

# *Pseudo Governance: A Lesson Learned From Banten*

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**Abstract**— Governance has become a mainstream since the 1990s, which is widely accepted as rapid as the unstoppable democratization and globalization all around the world, including Indonesia. Although it has been formally adopted since the 1998's national reforms, new values in the governance paradigm are still not effectively internalized in the practice of governance in Indonesia, especially in Banten Province. A number of pathological symptoms in the praxis of local governance indicates not only the ineffective government but also the poor governance. Based on the background above, this study aims to explore qualitatively about the praxis of local governance in Banten Province, which is analyzed within the framework of Rondinelli and Cheema (2007), which focused on the interaction between local governance actors namely: regional government elites, private sector, and civil society.

This research has exploratively succeeded in uncovering the pseudo-governance praxis, which is characterized by the lack of transparency, accountability, participation, public trust, and respect for democratic processes; the local leadership malfunction, the dominant role of the private sector in politics and government; and interactions among governance actors which appear to work normally, but are actually corrupted by various forms of structured and systematic penetration.

Recruitment of democratic and accountable politics, the presence of an effective control system, and effective and non-discriminatory law enforcement are essential preconditions to realize authentic democratic governance, not a pseudo-governance which is so manipulative that distort the effectiveness of local government and development as well as people's welfare.

**Keywords**— *control, hegemony, elite, actor.*

## I. INTRODUCTION

Banten is one of the new provinces in Indonesia, which was born in the reform era in 2000. Previously, Banten was a part of West Java Province that was relatively left behind compared to other regions. This backward issue is what drives a number of elements of society to form new autonomous regions, separate from their parent provinces. And with this background, the focus and central issue of regional development in Banten Province is monopolized by the issues of underdevelopment, poverty, inequality between regions, and the like even today.

As a new autonomous region, Banten faces quite complex problems in responding to these issues, although on the other hand Banten has enormous potential in the industrial sector which is spread throughout its northern regions as well as the potential of natural resources that stretch across the central and southern regions. Industrialization, which was concentrated in the northern region since the New Order era, created a real gap with the

southern area. The industry has even become a major sector of the regional economy with a contribution of more than USD 30 billion per year or approximately 34.23% of the total GDP, and absorbing more than 500 thousand workers in approximately 1,720 industries concentrated in the North [1]. The rest was contributed by the trade sector by approximately 12.37% and the construction by 9.82%. With this industrialization, Banten grew into one of the top investment destination nationally after the Provinces of West Java and Central Java.[2]

However, the progress that has been achieved has not been able to significantly change the mindset of society as reflected in the behavior of the majority and the elite who are still influenced by old values that tend to be opposite to new values like governance and its principles, include in its local governance. The study of Lubis [3], Sutisna [4], and Hidayat [5], identified the culture of *Jawara* in conflicts among local elite groups throughout the process of forming Banten Province until the early period after its formation. Hidayat [5] even concluded the magnitude of the influence of the *Jawara* since their victory in the election of the first Governor in 2001. Enormous psychological and financial penetration of the *Jawara* throughout the electoral process, and its role and enormous influence on the governmental strategic decision making as identified with the term *Gubernur Jenderal*, which represents the mastermind of the *Jawara*, even then often paired with the phenomenon of local strongman in a number of third world countries in Asia, Africa and Latin America [6]; local bossism in the Philippines [7], or shadow state in Sierra Leone [8], India [9], and in Banten Province [5].

This culture of *jawara* then led to the poor performance of the local governance and development especially during this period, as reflected by a low governance index [10], a bad corruption perception index [11], and a bad government integrity index [12]. Disclaimer opinion on regional financial accountability until 2014, low performance among other new provinces [13], and became one of the provinces with the lowest governance index in Indonesia [14]. In its Executive Report, the Partnership even concluded that the ineffectiveness of the Banten provincial government was partly due to the behavioral factors of regional government actors, namely: local governments experiencing disorientation in the implementation of public services and development, DPRD's who are less competent and lose their representation so that they are increasingly distant with its constituents, as well as people who have lost confidence in government institutions so that they tend to be apathetic or

anarchist. And in the end, a number of corruption cases that ensnared a number of political elites and local bureaucrats, confirmed the indication of the bad governance of the Banten Province region.

This study was conducted qualitatively with the aim of describing the practice of governance in Banten Province, by identifying the influence of culture of *jawara* in the relations among the governance's actors i.e. the government, the private sector and civil society based on the United Nations paradigm [15]. The object of study is limited to the period 2000 to 2017 which is factually characterized by New Order-style governance practices that are still applied even though constitutionally democracy and governance have become a platform in the administration of government at the central and regional levels.

## II. THE PRAXIS OF LOCAL GOVERNANCE

The era of governance demands equality of roles between government, the private sector and civil society. The government can no longer play a monopolistic role in all public affairs and interests such as in the era of centralization, but share roles with the private sector and civil society synergistically in achieving common goals. Therefore collaboration becomes a necessity, especially for regional governments who really want the progress and welfare of their people. This is the conceptual essence of governance as intended by Rondinelli, which was adopted as a new value and paradigm in managing today's government and public affairs.

As one of the new provinces in Indonesia, Banten Province is often being center of attention because of its low performance compared to other new provinces [13]. In addition, various phenomena in Banten have even become a national and international concern, including: cases of criminal acts of corruption involving a number of government elites, political elites, bureaucracies, and private sectors; and the practice of local political oligarchies in the form of massive and systematic kinship and cronyism practices.

Poor face of Banten at that time became very anomalous towards the reality of the massive changes that had been adopted by Indonesia after the reformation in 1998. Unfortunately democratization at the national level were not so noticeably felt in the regions, especially in Banten Province. Absolutism of power in the implementation of regional government is still very strong to be felt even though on the surface it looks very democratic. Similarly to all juridical norms that seem to be orderly, even though the facts do not correspond to reality. Governance which in the UN paradigm places the state, the private sector, and civil society in equal positions and roles, in fact is drove monopolistically by government which is controlled by the interests of the private sector. As the result, there is a control over governmental resources which ultimately marginalizes rights and interests of the public. Tightly control over elements of civil society eventually created the public fear to participate in controlling the government. This inequality finally weakens social and political control so that power tends to be anticritical, hegemonic, and corrupt.

Political control by the representatives that did not work properly was factually confirmed by the popular term "legislative versus *legislatur*" which represented the public image of the representatives which played a role as a power stamp rather than representing and fighting for the public interest. Most of the legislative budget committee even plays the role as a *"tim samurai"*, a term that describes the role of a group of crony in synchronizing the interests of crony members in budgeting policy. As the result, the practice of *"bacakan proyek"*, a local term that means a scandal of project settings among the local elites, became an easy phenomenon to do, moreover the practice is directly regulated by ruling elite called *"gubernur swasta"*, and supported by the decisions maker in regional legislative and bureaucratic institutions which became cronies of business and power. The term *"gubernur swasta"* above for a number of activists is also known as the *"gubernur malam"* to describe activities, meetings, and decision-making that is often held at night. The interesting thing is that actually it was not a new phenomenon, because had been identified by Hidayat [5] with the term *"premanisme proyek"* in the period before 2006. The difference lies in the use of physical intimidation that is more intense than lobbies and various bribery practices to win tenders of the local government projects.

The phenomenon of *"bacakan proyek"* became easy to do because the ruling elites also has a background and a dual role as the private sector that has a direct interest in government spending. This role is carried out by the *"gubernur swasta"* who is a close relative of the ruler through KADIN, Provincial Chamber of Commerce and Industry, organization which accommodated the interests of the family business and the ruling cronies since the early period of the formation of Banten Province. The role of *"gubernur swasta"* is identical and is a transformation of the role of *"gubernur jenderal"* as introduced by Hidayat [5]. The Chamber is practically being a vehicle for project settings among the cronies who are in a inner circle of power, so that it is identified by the term *"pengusaha APBD"* to describe private sectors whose business activities are highly dependent on government's projects. Projects exchanges that tend to be closed finally did not only create oligopolistic practices, which are manifested in the terms *"subkon"* or *"ngesub"* to describe the oligopolistic market of project exchanges, but also produced poor quality and accountability because they are distorted by the practice of providing *"japug"* as compensation for the project, which on average is worth 10 to 30 percent.

In the context of co-opting bureaucracy, the term *"baperjakat swasta"* was identified to describe other roles played by *"gubernur swasta"* in regulating and controlling the promotion and demotion of regional officials, both with economic and political motives. This control enables the interests and economic and political agendas of the ruling elite to be systematically carried out through the mechanism of co-optation to all of local government instruments and resources.

Hegemonic power systematically weaken the existence of civil society. Various forms of control over elements of civil society are carried out effectively. If various forms of

intimidation, persecution, and even violence that represented by the popular term of *ngoncog*, *golok*, and *bacok* in the period 2000-2005, from 2005 to 2013 the control was carried out more leniently by co-opting elements of civil society such as: mass media, *kyai*, *ustadz*, intellectual, teachers, community organizations, community leaders, and other elements of civil society, to become supporters of the governing elite. When it does not work, at least it is effective enough to silence the existing critical voices.

In case of controlling freedom of press, it is done by buying advertorial columns at fantastic prices, so that slowly but surely able to effectively influence media independence. Various forms of news content conditioning, prohibition of referring certain figures as sources, as well as intimidation to journalists who are considered not support the government, are often carried out in the period 2005-2013. Likewise, the penetration of the journalist profession is carried out by facilitating almost all journalists with various incentives, facilities, include *umrah* facilities financed by local governments which are popularly known as "*umrah madura*" which means "*make uang rakyat*" or spending people's fund. As the result, the government elite is not only able to effectively control the local mass media to become the agents of the government but also to support the political agenda of the ruling elite in the general election. A similar mode was applied to other elements of civil society in order to consolidate their support for the existence of power at that time. Those modes were actually used to be carried out in the period 2000-2005, with the intention of strengthening political influence, winning business competition, and securing them from any legal problems.

Control over elements of civil society is also practiced by co-opting a number of social and community organizations that have a large mass and influence. This co-optation is carried out by holding strategic positions in a number of social and community organizations, or by making influential figures in the organization to become influencers for the political interests of the ruling elite. Those organizations are exploited to influence constituents during general elections at that time, which are carried out by channeling a number of incentives and facilities that are sourced from local government grants and social assistance.

Whereas the control of *ulama* (religious scholars) and intellectuals is carried out through a barter of interests. The dependence of elements of civil society on the resources owned by the government is an entry point for the ruling elite to dictate and utilize them. The monumental project of making the Mushaf Albantani in 2009-2010, for example, is an entry point to politicize the MUI institution for the interests of ruling elite ahead of the 2011 Governor Election. Likewise, the politicization of the Forum Silaturahmi Pondok Pesantren (FSPP) which was politically exploited in order to access a number of *kyai* and *ustadz* (religious teachers) in remote villages through the distribution of various forms of aid and local government grants that are politically enacted to consolidate the support of these figures to prospective incumbents. Similarly to the modes above, control over intellectuals is carried out with a political investment to support the winning of certain prospective rector by utilizing the governor's political access as the

party's elite to decision makers at the central level, as well as taking advantage of the dependence of higher education institutions on local government facilities in meeting their needs of institutional development. Although not entirely effective, these modes are quite able to reduce the critical voices from the campus community. Moreover, it was supported by material and non-material facilitation to intellectuals as provided to other elements of civil society through a number of intellectuals organizations which existed at that time.

As the conclusion, the hegemonic power of the ruling elite at that time could be seen from its ability to buy almost all the support of political parties so that the general election was merely a formality and procedural. Moreover, coupled with the enormous financial capacity that is able to buy the irrational voters which are still very large in number. It was this hegemony that had given rise to public despair over the prospect of realizing good governance, especially based on the various efforts of the ruling elite at that time to become a super ordinate for all other elements of governance. Until one day the hope arose again when the political action of the ruling elite was forced to cease because of stumbling a bribery case against Chief Justice of the Constitutional Court, Akil Muhtar, related to the dispute in the Lebak Regency elections in 2013. Like a snowball, this case later led to expand widely because it became the center of national and even international attention. It did not stop there, a number of corruption cases which were revealed recently, including cases of corruption in grant funds and social aid as well as cases of corruption in the procurement of medical devices in the Department of Health, make these cases still become the center of public attention, maybe up to this day.

The 2016 governor election brought new hope when a new governor was elected, although efforts to realize good governance will still face severe challenges due to a highly pathological bureaucratic disease, as well as a number of inherited problems of the previous regimes that are pathological. Nevertheless, hope and optimism at least began to appear widespread, along with changes in the political climate that is no longer hegemonic as in the previous era. At least, this can be sufficient land to sow the growth of good governance practices in the future.

### III. PSEUDO GOVERNANCE: A LESSON LEARNED

Theoretically, governance is an idea of fundamental changes to the role of the state which is no longer monopolistic in managing all of government business. Based on this paradigm, elements of civil society and the private sector are democratically given the same space to be involved in government, based on the values of transparency, accountability, equality, participation, and rule of the law as characteristics of good governance. Because of this ideality, this paradigm was accepted as a global agenda campaigned by the United Nations with the aim of realizing a better world life in the future.

Along with the acceptance of this idea as the mainstream in various countries is practically closely related to the efforts of the global community to fight corruption [16] as seen in the phenomenon of bureaucratic pathology that attracts many public administration scholars. Likewise,

efforts to reearning public trust [15] which in many cases in third world countries occur because of the poor welfare of society which is in line with the poor face of the governance. Dissatisfaction with the marginalization of the role of civil society because of the large portion of the role of the government and the private sector, also stimulated the idea of governance to be exist that places the position and interaction between the state, civil society and the private sector equally in the managing the public interests and public affairs.

Based on the brief description above, the praxis of the regional government of Banten Province shows symptoms that appear to be very opposite to the idea of governance, which is indicated by the practice of hegemony of power that does not allow for equality of roles and healthy relations among the government, the private sector, and civil society. Various modes of co-optation held by governing elite that have superior positions, indicate the neglect of the values of transparency, accountability, participation, equality, and rule of law which become the axiological side of this idea. The symptoms of bureaucratic pathology which are commonly found, such as: red tape, slowness, paternalism, wasting resources, and greater focus on processes and procedures rather than results, reflect the traditional public administration characteristics than the contemporary paradigm which should have been adopted at that time.

Likewise, the low performance of regional development in overcoming problems of poverty, disparity in welfare, and underdevelopment is the implication of governance that does not reflect "... outcome-oriented partnership between the public and the private sector to provide services to citizens" as characteristics of the New Public Management and New Public Service paradigms. The private sector is actually becoming a parasite that is slowly but surely undermining governmental resources and reducing the achievement of regional development goals. Therefore the partnership between the public and the private sector as intended by Rondinelli [15], in the context of Banten Province really never manifested. This "affair" of the government and the private sector actually results public-private corruption, not public-private partnership as its ideality.

Likewise, the essence of public governance as "..... the ways in which stakeholders interact with each other in order to influence the outcomes of public policies ..." [17] also never manifested as reflected by local government practices which are monopolized by the government, which characterized by rigid, hierarchical and formalistic approach in rowing the local government, then sowing seeds of dynastic politics, and examining collusion and nepotism to build oligarchic power, and finally became a rent seeker by monopolizing state resources to perpetuate their power.

Referring to a number of findings and discussion above, the characteristics of governance in Banten Province in the 2005-2017 era are characterized by the following characteristics:

1. Formally local government appears to be running normally (business as usual), although functionally malfunction as indicated by the low effectiveness of government and regional development, an unhealthy

partnership with the local representative body as reflected in the term "legislatut", so that check and ballances do not function properly;

2. Leadership is more formal and symbolic, "gubernur swasta" or "gubernur malam" plays a more dominant role in public policy and decision making as reflected in the practice of "Samurai Team" in the budgeting process;
3. Apparatus performance generally is shackled by the influence of the "*baperjakat swasta*" who can promote or demote the apparatus at any time. A number of bureaucrats choose to be pragmatic by being servant of the elite, and becoming part of the rent seekers. The control system suffer from malfunction due to strong political power, in addition to the practice of "*Japug*" which has become a norm at the elite and lower levels. As a result, "*ngesub*" or "*subkon*" practices became out of control;
4. The existence and role of civil society suffers from disfunction because it is capitalized as a means of legitimating power. Effective co-optation makes the existence of civil society prefer to choose to be a "*plat merah*", and the like. The great dependence of elements of civil society on the resources owned by local governments, is used as a means of bartering interests which causes the malfunctioning of social control, and poor law enforcement as a result of the effective penetration of "*japug*", "*umroh madura*", etc., as well as public fears inherited from previous era reflected in the terms *ngoncog*, *golok*, dan *bacok*.

Based on these four characteristics, in the perspective of the NPS paradigm, governance conditions in Banten Province not only do not reflect the characteristics of the NPS, but even contradict the 7 (seven) characteristics of the NPS paradigm [18]. Power practices that tend to be authoritarian, anticritical, and oriented towards group interests, for example, visually collide with the norm of serving citizens, not customers; seek the public interest; and think strategically, act democratically. Likewise, collusion and nepotism are in fact opposed to the norm of recognizing that accountability is not simple where accountability becomes something that is difficult to realize in a climate of collusive and nepotical governance. The implication is the difficulty of realizing the values of value citizenship over entrepreneurship; serve rather than steer; and value people, not just productivity. Therefore it is easy to conclude that the governance of Banten Province in the period 2005-2017 seems to have not adapted to the NPS paradigm that citizen-oriented become its focus of interest, not customers, nor constituents.

The poor face of governance in Banten Province in the era of 2000-2017 cannot be separated from the influence of the political environment that becomes its habitat, where expensive democracy transforms into moneycracy which results political and economic oligarchy. It forms hegemonic power and oligopoly markets on public area as the result. Various forms of control to the private sector and civil society by hegemonic powers makes the practice of governance seem as real, although this is not the reality.

This is what is conceptualized in this paper as pseudo governance, i.e. governance is formally applied but is substantively ignored.

#### IV. CONCLUSION

Empirically, the governance conditions of Banten Province in the period of 2000-2017 did not reflect the governance practices as their ideals, which are indicated by the use of approach of power, oligarchic power which tends to be hegemonic, and the role of the government that is superordinative to other governance actors. The low performance and deviation in government and regional development, are the implication of the condition of local governance that has not been applied consequently so that it also does not reflect good governance, but a pseudo governance, namely governance that is formally applied but is substantively ignored.

The theoretical implications of the findings above are the identification of other variants of governance practices as they have become academic discourse so far, including the following:

1. The rather utopian conception of governance about the equality of the roles among the actors, empirically proven. Like a pendulum, at one time and certain conditions the government will play a more dominant role. And at other times and conditions, the pendulum will move to the private sector or to civil society. In the context of this research, the praxis of governance in Banten is evidently determined by the private sector with the background of the Jawa as a local cultural identity.
2. The narrative of authoritarianism which has always been in the domain of the state and carried out by governments with a militaristic background, is factually indisputable. The fact is that authoritarianism can grow and come from governments with a private sector background.
3. The practice and color of governance are not only determined by the commitment and political will of the actors, but are also mainly determined by the government which naturally has formal legal authority as confirmed in the case in Banten Province.

Finally, the practical implications of this study are the description of the praxis of local governance in Banten Province, which is expected to be used as lessons learned for related parties, such as: the central government with an interest in ensuring the synergy and integration of government and development; (2) law enforcement institutions that have an interest in ensuring objective and fair law enforcement; (3) The Government of the Banten Province, which is interested in improving the practices and conditions of its governance in order to improve the welfare of the community; and (4) elements of civil society and the

private sector that are required to play a constructive and synergistic role in the framework of a healthy governance in the future.

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