



Public Engagement for Objective and Holistic Officials' Evaluation: an Integrated Political-Social-Legal View

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Abstract

This research proposes new model of officials' evaluation grounded on a belief regarding to the urgency of a framework which embraces socio-political aspects holistically. This is derived from national vision in sustainability development demanding a more transparent, reliable, and competent leadership. Regarding to this, distortions often occur due to governance malpractices in the form of corruption which impact officials' performance as well as environment conduciveness. This phenomenon is taken as a fundamental paradigm of this research which results in a reasoning stating that officials' objective evaluation. This research realizes that cannot be done by considering officials as a single-role entity. It must consider several roles which impacts and influences several different parties (political, social, and governmental). This research comprehends such gap through comprehensive literature review and transforms all theories in the purpose of building a systematic assessment methodology which captures various aspects from different perspective. In its discussion, this model is proven academically to be able to evaluate officials' performance objectively through three broad parameters: (1) policies formulation, (2) social engagement, and (3) regulatory submission. In addition, those three categorical assessment would be integrated in a weighted-average system, enabling them to produce a numerical score. In this stage, this framework is applied through information technology is used to capture data from different respondents.

Keywords: Corruption, Social Perception, Officials' Evaluation, Public Policy, Local Administrative Law, State Governance.

1. Introduction

For National sustainability is inevitably influenced by good national governance practices whereas, transparency and accountability are the background components of good governance. Sanderson et al. [1] suggests that, good governance practices are still searching for a harmony between well-structured management control and efficient operations. To respond, several frameworks present different views of governance principle which pinpoint the executive officers as the pole of code of conduct [1]. Notwithstanding, the rest of topics guide readers to discussion of control. The weightiness of internal control is a motor of good governance in which, Marume [2] states that all procedures decided by executive officers (as organizational executors) reflects how proportional directors could stabilize the dynamic of information flows [2]. In other words, a leader is expected to be a management environmental controller through his/her policies [3].

Black [4] discusses that, in any form of statue, officers are contracted to exercise their duties in a good faith (bona-fide) meaning that, any decisions and programs must be taken with a special care and diligence. These liabilities are bind as higher supervisory agencies charged with performance assessment apprehend the accordance of officials' performances towards particular acts and regulations [4]. Legally, any failure is considered as law contra-vention specifically, public officials' duties are rooted to a more

severe pole which is state constitutions whereas, criminal indictments are always closely attributed to public law [5]. Furthermore, officials must exercise their duties professionally meaning that, engaging all procedures fairly by eliminating speculative allegations of corruption of which, as a problem of many hands, cannot be limited to either officers' conduct or monetary benefit rather, to both transactional environment, supervision system, and power exercising duties [6].

This research is done based on a belief that corruption complexity can be narrowed through an equitable approach. Due to its extraordinary financial and non-financial impacts [7], society's perceptions regarding to officers' performance must be engaged as it neutralizes deviated and partial perception from industry sector and supervisory boards although this research realizes the importance of both parties' perception [8]. Therefore, embracing all parties to create a holistic view of officials is the idea to present a fair preliminary consideration. In the light of officers' misconduct, this model contributes on unfair treatment signal given by particular sectors. It further assists national investigation bureaus to act efficiently without expensing unnecessary expenditures. This sense is a perfection of efficient good governance code whereas, open assessment is done democratically through public engagement.

2. Literature Review

2.1. Ontology of Public Responsibilities

Generally, this terminology is defined as a systematic process of which society's interests and affairs are served and managed proportionally [9]. Marume [2] explains its narrowest definition as an executive part of governance whose duty is to ensure that public needs are fulfilled and facilitated. Thus, their administrative duty must cohere to and be carried out laws including all discretions as statutory implementation. Functionally, it is recognized that, executive is an integral part since it is over-watched by both legislature and judiciary whereas, in a managerial view, administrative duty is limited to decision-making roles [2]. In the governance perspective, executive officers are burdened a day-to-day operations requiring their professional judgement towards any situation which might influence decision-making process whereas, care, diligence, and bona-fide (to act in a good faith) are basic requirement [4]. Therefore, as elements such as supervision, law, and executive duties faced, then the terminology of public responsibility emerges. Grounded on the philosophy of political state, in the society, executives are expected to create harmony and fair practices between the permanence (law of the state) and the inheritance (demographical norms) for the purpose of balanced continuation [10]. According to the concept of sustainability, the term responsibility is carried out in the context of both social and environmental security for economic purposes [11] whereas, translated to executives' liabilities context, performing duties based on law and preserving political ideology are cleverly done in a certain political methodologies which do not confront local ethical norms [12]. This must be noticed whereas, social acceptance towards governmental thought regarding to local development must be put in advance. If not, these are often turned to racial and ideological issues elevated as either political gimmicks or infiltrating foreign-espionage for either partial purposes or disintegration [13].

Practically, an equilibrium of socio-politics orders must be equally comprehended by both society and politician. In the context of the democratic state, citizenry depute public administrators to govern with a constitutional and ideological responsibilities in which, those are often contrary to one each other [14]. In developing countries, where society is disintegrated in various categories, sustainable development programs are stunted due to inefficient political-deals [15] which can be solved through programs in economics welfare [16]. Executives are also charged to suppress the potential conflicts through discretions and socializations which head on how local people could get advantaged by any governmental sustainable development program [17]. Finally, emerging trends of infrastructure acceleration allow private enterprises to execute the plans efficiently however, deficiencies e.g. various corruption schemes and minority victimization are probably inevitable which would be the ultimate accentuation of public responsibilities [18].

2.2. The Complexity of Corruption

Corruption is a popular term for abuse of power especially when dealing with officers' both formal and non-formal norms to engage third-party transactions which deliver either or both economic or/and non-economic benefits [19]. Specifically, Transparency International (TI) [20] engages to such understanding similarly in which, independent views regarding to particular personal conduct are preferably used to determine certain misconduct. Corruption Perception Index (CPI) (an assessment issued by TI) is used as a pole to assess nations' corruption level based on commensurate criterion. It places almost 70% of countries worldwide as corrupt-ed countries [20]. However, it is criticized that it could be more reliable when contextual considerations take place [21]. Moreover, a study case shows that even national corruption index must be ratified through regional studies considering more specific views

[22]. A survey is argued to be reliable where naive perception from society as a "political watchdog" is used neutralizing extreme view from both supervisory and industrial parties [17, 23]. Thus, political perspective of corruption must be complicated for its transactional nature forcing experts to map any partial linkages. This nature can only be comprehended through investigation on individuals (which takes a long-period of time) to depict the scheme [19]. Association of Certified Fraud Examiners (ACFE)'s fraud tree model categorizes corruption into two natures: (i) dominating transactions which occur in procurement processes with vendors' tender process [24] and (2) smoothing decisions which happen in administrative discretion [25]. Accordingly, Snider [26] explains that entities' domination in transactions through bribery in tender process and solicit cooperation with procurement officers. These issues are difficult to handle, as an issue with procurement leadership should embrace beyond procurement procedures [26]. In addition, Ionescu [27] proposes that nations with democratic-parliamentary system consisted of parties practicing politics based on majority are prone to create inequality. Furthermore, it is required for candidates to be self-sufficient for political campaign although, it is practically intended to secure certain chair. This scheme is executed through either economic extortion or illegal gratuities [27].

Those schemes categorized as petty corruption could likely be executed single-handedly by corruptors [28] of which, it is sufficient to make cons and tricks when little group of crooks are ready to cooperate whereas, the narrow the scope, the safer it would likely be, as However, grand corruption could influence organization's components to utilize other activities through create an organizational behavior whereas, information falsifications and assets misappropriations are allowed as far as either the course of action is to quicken daily transactions or the objectives is accomplished neatly [29]. First, the nature of fraudulent financial reports in governmental area is unlike the likelihood of corporate fraud nonetheless, it employs overstatement and understatement techniques for the purpose of third-party benefits [30]. Furthermore, asset misappropriation is considered as equivalent to corruption [31]. This employs billing schemes and check tempering which also embrace creative accounting techniques to disguise any discrepancy [32].

An administrator who breaches law of governmental administration is imposed by criminal sanction for they have no reason to refer officers' civil code of conduct i.e. duty of care, duty of exercising in good faith, and duty of being free from conflict of interest [4]. Rather, an official appointed and entrusted based on national statutes could not be excused for law violation. The philosophy of ethics is emphasized whereas, according to Barbara Kudrycka regarding to administrative relation in which, public administration is categorized as one of metaphysical ethics dealing with accepted ethical norms applied on daily professional activities [33] whereas, society hopes for officers fairness and accountability in administrative and bureaucratic processes. Several macroeconomic studies show corruption as one of challenges for national sustainable development, believably takes effect on failures of nations in reducing unemployment and poverty [34, 35]. Other studies prove that corruption shuts down political fairness and accountability turning democracy into tyrannical majority [13, 36] which are considered as barriers for sustainable development and triggers for potential criminality.

As its environmental effects, corruption causes government to issue statutes and policies for accountable bureaucratic procedures. These stages consume both time and expenditure for comprehensive considerations based on academic and political discourses take place expensing administrative costs [37]. Another reason is the amount of economic loss due to corruption. This is meant to be the loss occurred in industrial sector when corporate executives choose to commit corruption scheme with government, governmental sector when officials misappropriate funds, and political sector when members of representative fall into similar schemes [38]. Further, detecting corruption causes bigger disbursement

which force most of nations worldwide to form anti-corruption body, describing this as an extraordinary crime [39]. However, the cost could get potentially higher considering corruption could happen within governmental agencies. This is compounded by unjust jurisdiction towards perpetrators whereas, even corruption eradication organizations could treat them partially.

2.3. The Role of Perception

Perception is one of the components, stated by Etienne Bonnot de Condillac, that forms conscious behavior verifying objects dependently and sensibly in spite of others i.e. memory, judgement, and willingness which are elaborators of human’s sensation [40]. Using the source of society’s dependence and sense, those could portray the impact of administrators towards the societal leadership. A good leadership believably, in the context of management control, neutralizes the environment causing its surroundings to be less tempestuous [41]. Furthermore, perception might indicate society satisfaction towards officials by simply allowing them to have on self-reflection creating self-perception regarding to their life quality. This is grounded on Bem’s [42] self-perception theory (SPT) saying that human interprets their reaction upon an object frankly without any external intervention. This method is applicable to samples (society) who do not possess any obvious insight (e.g. political administration) even, this works to those who view things ambiguously [42]. This assessment methodology could also embrace the quality of public service whereas, public opinion plays great role in officials’ performance.

It is also necessary to take industrial and bureaucratic perceptions as considerations whose roles (i.e. providers and invigilators) place them closely with the officials. Industries, through public-private partnership (PPP) scenario, must adhere governmental requirements in order to be the project executors by competing others to offer the most beneficial goods and services whereas, problem occurs when officials committing corruption schemes spoiling tender process [24]. As it happens, parties aggrieved could provide information regarding to such unfair practices. As

ACFE’s survey puts whistleblowers’ tip as the most efficient fraud detection [43], this idea might be the key to uncover administrators’ malpractices despite, this can also be used as a political tool for character assassination. As its limitation, higher governmental authority is relied due to its credibility and reliability in officials’ evaluation. Any attempt conspiring an executive’s wrongful impeachment might be prevented by objective assessment from the state [29].

This must be treated as both equal-weighted and complementary to one each other. These principles are including but not limited to general term of industrial, administration, and supervisory general assessment. An inter-disciplinary analytical approach must be conducted to assure its reliability [14]. For instance, engaging on semantic differential scale might be more preferable to depict perception [44]. In doing so, linguistic methodology must also be embraced whereas, it must rhetorically guide respondents to create self-perception unbiasedly without any tendentious motives behind the questionnaires. This is the core of utilizing social perception due to a speck of hearsay might change everything [45]. Furthermore, establishment of evaluations’ components must cohere in the respect of applicable academic theories to fathom the fairness of tender process between government and industries, political contracts to measure societies’ satisfaction regarding to officials’ performance, and constitutional laws to comprehend the credibility of administrators.

3. Discussions

As the literature discussion, the framework built covers all areas whereas, it is expected that one dimension could be both view singularly and complementary. This framework is designed to produce figures which requires personal judgment to define the data by considering officials as: (1) policy makers, (2) administrative leaders, and (3) bureaucratic subordinates.

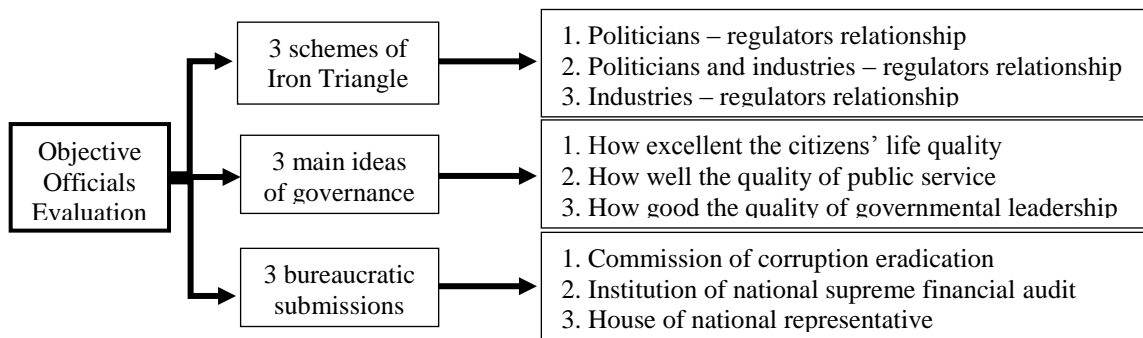


Fig. 1: New framework of officials’ evaluation

3.1. Officials as Policy Makers

The framework’s philosophy consists of three sources. First, considering high fraud risk in PPP agreements, this model adopts “Iron Triangle”, a cycle which defines the political-economy of regulation within United States (US) governance processes. According to Adams [46], this model is acknowledged to be widely applicable since many countries experience similar trends. This model defines that public policy is created through involvement of congress members (a.k.a politicians), interest groups (a.k.a industries), and bureaucratic officers (a.k.a administrators). In the light of corruption, this model provides possible scenarios of conspiracy i.e. (1) illegal funding and political support (congress – bureaucracy relationships), (2) low regulations allowing favouritisms (bureaucracy – interest group relationships), and (3) unfair electoral support (interest group – congress relationships) [46]. Since

the model is focused on officials’ conduct, then modified model is presented to portray officers’ performance.

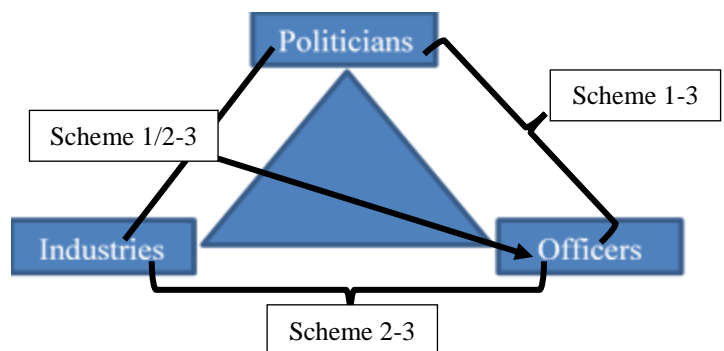


Fig. 2: Modified Iron Triangle from Adams (1981)

Table 1: Probable political schemes on iron triangle [46]

Schemes	(1) Ethical Offence, (2) Expected Political Advantage, and (3) Who Assess
<i>Scheme 1-3</i> Politician – Official	<ol style="list-style-type: none"> 1. Good governance is not practiced ethically since politicians' interests setting aside society trends and needs pursuing their objectives. Regulations issued by politicians usually secure regulators position including politicians influence towards government including public. In this context, companies with strong entanglement with parliament are usually prioritized to run the projects, involving bid rigging. 2. Governance system seems to be more stable without any conflicted interests due to governmental discretions which favor politicians. Politicians then hook up with their business partners as third party stakeholders as an act supporting their officials' supremacy as political puppets. 3. Industrial subject (non-selected companies) can be relied upon since they are economically victimized by unfair tender process.
<i>Scheme 2-3</i> Industry – Official	<ol style="list-style-type: none"> 1. Good governance is not practiced ethically since politicians who are assumed capable in administrative supervision are politically disabled. Disabling supervision can be done through illegal gratuities given by businessman to people at the parliament. 2. Governance circumstance seems to be favorable for officials since all projects are run efficiently. As long as the watchdogs are kept replete, all transactions could flow in secure. This systematic conspiracy is described, in the long-run, as institutionalized corruption. 3. Politician can be relied upon since there ought not to be a generalization regarding to corrupted politician. The philosophy is derived from the ratification of Aristotle terminology: "<i>Zoon Politicon</i>" whereas, "the animals of politics" should be turned to "the animals involved in politics".
<i>Scheme 1/2-3</i> Politician/Industry – Official	<ol style="list-style-type: none"> 1. Good governance is not practiced ethically since officials have no authority to run their administrative function, managing day-to-day administration. The conglomerates' influence overs politicians override executives' duties using illegal incentives, ensuring that officials authorize transaction favoring them. Somehow, it takes another gratuity to make officials more cooperative through purchasing, sales, and kickback schemes. 2. Governance circumstance seems to be run fluently considering the mouth of public officials are shouted. However, a blow of a whistle could set up a flame either from society or supervisory boards. Another case is when officials could maintain their integrity, social turmoil could be played by corporate-politics intelligences to frame the officials in various ways therefore, they are dismantled and prosecuted. In many cases, chaos happens and is used as methodology to clean such black records. 3. Officials (who are loyal with the constitution) can be relied as whistle-blower to uncover any politician-industry scheme. This requires clean supervisory board who enact the law and statutes straightly.

3.2. Officials as Administrative Leaders

Governors, in any statute, either civil or commonwealth law systems, are bound to law and statutes. This research observes statutes and acts constituted by both civil and commonwealth law countries as a proof of which local government play similar roles in every nation. Aragonès et al. [47] highlights the trends of which initial campaign of an executive is mainly driven to and nuanced

in an improvement of local citizens' life quality. Defining political promise, historical aspect (e.g. reputation) could determine the degree of public trust [47]. Further, it is revealed by Granato and Wong [48], considering the unbiased crystallization perception towards a candidate is often manipulated through the use of political rhetoric shocking voters' psychology in which the most unfortunate circumstance is when voted candidates renege from fulfilment [48].

Table 2: Observed local government / municipalities regulations

Nations	Source of Law	The Code (English term)
France	Classic French-Roman law with the influence of democratic republican state	<i>La Constitution de 1958 (Code Général des Collectivités Territoriales) – The Constitution of 1958 (the General Code on Local Authorities)</i> "...mayor, as a representative of the State, has competence in the field of registry, electoral issues, social welfare, education, local roads and planning, and public order...municipalities as decentralized authorities, have competence in the field of municipal transport, culture, public health, economic, environmental, and residential development." [49]
Netherlands	Classic French-Roman law with the influence of monarchy constitutional state from Germany	<i>Gemeentewet Hoofdstuk X (De bevoegdheid van het college van burgemeester en wethouders) & XI (De bevoegdheid van de burgemeester) – Municipalities Act Chapter 10 (Powers of Municipal Executive) & 11 (Powers of the Major)</i> Chapter 10: "...to ensure healthcare and residential services readiness...to ensure economic and environmental sustainability..."; and Chapter 11: "...to exercise all political, educational, and other general affairs in accordance with local orders and national constitution..." [50]
Indonesia	Self-constituted French-Roman law with communism-liberalism adoption	<i>Undang-Undang No.32 Tahun 2004, pasal 22 – Law no.32, 2004, Chapter 22</i> "...to run local government by carrying out national ideology based on the constitution ...to enhance the quality of social livelihood...to improve facilities for education, healthcare, social, and general affairs...to preserve sustainable environment and local social norms and execute civil administration's discretions and statutes fairly and equitably." [51]
Republic of China	Self-constituted French-Roman law with communism influence	中华人民共和国立法法, 第四章, 第 1 节 – Legislation Law of the People's Republic of China (Presidential Order No.31, 2000, Chapter IV, s1 "...to practice based on constitution...to formulate local regulation and implement it in the light of actual and local condition of a respective administrative area, within the limits of the special economic zones, and on the basis of the political, economic, and cultural characteristics..." [52]
Russia	Classic French-Roman law with communism influence	Конституция Российской Федерации (1993 год) – Constitution of the Russian Federation (1993), Article 12 "...to handle local administrations in accordance to the constitution...to tackle matters of local significance and municipal property management...to manage facilities comprehensively: education, social policy, healthcare and sport services, culture and leisure, public utilities, traffic and transport, urban development, and governmental administration..." [53]
India	Commonwealth law with Sharia' and Hinduism' influences	The Functioning of Panchayats after 73rd Amendment Act, 1992 Part IX "...to organize village...as a self-governed unit" thus, "...endowed with functions obligatorily (i.e. civil administration, water supply, public streets maintenance, and social facilities) and discretionarily

		(i.e. policies for housing, greening, and constructions)" [54]
Malaysia	Commonwealth law with particular Sharia' adjustments	Laws of Malaysia Act 171, Local Government Act 1976 "Part II s8 is related to daily administrative duties of officers, Part VII s63, s64, s65, and s66 are related with discretionary acts of public places; and Part XII s102, s106, s120, and s121 are related to executive powers to constitute the code in doctrine of precedent" [55]
United Kingdom	Commonwealth law	Local Government Act 2002 Part I and Part VI s105 "Part I of the Act deals with conducts which promote economic, social, and environmental well-being and Part VI s105 of the Acts deal with executives' policies made in accordance to both public order and doctrine of precedent" [56]
Australia	Commonwealth law	Local Government (General) Regulations 2005 "Part 2 Div.3 (water supply, sewerage, and storm-water drainage work), Div.4 (waste management), and Div.5 (activities on community land, public roads, and other activities); Part 3 Div.3 (preservation of healthy environmental condition); and Part 7 Div.2 (discretionary tender for infrastructure project execution via PPP agreement)" [57]
United States of America	Commonwealth law	U.S. Code, Title 42, Chapter 68, Subchapter IV-B Part A, §5195-5196 §5196: "...to study and develop emergency preparedness measures design to afford adequate protection of life and property..."; §5195: "...emergency preparedness is all activities and measures taken to minimize the effects of hazard towards society...formation of well-trained organizations, passive-defensive military regulation, and emergency medical and armed-rescue ops..." [58]

Viewing different constitution in the context of life quality improvement, there are two punctuations in both social program (commonwealth law) and normative value (civil law) which might be influenced by its doctrine (doctrine of precedent vs. interpretational liberty). Viewing this, considering equitable point of view, good public officials must be able to, by reckoning their wisdom, comprehend the local norms and implement those practically in a way that, governmental programs may not trigger any conflict [1]. This research uses this methodology to set an assessment in the public service and governmental leadership excellences. In complicated and diversified states, carrying infrastructure development programs to improve the local life quality through general facilities in conditions where policies made preserve local culture and value, law enforced fairly and transparently, and governance system is reliable, could arouse societies' satisfaction [59].

3.3. Officials as Bureaucratic Subordinates

The third domain of assessment is to treat administrators bureaucratically whereas, house of representative and supreme court watch over them. As there are three functions of government, this research finds three risks to prevent: (1) arbitrary policies, (2) unaccountable financial reporting, and (3) corrupt practices [60]. This idea is taken based on considerations where the first evaluation does not engage citizens' perception at all and the second one relies fully on society, the third part, as a balancer, embraces both house of representative as a symbol of society and supreme court as a representation of justice. In addition, as several nations' municipal act insert statutes in audit and transparency, opinions provided by governmental agencies working on periodic examination must be considered as objective assessment. In other words, in case of bias probability, this assessment cannot be rejected since this is formal information authorized by the state

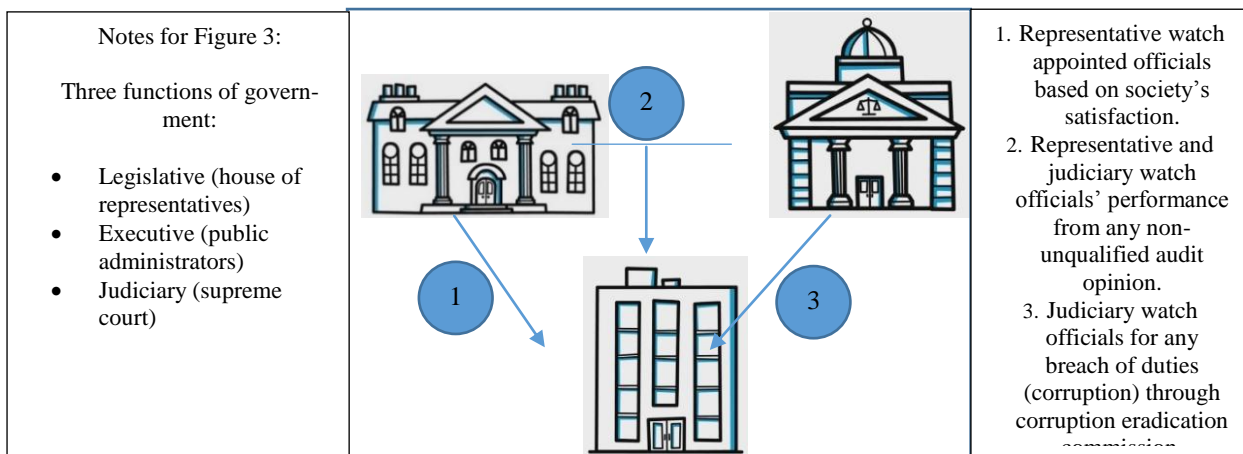


Figure 3: Common national surveillance system

4. Conclusion

Hence, the model built in this research gives a new solution which is applicable for any political state. Given a trend whereas a fair assessment towards public administrators is urgently demanded, for the purpose of good governance practices executed based on the principles of democracy, societies are involved to assess executives' performances. However, as such naïve perception is easily bended by political tactics, then parties to which executives must be transactionally dealing and bureaucratically complying with, must be considered as other important dimension of officials' assessment as they understand the actual real state of affairs. In a discussion of officials' occupational fraud scheme (corruption), it

is realized that its extraordinary effects could likely to inflict all parties either financially or non-financially. As such, this new framework may portray officials' conduct in the perspective of transactional fairness, social satisfaction, and legal compliance. Furthermore, solving corruption cases in a complex political environment containing machinations and gimmicks is not simple whereas, good governors' policies and conducts are possibly not delightful for everybody. Therefore, perception built through this framework can be viewed in either separated or integrated function. Through this, state can establish an examination proving either their innocence or wickedness. This function could facilitate either further examination and judiciary process compressing the extraordinary cost of corruption. Finally, considering the future implementation which might inflame conflict, government politi-

cal wisdom and intelligence must be carried out whereas, there should be a radical movement against corruptions.

Acknowledgement

This model is a philosophical framework built to support W.a.W (We are Watching) smart application's construct designed to compile society's perception in officials' assessment [23]. This design is also a branch from an integrated grand design for presidential decision support system to map corruption practices in Indonesia using quantitative survey methodology [21]. The decision of bringing out this new methodology in a global perspective is influenced by Guba's paradigm dialog [62] whereas, building a scientific methodology should be followed by understanding it's both ontology and epistemology which building its body of knowledge as the symbol of scientific positivism [62]. Regarding to its future developments, researches in questionnaire methodology and model implementation might be considered as parts of this big research road map.

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