

Legal Policy for Regional Innovation in the Transformation of Adaptive Government Bureaucracy

Malicia Evendia¹, HS Tisnanta², Zulkarnain Ridlwan³, Ade Arif Firmansyah⁴

Abstract

The way in which local government is organized affects the results in achieving the goals of decentralization. For this reason, regional innovation as a driving force in development cannot be separated from the influence of local government bureaucracy. Decentralization, which stems from democratic values, places public participation as a priority that must be upheld in every policy issued by the government. This paper will elaborate on how the determination of innovation legal policy and adaptive local government bureaucracy in the perspective of regional autonomy, as well as its relationship with community participation as a basis in the substance of regional innovation legal policy. Using a conceptual approach and a legal approach, the results of this study show that regional innovation legal policies that accommodate guarantees of community participation are an important element in producing bottom-up innovations in accordance with the challenges and potential of the region in development efforts. Adaptive local government bureaucracy is an important aspect in the success cycle of regional innovation instruments in improving community welfare in the perspective of autonomy.

Keywords: *regional innovation; legal policy; bureaucracy; local government.*

Introduction

Since decentralization, it provides autonomy for regions to manage their own government affairs. According to Andi Azikin (2018), the main objectives of the regional autonomy policy are, first, to free the central government from unnecessary burdens in handling domestic affairs, so that it has the opportunity to study, understand, respond to various global trends and benefit from them. The central government is expected to be better able to concentrate on formulating strategic national macro policies. Secondly, with the existence of regional autonomy, local governments have more authority than the central government, so the regions will experience a significant learning and empowerment process. Their initiative and creativity will be stimulated, so that their capability to overcome various domestic problems will be stronger.

Along with that, the changing conditions of society due to technological developments are new challenges in the current era of disruption. The government faces these challenges with limited resources and expertise to solve complex problems and widespread organizational constraints. The existence of weaknesses in the structure of institutions in government, cannot only rely on the government as a service provider. Moreover, the current democratization trend is no longer limited to fighting for rights or during elections by electing government officials, but has expanded to the government area. Where citizens are not only objects, but also subjects that can control the government.

One of the fundamental problems that is urgent and must be resolved immediately is the problem of bureaucratic empowerment or bureaucratic engineering (Atmasasmita, 2003). In this era of disruption, government bureaucratic reform is needed which is part and parcel of efforts to strengthen the state because through bureaucratic reform the role of government is redefined to answer challenges, bureaucratic reform is not just simplifying the bureaucratic structure but can change the mindset and cultural patterns of the bureaucracy for various roles in governance (Rohayatin, 2017).

¹ Faculty of Law, Universitas Lampung, Indonesia. Orcid: <https://orcid.org/0000-0003-0794-3135>

² Faculty of Law, Universitas Lampung, Indonesia

³ Faculty of Law, Universitas Lampung, Indonesia

⁴ Faculty of Law, Universitas Lampung, Indonesia

In its development, the bureaucracy of the past moves and becomes the foundation or basis of the current bureaucracy (current situation), namely the bureaucracy that is still heavily influenced by the colonial bureaucracy, which is in a position to be in the status quo by focusing only on routine, shackled to ancient traditions without seeing the dynamics of change (Yunas, 2016; Putri, 2021). Local governments in Indonesia tend to be shackled with business as usual activities. Business as usual has the effect of a monotonous routine, causing a lack of innovation drive.

A culture of innovation is needed in government. This is inseparable from the external dynamics and demands of rapid change, which occur outside public organizations. In addition, changes in society are also so important that the public sector can be a sector that can accommodate and respond quickly to any changes that occur (Hutagalung & Hermawan, 2018).

Bureaucratic reform is the first step to improve the existing bureaucracy. The implementation of bureaucratic reform is a policy that has a huge impact on improving organizational performance. It is not only about running the government's priority programs, but more importantly, it is about bringing the bureaucracy to a more professional, effective, and efficient direction so that it can adapt to the dynamics of rapid global change (Wibowo & Kertati, 2022). The reason for the implementation of bureaucratic reform is due to various factors that arise in bureaucratization, namely internal and external factors. The internal factor behind bureaucratic reform is the increasing demands of the community for better public services. Meanwhile, the external factors are globalization and environmental changes, significant political, economic and social changes, and the development and progress of science and technology (Hayat, 2020).

Law in this context plays an important role. This is in line with what was conveyed by Roscoe Pound who emphasized on the law that can function as a tool of social engineering. This is because he saw the irony that occurred in his country where the conditions at that time the science of law tended to deteriorate because the law only became a mere regulation. As quoted from Tamanaha (2010), that "Pound claimed, was mired in this state: "[T]he jurisprudence of conceptions tends to decay. Conceptions are fixed. The premises are no longer to be examined. Everything is reduced to simple deduction from them. Principles cease to have importance. The law becomes a body of rules." According to Roscoe Pound's law is a tool of social engineering theory, law is no longer seen merely as an order to maintain the status quo, but is also believed to be a regulatory system to achieve certain goals in a planned manner (Tanya et al., 2013). Thus, this paper will elaborate and analyze the relevance of regional innovation legal policies to adaptive local government bureaucracy, as well as the substance of regional innovation legal policies needed to encourage adaptive local government transformation.

Methodology

This research is a normative legal research, namely examining various laws and regulations used as the basis for legal provisions to analyze regional innovation law. The legal research model used is a comprehensive and analytical study of primary legal materials and secondary legal materials. Considering that this research is a normative legal research, the approach uses statute approach, historical approach, and conceptual approach. The data is analyzed qualitatively by describing the data generated from the research into a systematic explanation so that a clear picture of the problem being studied can be obtained, the results of the data analysis are concluded deductively.

Results and Discussion

The Urgency of Adaptive Local Government Bureaucracy to Public Services in the Perspective of Autonomy

Local governments as public bureaucracies must be able to provide more professional, effective, simple, transparent, open, timely, responsive, and adaptive public services and at the same time be able to build human quality in the sense of increasing the capacity of individuals and communities to actively determine their own future (Robi, 2016; Wardani, 2019). In the era of disruption, public organizations are certainly

expected to be sensitive to existing changes, where the organization of its position must be able to get out of just the usual routine and organizational structure of how tasks will be divided, who reports to whom, and formal coordination mechanisms (Wardani, 2019).

Various pressures to reform the bureaucracy are a sign of the desire to realize more democratic governance. Democratic governance requires an effective, transparent, accountable and participatory bureaucracy. However, everyone realizes that the current government bureaucracy is still very far from such a figure (Daraba, 2019). Various types or forms of obstacles to bureaucratic reform that are well known and felt by the public, including when taking care of something in a government office, feel that the procedures are convoluted, slow or take a long time, require large costs including additional costs, unfriendly services, the practice of collusion, corruption and nepotism, and others. Facing these various obstacles to bureaucratic reform, the performance of the bureaucracy to date has not shown significant changes (Yusriadi & Misnawati, 2017). So if the bureaucracy is still in the status quo by only focusing on routines without seeing the dynamics of change, it is not in line with efforts to realize an adaptive government bureaucracy through bureaucratic reform.

Bureaucratic reform, which has long been rolled out, actually has a fundamental target in the form of changing the mindset of human resources (apparatus) and the current system that can control organization, governance, human resources (apparatus), supervision and public services. However, this main goal has been constrained by institutional weaknesses in the form of a tendency to prioritize a structural approach over a functional approach (Junus, 2022). This is not in line with the direction of development that requires responsiveness, responsibility and accountability.

This is in line with Lenvinne's opinion, as cited by Atthahara (2018) that the quality of public services can basically be measured by three dimensions, namely:

1. *Responsiveness, which measures the responsiveness of providers to the expectations, desires and aspirations and demands of customers.*
2. *Responsibility is a measure that shows how far the process of providing public services is carried out by not violating predetermined provisions.*
3. *Accountability is a measure that shows how much the level of conformity between service delivery and external measures that exist in society and are owned by stakeholders, such as values and norms that develop in society.*

Based on these aspects, bureaucrats as public service providers greatly affect service quality, both in the dimensions of responsiveness, responsibility, and accountability.

Bureaucracy in the era of disruption is not suitable if it only focuses on routine. According to Clayton Christensen, many parties have not realized and understood that currently in the midst of the disruption era there is a revolution in various lines of life, especially in several aspects. Where these aspects are very important to pay attention to so that the innovations carried out can run optimally (Yanvingsesa & Manar, 2023). Therefore, government bureaucratic reform is needed, which can change the mindset and cultural patterns of the bureaucracy in government.

In general, the obstacles to public policy change are caused by many factors, including the low capacity of public officials, a bureaucratic culture that is antipathetic to change and a bureaucratic structure that tends to be rigid and less flexible. In certain cases, there are many different public policy orientations between the government and the public, especially in the policy formulation process, causing disharmony at the implementation level. The government is oriented towards how to spend the budget so that it is absorbed and can be accounted for, so that it often neglects programs that are in direct contact with the public interest. These conditions force the public to remain compliant with government policies that do not have an impact and benefit the public interest (Sururi, 2016).

This necessitates a policy of adaptive transformation of the local government bureaucracy. Given the decentralization reform has strengthened local governments and responded to the need to increase the capacity of governability and response of local governments in the face of increasing social and economic demands coming from various sectors of society. According to Kee (2005) as cited by Noor (2013), states: Decentralization should be approached through the philosophy of self-determination, self-management, self-help, self-responsibility, and self-innovation of the provinces themselves. If decentralization could contribute to the alternative regional development on the basis of this philosophy, it must be combined with regional innovation and citizens' autonomy. Therefore, regional innovation is one of the aspects that also determines the success of regional autonomy implementation.

This is relevant because when local government performance is poor, the consequences are unserved public services and wasted resources. The solution is to change policies or improve existing policies (Bachtiar & Listiningrum, 2022). Local governments that are still in the shackles of business as usual will not be able to keep up with the needs of society. According to Turner and Hulme (1997), the limited capacity of local governments will affect the quality of public services (Said, 2008). Local government bureaucracy needs to be adaptive, because regional innovation will always be synonymous with change.

Relevance and Substance Direction of Regional Innovation Legal Policy in Encouraging the Transformation of Adaptive Local Government Bureaucracy

Adaptive local government and regional innovation have a strong nexus. Both have causality that affects each other. To realize an adaptive government requires regional innovation that can be a means for a high level of participation space because this is a community need, as well as to realize regional innovation which is synonymous with breakthroughs and disruptive changes as a means of citizen involvement, it requires an adaptive local government.

Adaptive local government is basically a government that is able to adapt to the development of the times and the needs of the community. The paradigm of government that is oriented towards the community, in this case community participation is a challenge and a current need. The participatory process is seen as an exercise in democracy and as a way to support the growth of a democratic political culture in society (Paulin, 2017). The community is no longer seen as "passive" and given limited space in government. On the contrary, participation or involvement of the community as users of government services is very much needed in government. In the context of regional innovation, forms of innovation that encourage community-based resource governance need to become the political will of the government.

Participation in local government administration. Community participation in local government administration has an important function, among others, as a means for the community, both individuals, community groups, and community organizations, to express their needs and interests so that the process of forming regional policies is more responsive to the needs and interests of the community. Community participation is also important in realizing community concern and support for the success of development in the region. It is not surprising that increasing community participation in and through regional innovation is a crucial substance.

Citizen participation, in the concept of democracy, is defined as the involvement of citizens in various government processes, including in the development of public policies, in overseeing the course of government, expressing the aspirations and interests of the community and in supporting various community development efforts (Mahdi, 2017). The right to public participation in democratic governance already exists in international law, particularly in the International Covenant on Civil and Political Rights, which sets out minimum obligations to participate in public affairs. In Indonesia, participation guarantees are still scattered in various laws and regulations that are part of the substance of sectoral provisions. In local government, provisions related to participation are still generally regulated in Law No. 23/2014 on Local Government, and in the implementing regulations of Government Regulation No. 45/2017 on Public Participation in the Implementation of Local Government. However, the existing norms illustrate that the level of community participation is still a formality.

There are also levels of community involvement and participation. According to Arnstein's (1969) theory of the ladder of participation, there are eight ladders or levels of community participation: manipulation, therapy, informing, consultation, placation, partnership, delegated power, and citizen control. Arnstein further categorizes the eight ladders into three levels, namely: a) non-participation; b) degree of tokenism, and c) degree of citizen power. The ladder of participation basically aims to identify and then increase community participation.

At the level of non-participation, which is the lowest level of participation, the point is that the community is only limited to receiving information and becoming an object just so that the community is not angry. Then at the tokenism level, it tends to be just a formality and sometimes even unidirectional communication (socialization) by the government, the community is not prohibited from participating but input from the community may not be a priority and is not implemented because it depends on the government. Community aspirations are just entered, but not followed up. Then, the level of citizen power, the highest level of participation, at this level there is a reciprocal relationship that can form negotiations and cooperation in formulating policies. Community aspirations at this level are guaranteed because the community is involved and not just symbolic.

A governance paradigm that emphasizes the interests and involvement of the community, this will then increase bottom-up regional innovation. The community is no longer placed only as the object of development, but also the subject of development. How high community participation will determine regional innovation in accelerating development. This is related to the idea of regional innovation legal policy, providing a legal basis so that community participation is not only at the tokenism level. So far, laws and regulations provide a door for public participation, but the real power to influence the policy process is still limited. Regulations have not provided a legal framework in providing a degree of participation at the level of citizen power, in line with that, local governments still tend to be business as usual, not transforming into adaptive local governments.

The direction of regional innovation legal policies that accommodate guarantees of community participation is an important element so that the innovations produced are not just commodities or initiatives of regional heads, but reflect the needs and aspirations of the community. An adaptive government will give birth to governance that places community participation at the highest level, so that a variety of innovations will emerge, one of which is disruptive innovation, where community participation is guaranteed and substantially accommodated in the policy-making stage.

The development of a new paradigm of public administration has caused the pattern of relations between the government and citizens to change, which emphasizes the interests of citizens. As a result, the government is required to be more attentive and responsive in providing public services to citizens (Herizal, 2020). Regional innovation in this paradigm does not center on local government alone, the community needs to be involved in all stages.

The process of participation must be carried out, because the community is the party that knows best about itself and the problems that surround it. Without community involvement, development will not have a significant impact on improving the quality of life of the people, such as improving infrastructure for public services and alleviating people from poverty (Saragih, 2011). In addition, bureaucratic reform and transformation of the public service system can actually be done well if, first, the government repositions itself as a 'public servant'. Second, it involves the community in every policy-making process. The involvement in question is also not just inviting the community to listen to socialization, for example. But beyond that, involvement here means opening a dialog space to listen and absorb their aspirations, then followed up in the form of policies. Thus, controversial policies can be avoided (Hadi, et al., 2020).

In connection with this, regional innovation legal policies need to accommodate the New Public Services paradigm as proposed by Denhart, which emphasizes that public services must be oriented towards the interests of the community, not just the interests of the market or bureaucracy. The New Public Service concept is built on basic ideas, one of which is the concept of humanism organization. This is as expressed by Miftah Thoha that: Unlike the classic model concept and the new public management, the new public

service concept is a concept that emphasizes various elements. However, it seems that the new public service has a normative model that can be distinguished from other concepts. The birth of this concept cannot be separated from its predecessors. The basic idea of this concept is built on the concepts of; (1) democratic citizen ship theory; (2) community and civil society models; (3) humanism organizations; (4) post modern public administration science (Ningtyas, 2017).

In the New Public Service model, public services are based on democratic theory that teaches equal rights among citizens, because basically the people (demos) are the highest power holders (kratein) and have rights that because of their essential nature will not be taken over, denied and / or violated (inalienable, inderogable, inviolable) by anyone who is in power (Larasati, 2024). Public service providers have full responsibility to the community by prioritizing the interests of the community (Denhardt & Denhardt, 2007; Aryani et al., 2021).

The New Public Service perspective requires the role of public administrators to involve the community in government and serve the community. In carrying out these duties, public administrators are aware of several complex layers of responsibility, ethics, and accountability in a democratic system (Denhardt & Denhardt, 2007; Alamsyah, 2016). The selection of New Public Service can bring about a change in reality in government bureaucracy to improve public services. In this concept, the sacrifice of energy and time to influence all systems that apply in the implementation of this public service requires courage from the state apparatus (Tamami, 2020). With the New Public Service paradigm, the local government in implementing regional innovation also positions regional innovation as a priority for the interests of the community and provides easier access in terms of the community participating in the process of implementing regional innovation. Regional innovation that is not only in the perspective of the ease of local government in serving, but also innovation that facilitates and optimizes the role of the community to be involved.

According to Moore & Hartley, as quoted by Hutagalung & Hermawan (2018), basically innovation in the government sector is carried out in the form of: a) going beyond organizational boundaries to create a network-based decision-making, financing, decision-making, and production system; b) utilizing new resources; c) exploiting government capacity to shape personal rights and responsibilities; d) redistributing rights to determine and assess values; and e) must be evaluated in terms of the extent to which they promote justice and community development and their efficiency and effectiveness in achieving collectively set goals. This is what the author believes drives the need for a beyond bureaucracy approach in governance.

Beyond Bureaucracy aims to provide an incubator for ideas, visions, and thoughts that aim to step beyond the boundaries of existing frameworks (Paulin, et al, 2017). Through the concept of beyond bureaucracy by using the power of citizens to take part in the "role" of government, instead of passively just observing and following. The need for disruptive innovation in the context outside of bureaucracy is a concern, in this case requiring the role of the state in the form of legal policies to be able to adjust to the development and needs of society.

Catherine Dumas et al, in their research also found that various digital innovations can be a means of public participation that is used as a relevant source to form public policy. For example, electronic petitions, online mass deliberations, to online discussions (Paulin, et al, 2017). This illustrates that an adaptive local government bureaucracy is needed through innovation so as to increase citizen sentiment towards the government.

The commitment of local governments in encouraging the level of community participation is balanced with adaptive local government bureaucracy in line with the policy line that is formalized in the provisions of regional innovation law. Obstacles in the process of increasing transparency and community involvement can be overcome with legal policies that encourage disruptive innovation in realizing adaptive governance. One form of innovation as conveyed by Mulgan (2007), that: *“Public institutions are constrained by regulations and ingrained bureaucratic processes that are not particularly open to disruptive innovations. However, recent experiences show that there are some notable exceptions. One of the emerging innovations in the public sector is social innovation. Social innovations are implemented in response to both social demands and budgetary constraints of governments. They are also becoming increasingly important for overcoming barriers to sustainable growth, such as climate and demographic changes, and*

are believed to favour human relationships and wellbeing.” Alina Ostling (2017) expressed the importance of social innovation that emphasizes community participation, namely “presently, a vast experimentation with social innovations is happening around the world. This book chapter discussed two key democratic opportunities arising with social innovations, namely increased inclusion of people in the process of monitoring and delivery of public services, and their role in making governments more transparent.”

The essence of the transformation of local government bureaucracy today is a long process and not an instant process because in reality the bureaucracy is filled with people with complex goals and always experiences increasing demands along with the development of the dynamics of community needs. However, synergistically the demands that arise are also related to the sustainable development process in the region (Kamil, 2021; Syamsuardi, 2023). The success of the innovation strategy carried out depends on the organizational culture. Cooperation, open thinking and support from all parties are needed to achieve the success of innovation in achieving competitive advantage and becoming a superior organization in global competition (Sari, 2017).

To form a regional innovation ecosystem that is able to accelerate development, it is not enough to just restructure institutions, but the mindset or paradigm of the government bureaucracy also influences regional innovation. Changes in institutional nomenclature will not have a significant effect if the paradigm of the local government bureaucracy is still the old paradigm and has not transformed into an adaptive government bureaucracy as a form of bureaucratic reform that accommodates governance with a beyond bureaucracy approach, which can then give birth to disruptive innovation in government.

Disruptive innovation can be a driver by radically changing the old bureaucratic culture or existing models and systems by presenting something new as a more efficient or cheaper solution. Disruptive innovation affects the way the government manages and provides services to the public by encouraging the application of new technologies or new, more efficient and faster ways for the public and other actors to be involved in policy making and implementation and public services. In this case, disruptive innovation can be a trigger in providing technology-based solutions so that it can change the way regions serve their citizens (different governance from before).

Technological developments can have a major impact on the way governments work. Technology opens up new opportunities for economic development, driving innovation and transformation of governance through improved public service performance, evidence-based policy-making, and resource efficiency. The transition to the digital era in the context of governance will encourage governments to redesign public service business processes and change patterns of interaction between communities and between communities and the government (Drafting Team, 2023). This has also given rise to various social innovations that are oriented towards solutions to address social problems by empowering communities, by improving or creating more inclusive alternatives. Social innovation seeks to create fairer and more equitable solutions so that social justice can be realized.

Adaptive local government bureaucracy will open up opportunities for innovation that suits the needs of the community, including social innovation or disruptive innovation. The emergence of such innovation will be a path to accelerating better, more inclusive, and holistic development. This is because the implications of regional innovation legal policies that emphasize community involvement will increase public trust in the government, due to increased services by the government with innovations that adapt to community needs. The government and society complement each other, this condition creates new opportunities for democracy, especially in terms of information transparency and community participation so that regional development acceleration will be realized.

Therefore, adaptive local government bureaucracy will be more open to major changes and even disruptive innovations. Adaptive local government will give birth to governance with a beyond bureaucracy approach. Beyond bureaucracy is a concept of governance approach that goes beyond traditional bureaucracy that is rigid, hierarchical, and procedural-based. This is why beyond bureaucracy emphasizes flexibility, collaboration, and innovation in managing government and public services. Local government not only acts as a regulator, but also as a facilitator and catalyst for regional innovation. The relationship between adaptive

local government, beyond bureaucracy, New Public Service, and regional innovation can be seen in the following picture.

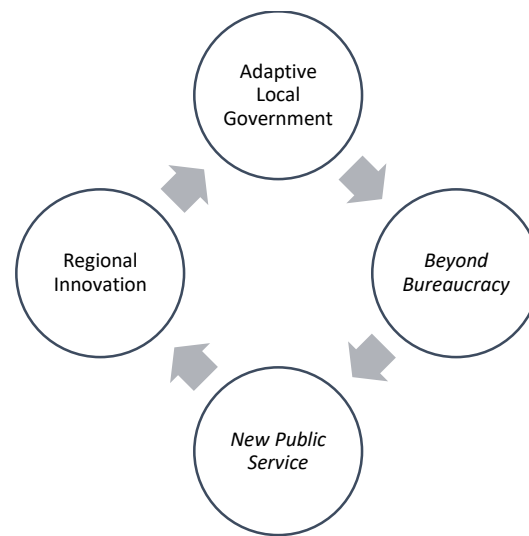


Figure 1. Causality of Local Government Governance to Innovation

Based on the above figure, adaptive governance is a requirement for bureaucracy to be able to respond to change quickly. Adaptive local government will be identical with flexibility and responsiveness, therefore it requires responsive laws. Laws that are able to provide legitimacy in responding to change and development without being trapped in rigid procedures. With the existence of adaptive local government, the beyond bureaucracy approach will reduce rigid bureaucratic obstacles or go beyond traditional bureaucracy in governance so that the innovation process is faster. Beyond bureaucracy will provide space for actors outside the government to collaborate in government so that a governance network will be built. The need for a New Public Service paradigm to ensure that regional innovation remains oriented towards the interests of the community. These preconditions will produce regional innovation as a solution and need in realizing people's welfare more quickly. This then returns to the conditions of adaptive governance, because innovation encourages local governments to continue to develop and adjust policies. Regional innovation is ultimately not only the result of government policy, but also interaction with the community and other sectors. Adaptive local government will continue to update policies so that the innovation cycle continues.

The central government through national legal policies needs to include provisions on adaptive local government based on flexibility and responsiveness to social and technological changes, through the formation of an ecosystem that allows various actors to collaborate in producing regional innovation. In addition, it also provides a framework for other actors to be involved and participate, especially the community. The disruptive era that is occurring, not only has an impact on the business sector, local governments also need to adapt through a beyond bureaucracy approach by increasing the involvement of the community and other actors in encouraging regional innovation that can determine the success of regional autonomy.

Conclusions

Based on the description that has been explained above, it can be concluded that adaptive local government bureaucracy is a demand and need in producing regional innovation that can improve community welfare. On the other hand, regional innovation legal policies are also determinants of the realization of adaptive local government bureaucracy as a consequence of regional autonomy. The substance of regional innovation legal policies needs to include strengthening the degree of community participation as a form of commitment in encouraging the transformation of local government bureaucracy based on public services.

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