelenggaraan Pelayanan Publik," *Jurnal MODERAT* 7, no. 3 (2021): 648..

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public services is to satisfy society. To achieve this, it can be realized by improving the quality public service system. Referring to Minister of Pan Pan Decree No. 63 of 2003 concerning General Guidelines for the Implementation of Public Services.⁴ In order to achieve these goals, public service providers must be able to improve the quality of services carried out in accordance with the following service principles:

1. Simplicity, public service procedures/procedures are not complicated, easy to understand and easy to implement.
2. Clarity, clarity and certainty regarding procedures, service requirements and details of service costs/tariffs as well as payment procedures
3. Certainty of the time that can be completed in the implementation of public services
4. Accuracy, public service products are received correctly, appropriately and legally.
5. Completeness of facilities and infrastructure as well as ease of access.

These principles must be implemented by every agency, agency and institution in providing public services in almost all cities in Indonesia, one of which is the city of Medan. Medan City, as a city that is included in the 5 big cities in Indonesia, is also making improvements to the patterns of public services provided by each of its agencies in the hope of increasing public trust and satisfaction in receiving services, and eliminating old patterns of behavior with the potential to provide many opportunities. to irresponsible individuals who use illegal levies, bribes or gratuities to carry out matters that do not comply with procedures.⁵

Gratification is a gift in a broad sense, namely money, goods, rebates , commissions, interest-free loans, travel tickets, lodging facilities, tourist trips, free medical treatment and other facilities, both received within the country and abroad. country, which is carried out using electronic means or without electronic means. Gratification is basically "*delayed bribery*" or often also called "*disguised bribery*". Civil servants or state officials who are accustomed to accepting illicit gratuities can over time fall into other forms of corruption, such as bribery, extortion and other forms of corruption. So gratification is considered the root of corruption.

⁴ Sebagai Tindak, Pidana Korupsi, and Harly Stanly Muaya, "1 2 3 4" 5, no. 5 (2017)..

⁵ Kamaruddin Sellang, Lahibu Tuwu, and Muhammad Basri, "Penerapan Prinsip-Prinsip Pelayanan Publik Dalam Pelayanan Kartu Tanda Penduduk Elektronik Pada Kabupaten Sidenreng Rappang," *Akmen Jurnal Ilmiah* 14, no. January (2019): 608–15, <https://www.mendeley.com/viewer/?fileId=2e480e08-f9b5-466d-4aa2-b90b4cdae892&documentId=72ef14fe-4f7a-3659-a9a1-90df50ca5dd6> .

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The public service sector that cannot be avoided from gratuitous behavior is the Population and Civil Registry Service (hereinafter abbreviated as Disdukcapil).⁶ Disdukcapil as a government agency that has the authority to issue population administration, such as KTPs, Family Cards, Birth Certificates and so on, makes disdukcapil have quite a big potential to become a field for gratification. For example, cases of issuing fake identities with the intention of disguising one's identity can only be done at the Dukcapil Office. In this case, it is known that identity is something that is inherent in every person so its validity is very important and its authenticity must be maintained. Based on this, the Medan City DISDUKCAPIL has carried out service reform, from manual to an electronic-based service system. Therefore, it is important to see what efforts have been made by DISDUKCAPIL Medan City to prevent gratification.

Based on this, this article reviews the form of "Electronic Based Services as an Effort to Prevent Gratification in the Public Sector in the City of Medan".

Method

In this mini research, the approach used is an empirical juridical method by looking at normative legal provisions in action at each particular legal event in society. by analyzing *ELECTRONIC-BASED SERVICES AS A PREVENTIVE EFFORT GRATIFICATION IN THE PUBLIC SECTOR IN MEDAN CITY* by collecting data through interviews, observations and documentation carried out directly at the Medan City Population and Civil Registry Service.

Discussion and Results

Medan City DISDUKCAPIL services through the SIBISA online service application as a form of implementation of the mandate of PERMENDAGRI No. 7 of 2019 concerning Online Population Administration Services which encourages the need for digital transformation in population data recording

⁶ Bambang Suryantoro and Yan Kusdyana, "Analisis Kualitas Pelayanan Publik Pada Politeknik Pelayaran Surabaya," *Jurnal Baruna Horizon* 3, no. 2 (2020): 223–29, <https://doi.org/10.52310/jbhorizon.v3i2.42>.

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services.⁷ Since 2020, online population administration services have been carried out through an application called the "SIBISA Application", which has been operated and developed in stages. Currently the SIBISA application can provide services: Family Card, E-KTP, Transfer Certificate, Child Identity Card, Marriage Certificate, Birth Certificate, Divorce Certificate, Death Certificate, Child Validation Certificate, Child Acknowledgment Certificate. The advantage of the SIBISA application service is that it makes it easier for the public to monitor the application process, Avoiding people using the services of intermediaries or brokers, providing certainty of time.

Then the implementation of the SIBISA application aims to avoid indirect discriminatory behavior by officers. Discriminatory behavior in which there are gratification practices found in the management of population documents at the Dukcapil Office is due to the lack of information regarding document requirements and management procedures, making applicants make the decision to use brokers so that they carry out their tasks at the desired time. This is what triggers the emergence of gratification so that the applicant's needs can be resolved immediately. As a result, brokers were born to make it easier to manage population documents in collaboration with one of the Disdukcapil staff members who is usually called an "insider".

Gratification for Disdukcapil services has been formulated in article 12b paragraphs 1 and 2 in Law Number 20 of 2001 concerning the Eradication of Corruption Crimes as follows:⁸

1. Every gratuity to a civil servant or state administrator is considered a bribe, if it is related to his or her position and is contrary to his or her obligations or duties, with the following conditions: A. whose value is IDR 10,000,000.00 (ten million rupiah) or more, proof that the gratification is not a bribe is carried out by the recipient of the gratification. B. whose value is less than IDR 10,000,000.00 (ten million rupiah), proof that the gratuity was a bribe was carried out by the public prosecutor.
2. The punishment for civil servants or state administrators as intended in paragraph (1) is life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years, and a fine of at least IDR 200,000,000 .00 (two hundred million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah).

Acts of gratification carried out by someone to civil servants or state officials or to parties who have authority/influence. The giver of gratification

⁷ Menteri Dalam Negri, "Peraturan Mendagri," 2019.

⁸ Mahrus Ali, "Hukum Pidana Korupsi," 2016, 19–41.

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obtains certain conveniences. Acts of gratification are essentially contrary to social, religious and moral norms. Apart from that, it is also contrary to the public interest, causing losses to society and endangering the safety of the country.⁹ The elements of corruption committed by civil servants who carry out gratification have been formulated in article 12b of Law Number 20 of 2001 concerning the Eradication of Corruption Crimes as a classification of whether an act includes gratification or not, so the following elements are seen: State Employees or State Administrators, Receive gratification, Those related to the position and contrary to the obligations or duties, The receipt of the gratification was not reported to the Corruption Eradication Committee within 30 days of receipt of the gratuity.¹⁰ Because, People have been taught that if they don't give thank you money, they will feel embarrassed to leave and indeed, if they have been helped in the progress of making population documents, they should give thank you money for their services. Then, the applicant felt empathy for the civil dukcapil service staff who had worked until they were exhausted. There is another reason that is very familiar in the field, namely that if you are not thanked, the preparation of a document will take a very long time to complete.

Individuals who work in the public service sector, especially in the dukcapil office, often receive thank you money because an individual assumes that this was received by them because it was not their own will or they ordered someone to give but rather a gift from someone so that the individual assumes that the thank you money is not included. gratification. This behavior is influenced by the public's perception of the gratification behavior, in this case giving money as a thank you to the civil service. This perception has been constructed based on two things stated by Thoha, namely the factors that influence a person's perception are as follows:

1). Internal factors: individual feelings, attitudes and personality, prejudices, desires or hopes, attention (focus), learning process, physical condition, mental disorders, values and needs as well as interests and motivation;

2). External factors: family background, information obtained, knowledge and needs around, intensity, size, opposition, repetition of movements, novelty and familiarity or unfamiliarity of an object.

⁹ Lisa Nazifah, "Strategi Menyikapi Gratifikasi Dengan Identifikasi Pemberian Hadiah Kepada Pegawai Negeri Sipil Strategy To Respond Gratification By Identifying Gift-Giving To Government Employee," *Jurnal Inovasi Aparatur* 1, no. 2 (2019): 48–58.

¹⁰ Marwan, "Pemberantasan Tindak Pidana Korupsi (Cet.1)" 15, no. 31 (2014): 1–8.

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Gratification : Patterns at Disdukcapil

No	Gratification Level	Perpetrator	Mode
1	First Level	Applicant	Not understanding the information received, Give money to thank you for your services.
2	Second Level	Broker	Usually brokers will collaborate with DISDUKCAPIL Staff/Service Officers and offer solutions to the applicant's problems and promise something to the applicant.
3	Third Level	DISDUKCAPIL Service Officer/Staff	The officer delayed the completion of the population documents and claimed that the leader was not available even though that was not true and there was also no certainty about the time given by the officer and the officer did not provide detailed

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			information to the applicant because the understanding given could not be understood by the applicant.
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Source: corruption eradication commission

The Corruption Eradication Commission (KPK) as an independent, neutral agency provides a concept of understanding regarding gratification that the services provided by service officers are part of their duties and obligations. It is appropriate for the applicant to receive the services received. The habit of giving gifts/money as a form of gratitude to officers will trigger the birth of a culture of "requiring" giving in every public service.¹¹

Efforts to Prevent Gratification in the Public Sector

In 2020 Covid-19 really pushed the government to innovate into the era of digitalization which aims to make it easier for people to access personal data without having to come to their destination, namely by presenting the SIBISA Application as a reference for public policy on the basis of KepMenPan N0. 63 of 2003 concerning General Guidelines for the Implementation of Public Services and PERMENPANRB No. 38 of 2012 concerning Guidelines for Performance Assessment of Public Service Units which are the forerunners of electronic-based services as one of the assessment indicators for the public service management system.

In order to prevent the rise of gratification which is the root of corruption, Medan City DISDUKCAPIL created an online-based service innovation, namely through the SIBISA application. Not only that, Medan City DISDUKCAPIL is also building better infrastructure so that applicants are comfortable while waiting for services. This policy proves that the function of state administrators, especially in the Medan City DISDUKCAPIL section, is as public servants. The following is some documentation that the author obtained at the Medan City DISDUKCAPIL location as a preventive measure for gratification and also to make things easier for applicants:

¹¹ Komisi Pemberantasan Korupsi, "Pedoman Pengendalian Gratifikasi," 2015, 47, <https://aclc.kpk.go.id/materi-pembelajaran/tata-kelola-pemerintahan/buku/pedoman-pengendalian-gratifikasi>.

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The different conditions felt by the community before the online service policy through the SIBISA Application was implemented. According to Salmiah, as an informant who lives in Medan Baru sub-district who was interviewed, she stated that as long as there is service through the SIBISA application, it is easy to manage documents.

residency because in the application there are requirements that must be met and a guaranteed completion time for processing is 5 working days unless there are deficiencies in the applicant's requirements. However, officers will provide notification via the telephone number that we registered when using the SIBISA application.

The same statement was also conveyed by Mrs. Sephia, who lives in the Medan Helvetia sub-district. This mother was offered services by a broker in 2015 in managing population documents because there was no certainty of time. However, nowadays that has changed. All information is displayed clearly when we enter the dukcapil office.

People who have filled in application data via the SIBISA application can then collect the documents within 5 working days at the collection counter. The expected aim of this policy is of course to facilitate services to the community. This innovation has been running well, although there are still people who come directly to the Dukcapil Office to arrange population documents.

This condition was experienced by Mrs. Bunga, who lives in Medan Maimun sub-district, as an informant who was processing a transfer letter and still needed to come directly to the Dukcapil Office because not all services were available in the SIBISA application. However, Mrs. Bunga does not use brokers because all information about management requirements and procedures is easy to understand via the information board.

Anwar Shah stated that the implementation of electronic systems is a pillar of public services, public involvement and internal efficiency, this is the latest level in the quality of administrative services. This approach is very important, because it provides space for transparency, in accordance with the rules and principles of objectivity in developing the country.

Based on the results of the author's discussion, the SIBISA application is closely related to efforts to prevent corruption, because it is transparent and prevents the practice of direct bribery to service officers in processing population documents quickly and is a way to avoid the services of brokers. The documentation that the author obtained in the field shows that DISDUKCAPIL Medan City is a highly integrated area without gratification.

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Conclusion

The public, including Disdukcapil service officers, generally do not know what is meant by gratification and assume that money as a thank you for services is not considered a violation. Even though it is clear in Law No. 20 of 2001 concerning the Eradication of Corruption that Gratification is a gift in a broad sense, namely money, goods, rebates (discounts), commissions, interest-free loans, travel tickets, lodging facilities, tourist trips, free medical treatment, only, and other facilities, whether received domestically or abroad, which are carried out using electronic means or without electronic means. These officers could face criminal penalties as regulated in article 12b paragraphs 1 and 2 in law number 20 of 2001 concerning the Eradication of Corruption Crimes.

There is a doctrine that by giving money, thanks will smooth out all the matters that make this gratification behavior continue. The factor is that there is no certainty about the time given by the officers for a million reasons. On the basis of these problems, the Medan city government through the Dukcapil Office has innovated by utilizing technological advances which are manifested in managing documents online, namely through the SIBISA application which is very effective because it can save time, there is no need to pay for the Dukcapil Office, documents can be delivered to your home, you can see progress. document development and no need to queue.

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