Nonstructural Institutional Design: An Anomaly Practice In Indonesia

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ABSTRACT

The purpose of this study is to examine the reflection experience of the team members of nonstructural institutions (LNS) evaluation from the Division of Institutional Policy Preparation, Ministry of Administrative Reform, who was evaluating LNS in Indonesia. The study employs qualitative research methods, and the approach is grounded theory. Data is analyzed by reducing data into themes through coding, classifying those codes, and finally, redisplaying the discussion section's data. The findings of this research revealed that the LNS evaluation members' experience embedded in the institutional design, including the existing features of LNS, additional expected LNS features arose during LNS evaluation, and the contradictions features of LNS. The participants' narratives demonstrated that Nonstructural Institutional Design in Indonesia shows several anomaly practices that contradict the institutional design's primary objective for LNS.

Keywords: The nonstructural institution, LNS evaluation, institutional design, reflection experience, and anomaly practice.

1. INTRODUCTION

Having a specific experience will bring an unforgettable impression for several persons. This kind of experience happens to a limited number of government officials in the ministry of Administrative Reform in Indonesia, especially the officers who served in the division of Institutional Policy Preparation selected as the member of Nonstructural Institution (LNS) evaluation. They were assigned to do the LNS evaluation encountered a unique experience that did not happen to the other officials within Indonesia's government.

Moreover, many critics emphasized that nonstructural institutions have similar functions with other government institutions [1]. As mentioned by Gaus in Adelia that the initiative to constructed regulatory commissions intermixed in time with short-term elections and reorganization trends. [2]. For instance, the primary function of the *Dewan Penerbangan dan Antariksa* is not much different from *Lembaga Penerbangan dan Antariksa* (LAPAN), which is related to the management of Aviation and Space [2]. Moreover, LNS, as an independent institution, does not have its source for budget support. They utilize the same budget source, the Indonesian National Budget (APBN), as the other government institutions. This situation expands the number of central government expenditure [3]. It is also shown that different government institutions have a similar function but uses the same source of the budget, which leads to inefficiency [4].

The problem situation above urges the central government of Indonesia to evaluate the existence of LNS in Indonesia. The Ministry of State Secretariat started the initial step of the LNS evaluation in 2010 by publishing a book entitled The Arrangement of Nonstructural Institutions [5]. Then, from 2010 to 2013, the Ministry of State Secretariat conducted profiling on LNS in Indonesia. In 2010, the Ministry of State Secretariat compiled 52 LNS profiles in Indonesia [6]. Next, from 2011 to 2013, 30 LNS profiles were composed. Thus, from 2010 to 2013, the Ministry of State Secretariat has made 82 LNS profiles in Indonesia.

However, the evaluation process does not stop at the process of formulating LNS profiles. The evaluation process continued in 2014, but the Ministry of State Secretariat was no longer in operation. This duty lies with the Ministry of Administrative Reform, which set up an exceptional team to carry out a specific mission to review all the nonstructural institutions (LNS) in Indonesia [7].

2. LITERATURE REVIEW

The author divides the section into two parts. First, the researcher will explain the overview of LNS in Indonesia to provide information about what is meant by LNS and its development in Indonesia. Secondly, the investigator will include a literature review of the institutional design to represent Indonesia's LNS governance practices' present predicament.

2.1. Nonstructural Institution in Indonesia

There are three different organization types in the central government of Indonesia:
• Ministry (*Kementerian*)
• Non-ministry Government Institution (LPNK)
• Nonstructural Institution (LNS)
This paper will focus on the LNS since, until now, LNS has no rule respecting its institutional arrangements. LNS is an institution designed to deal with specific situations, such as the extraordinary systemic and wicked problems that require an independent institution to take care of it in a short time [2] . Another academic approach called Reinventing Government, which Osborne and Gaebler introduced, said that it is crucial to inject the nuance of competition in government organizations [8] . Thus, creating independent institutions such as LNS serves as a competitor for the government institution, which conducted the same function. A new institution such as LNS will stimulate competition among government institutions to show their best performance.

In a different view, the emergence of LNS is due to distrust in the government. This condition usually happens during political transitions, namely when legitimacy begins to decline towards the previous government, which is considered corrupt and lack of performance. For instance, the emergence of the corruption eradication commission (KPK) because of government institutions' existence both the prosecutor's office and the police, that have not functioned effectively and efficiently in dealing with corruption [2].

Moreover, in several countries experiencing the transition process of authoritarian democracy to democracy, there is a phenomenon of the emergence of new independent and affiliated organs with the government's interests. The birth of these new organs is seen as a form of state conformity to maintain system stability within the regulation of power institutions' regulation. It is a new symptom in the dynamics of administering the power of the modern state. The cause of this symptom is the development of new awareness to bring up the role of the state, which strengthened at the end of the 20th century, in which state institutions began to be considered unable to meet the demands of political institutions to accommodate public needs [2].

The other view shows that the wave of democratization in Indonesia in 1998 became the wind that brought the emergence of LNS because of the need for responsive institutions to answer public demands [2] . For instance, if we divide the Indonesia government's running into two significant parts, namely before and after the reform in 1998, the number of Nonstructural institutions jumped sharply after the democratic transition occurs in Indonesia. Before the year of 1998, Indonesia only has 7 Nonstructural Institutions. Nevertheless, after the Reformation, there are more than 90 new LNS formed.

According to the Ministry of Administrative and Bureaucracy Reform, in 2019, the active number of Nonstructural institutions (LNS) in Indonesia is99 organizations, which previously in 2016, there are 115 LNS. Between the years 2014 to 2017, there were 23 LNS disbanded. The Ministry of Administrative and Bureaucracy Reform notes that the dissolution of 23 LNS saves a budget of up to IDR 25.34 trillion for each year. Realizing that the reduction in the number of LNS could decrease the budget burden, Indonesia's central government decides to conduct the LNS evaluation as the implementation of the government's responsibilities to account for the use of the national budget. The Ministry of Administrative Reform followed up the mandate of LNS evaluation by establishing an exceptional team of 30 persons to do a particular task, evaluating all of the Nonstructural Institutions (LNS) in Indonesia. This paper explores how the live experience of the LNS evaluation team. Thus this paper raises a research question as follows: *"What is the reflection experience beneath the process of LNS evaluation feels by the LNS evaluation team of the Ministry of Administrative Reform?*

The lived experience of the LNS evaluation team of the Ministry of Administrative Reform, Professional Experts, and the representative of LNS engage in the LNS evaluation is undoubtedly unique and distinctive. They who were involved in the assessment of the LNS had the opportunity to study in detail one by one the LNS in Indonesia and have the potential to discover various exciting findings of the current LNS circumstances in Indonesia that are highly important to study. Therefore, this research intends to probe more details on the unique and rich experience of the LNS evaluation that the parties engage in the LNS evaluation, which is the LNS evaluation team of the Ministry of Administrative Reform.

2.2. Institutional Design

The roots of the classical approach of political science lay in the study of institutions. Moreover, in political science development, a detailed explanation about the institution is quite popular in policy and governance studies [9] . In the classical political paradigm, an institution formed as a means for humankind to achieve their ultimate philosophical goals, such as justice, fairness, order, freedom, and

peace [10] . Thus, we designed and formed an institution to bring a better result for human life or transform the utopian goals into a real experience.

Institutions have been devised by human beings to create order and reduce uncertainty in exchange [11] . Referring to this statement, we can say that an institution is something deliberately or intentionally designed by humans to accomplish their desired expectations. Therefore, North stated that institutions are the humanly devised constraints that structure political, economic, and social interaction [11].

Based on the degree of formalization, we can divide the institution into two kinds of types. First is a formal institution, and the second is an informal institution [12] . The main differences between formal and informal institutions are the basis for governing the institution. Written rules and regulations serve as the foundation of the formal organization. On the other hand, the informal institution will build upon unwritten rules such as norms or values. In line with that understanding, North said that institutions consist of both informal constraints (sanctions, taboos, customs, traditions, and codes of conduct) and formal rules (constitutions, laws, property rights) [11].

Hodgson defines an institution as systems of established and general social rules that structure social interactions [13]. The other scholar defines an institution as a set of rules that structure social interactions in particular ways [14] . It is also possible to see institutions as solutions to problems or accomplish goals [15] . Thus, an institution is a purely ideational entity [16] . Moreover, Tang said that a specter has been wandering in the social sciences since the beginning of human inquiries into human society. This specter has been variously called the institution, or only rules and norms, and the specter's larger embodiment order and structure [16]. According to this explanation, we can conclude that institutional design has three essential aspects: creating order by establishing the rule, designing the structure, and making the rule.

3. METHODS

This research will use a qualitative approach. Qualitative research refers to the meanings, concepts, definitions, characteristics, metaphors, symbols, and descriptions [17] . Using a qualitative approach, we can gain a deep understanding of the Meaning from the experience of the LNS evaluation team of the Ministry of Administrative Reform during the process of LNS evaluation. The author utilized a grounded theory approach to discover a theory from data systematically obtained from social research [18].

3.1. Recruitment

The criteria for selecting participants correspond to information from the Ministry of Administrative Reform, which explains which officials are engaged in the LNS assessment process. Once the author received the information, the author contacted officials to explain the study and gain their consensus to participate in the research. The author explained that the research aimed to explore their experiences when evaluating nonstructural institutions in Indonesia.

3.2. Participants

The participant was selected based on purposive sampling. The officials from the division of Institutional Policy Preparation in Ministry of Administrative Reform were selected as the participants since they were the LNS evaluation team members who are in charge of evaluating the nonstructural institution in Indonesia.

3.3. Data Collection

The interview will be more suitable for data collection in this research instead of observation. Through the interview, the author can obtain in-depth information about the participants' reflection experience when evaluating LNS. Researchers performed email interviews with participants because they were both far away from each other. The author sends an email to the participants on April 9, 2019, and received a reply from the participant on May 16, 2019.

Furthermore, based on the research question, the author develops interview questions for the high-rank official who serves at the division of Institutional Policy Preparation in the Ministry of Administrative Reform as follow:

1. What has been the participant's role in the process of the evaluation of nonstructural institutions?
2. Could the participants describe the steps or phases when they were evaluating nonstructural institutions?
3. Could the participants explain their experience when they were evaluating nonstructural institutions?
4. Could the participants describe what the most valuable or delightful experience is during evaluating nonstructural institutions?
5. Could the participants describe what kind of findings that they obtain when they evaluate nonstructural institutions?
6. Are there any surprising or specific findings that the participants discover when they evaluate nonstructural institutions? Could the participants explain the detail of the findings?

3.4. Data Analysis

The data was analyzed by reducing the data into themes by coding and condensing the codes, and finally representing the data in a discussion [19] . The author conducted the coding during the line-by-line review of interview transcripts, the first level of coding, and reducing the data into themes.
The author and the participant's first language is Bahasa Indonesia. Thus, All transcripts were in Bahasa Indonesia in order not to distort the Meaning.

When data analysis comes into the process to identify the relationships among themes, the author returned to the literature and found that institutional design concepts could capture all codes and integrate the relationships among themes reasonably. Therefore, the theoretical framework utilized in this research is the institutional design.

4. RESULTS AND DISCUSSION

The findings revealed that the participants showed experience that there were anomalous practices in Indonesia, contrary to nonstructural institutions' institutional design. Three themes are reflecting the institutional design of nonstructural institutions in Indonesia.

4.1. The existing features of LNS

According to the participants' stories, there are five existing features of LNS in Indonesia. The first is LNS as an open management organization. The participant describes that Nonstructural institutions (LNS) are one form of quasi-government institutions involving government elements, the private sector, and the public to achieve good governance.

The second feature of LNS is its function. The participant said that the function of LNS is to accelerate and to monitor government administration.

The third is LNS as an external government initiative. The participant explained that LNS was come up not because of government needs but was an initiative from an external government.

The fourth feature of LNS is LNS as a means to achieve national development goals. The participant emphasizes the point that the existence of LNS is needed to pursue the achievement of national development goals.

The last feature of LNS is the purpose of LNS evaluation is to assess government resource utilization. The participant expresses that the LNS evaluation is implementing the government's responsibilities as accountability in utilizing government resources for supporting the operational activities of LNS.

4.2. Additional expected LNS features arose during LNS Evaluation

The other findings are the expected additional features that should be displayed by the LNS. First is the LNS evaluation as a mechanism to ensure that the LNS institutional design reflects the right function, process, and size. The participant said that during LNS evaluation, as the government official, they must ensure that LNS has functioned adequately with the right process and the right size.

Furthermore, the additional features of LNS are to view LNS evaluation as an intention to develop a guide for LNS institutional pattern. The participant explains that through the LNS evaluation, a pattern can be formulated on how the LNS institutions should be more effective and efficient in the future. According to the participants, it is crucial to have a consistent pattern that serves as a guideline for creating the LNS institution. The institutional pattern will make the arrangement and development of LNS institutional design much more manageable, and the pattern will be applied equally to all LNS.

The additional features of LNS also put LNS evaluation as an effort to develop policy direction for LNS institutional design in Indonesia. As mentioned by the participant,LNS evaluation is related to LNS institutional policies' direction in the future.

The other additional feature of LNS is to see LNS evaluationconcerning an evaluation to reduce the number of LNS. The participant said it is necessary to evaluate the existing LNS institutions that lead to a decreasing number of LNS.

The last additional features of LNS is the central councilsupportfor decreasing LNS bodies. To decrease the number of LNS, the participant said it would need support not only by the Ministry/Government institution but also from the DPR (Central Council), especially the LNS formed based on the Law.

4.3. The contradictions features of LNS

Based on the participant experiences, there are some contradictions to the LNS features. The first contradiction is LNS formed under different rules. The participant said that three different rules serve as the basis of the LNS, which are Law (*Undang-Undang*), Government Regulation (*Peraturan Pemerintah*), and President Decree (*Keputusan/Peraturan Presiden*). In the Indonesian rules hierarchy, Law is higher than the Government Regulation, and the Government regulation is above President Decree. Moreover, this situation caused another contradiction, which is the obstacle of LNS institutional change. As mention by the participant that LNS, which was formed based on the Law, the institution changes must involve the DPR (Central Council), which is certainly not easy to implement. On the other hand, for LNS formed based on Government Regulation (*Peraturan Pemerintah*) or

President Decree (*Keputusan/Peraturan Presiden*)/ Presidential Decree, the institutional changes are much easier because of the authority is under the President's control.

Another contradiction is that the regulation does not have the same definition of LNS, or in other words, different regulation has a different meaning of LNS. The participant said that LNS does not have a standard definition because each of the laws and regulations that form it defines the LNS differently. Some say that LNS is an independent institution, but some explicit state nonstructural institutions outside the government.

The author also finds another contradiction related to the unintegrated institutional pattern of arrangement to forming an administrative support unit in the LNS. The participant describes no similar pattern in establishing the LNS secretariat as a supporting element in LNS organizations. On one side, the LNS secretariat can be ex-officio with one of the relevant Ministries/Institutions units. However, on the other hand, there are some LNS that have its independent secretariat.

Another contradiction that emerges from the research is the vagueness of LNS as an ad-hoc institution. The participant said that there is a tendency from the existing LNS to inflate their organizational units. It indicates that the LNS strives to maintain its existence in the long run, whereas in principle, LNS is a temporary or ad-hoc institution.

The next contradiction is LNS identified as an independent organization in the decision-making process but depends on the government budget source. The participant describes that based on the applicable rules, LNS is free from Government intervention, which means only slight possibilities to involve the government in decision-making in LNS. Moreover, the rules stated that LNS could not use National Budget (APBN) as the source of their finance; however, as stated by the participant, LNS makes decisions independently from the government, but LNS has relied on its financial resources from the National Budget.

Another finding shows a contradiction that explains the overlap function between LNS and other government institutions. The participant said that other government institutions have the same function as LNS. For instance, as mentioned above, the function of the *Dewan Penerbangan dan Antariksa* is not much different from *Lembaga Penerbangan dan Antariksa (LAPAN)*, which related to the management of Aviation and Space. It indeed results in inefficiency

The last contradiction found in this study is the unbalanced number of LNS compare to other government institutions. As the participant mention that recently the number of LNS has exceeded the number Ministries and Non-ministry Government Institution, even the functions of the LNS are not much different from the functions of Ministries and Non-ministry Government Institutions

4.4. Findings model

All of these contradictions indicate that there is an anomaly practice of the institutional design of LNS, which creates ineffective and inefficiency. Thus, the author comes with the main story Nonstructural Institutional Design: an Anomaly Practice in Indonesia and develop a model, as shown below:

Figure 1 Findings Model
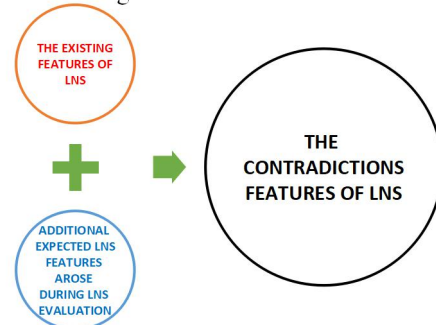
4.5. Discussion

The theme of institutional design emerges from the research process. The term institutional design refers to three essential aspects, which are goal, structure, and rule. Moreover, the term anomaly practice reflects the participant's experience that there are several practices which contradict with the LNS institution design.

Institutions are designed to achieve specific goals [11]. As a modern institution, LNS is expected to have an effective and efficient institutional design [4]. Therefore, LNS institutional design must reflect the right function, process, and size. However, in practice, there are overlap functions between LNS and other government institutions. Indeed, the study also found the unbalanced number of LNS compared with other government institutions. The number of LNS has exceeded the number of Ministries and Non-ministry Government Institutions. Therefore, it is necessary to evaluate the existing LNS institutions, which will lead to the efficiency of the number of LNS.

From a structural point of view, the LNS is an organization created to deal with unique issues that traditional organizations can not solve [2]. However, in practice, LNS continues to develop organizational units in its structure as done by an organization that tries to maintain its existence in the long term. Even the direction of the unit's development reflects the unintegrated institutional pattern of arrangement to forming an administrative support unit in the LNS so that each LNS has different administrative units. There are LNS which have a secretariat in the form of ex-officio with one of the units in the relevant Ministries/Institutions. However, there are also other LNS who have independent secretariats. Therefore,

it is crucial to develop a guide for LNS institutional patterns to guide developing LNS institutions.

Nonstructural Institution (LNS) is categorized as a formal institution since it is within Indonesia's government. As a formal institution, LNS is governed by written rules and regulations [12]. It is following the research findings that three different rules serve as the basis to form the LNS, which are Law (*Undang-Undang*), Government Regulation (*Peraturan Pemerintah*), and President Decree (*Keputusan/Peraturan Presiden*). However, the anomaly is the lack of rules that can serve as a strong basis for LNS since these three rules come from different levels in the hierarchy of Indonesian legislation. It also resulted in the difficulty or obstacle to institutional changes in LNS because the institutional changes to LNS established under the Law must involve the DPR and require a very long and complicated process. Thus, the institutional change will need support not only by the Ministry/Government institution but also from the DPR (Central Council).

Furthermore, from the rules' side, this study found a contradiction of the LNS definition. There is a rule state that LNS is independent institutions, but another rule explicitly states that LNS is nonstructural institutions outside the government, so this results in another contradiction related to financial resources for LNS. Because if it is said that LNS is an independent institution, then the LNS financial resources should not be from the national budget. Moreover, the anomaly is increasingly apparent when LNS is independent in the decision-making process but depends on the government budget source. The rules explicitly state LNS is free from Government intervention, which means only little possibilities to involve the government in decision-making in LNS.

Moreover, the rules also stated that LNS could not use National Budget (APBN) as their finance source. However, as the participant explained, LNS has relied on its financial resources from the National Budget. Therefore, it is vital to develop a policy direction for LNS institutional design in Indonesia, which clearly states the position, function, and role of LNS in state institutions.

Therefore, theoretically, the researcher proposed that, in addition to the structure, goals, and rule, it is better to consider control aspects in the design of organizations to limit and prevent anomalies. Controls are necessary in order to ensure continuity of compliance. The regulatory structure may be established between organizations or between superiors and subordinates within that organization. However, in the sense of the LNS, it is essential to arrange an institutional monitoring framework that enables checks and balances to be carried out precisely and proportionately.

4.6. Limitations

Because of this study's exploratory nature, the findings cannot be generalized to the other Nonstructural Institution in other countries. The institutional design concept is a concept that dynamically follows the context in which the institution is located. There are diverse considerations in each country in the construction of a formal institution. Indonesia can continue to improve the management of institutional design for LNS. Because the leap in the number of LNS after the political reforms in 1998 illustrates initial efforts to initiate LNS as a formal institution, which serves as an alternative solution to various problems from existing government institutions. Therefore, it is also possible that the institutional design of LNS is still looking for the best form, and over time it will getting closer to a more appropriate formula.

5. CONCLUSION

This study indicated that Nonstructural Institutional Design in Indonesia cannot run effectively and efficiently because, in reality, there are still some anomalous practices related to goal, structure, and rule. Theoretically, the researcher indicated that, in addition to the structure, goals, and rules, it would be essential to accept the control aspects of the institutional design to restrict and avoid anomalies. Controls are essential to ensure consistency. The regulatory structure can be formed among organizations or between superiors and subordinates within the organization. It is nevertheless necessary for the context of the LNS to create an institutional system of monitoring that enables precise and equitable checks and balances.

Based on the findings, the author draws implications for future Nonstructural Institutional Design practice in Indonesia as listed below:

1. LNS evaluation activity must be completed so that it can be identified the overlapping functions between LNS and other government agencies.
2. The LNS evaluation results must be followed up by several real actions, especially by the DPR (Central Council). The DPR must show the political will to support their political power to evaluate all LNS established under the Law. It will be better in the future if there is no longer LNS formed based on the Law but instead based on the President's Decree. Therefore, if the LNS is no longer needed, it can be immediately dissolved or merged with the other government institutions. The thing that should also be done by the DPR is to encourage the formulation of Law as the policy direction of LNS that helps the formation and dissolution of LNS and the formation of organizational units within LNS, including

clearly defines the position, function, and role of LNS in state institutions.

3. After the DPR issues a law, which is the policy direction of LNS, all LNS that have been evaluated must be dissolved or merged. On the other hand, the LNS formed by Government Regulations or Presidential Decrees can be immediately streamlined as needed to reduce the expenditure burden on the national budget.

4. It should be considered that if new developments or problems occur in the future, the policymakers should not always address it by forming a new LNS. The policymakers can employ the New Public Governance approach that prioritizes networking with institutions outside the government [20]. It is more in line with democracy because opening up the involvement and engagement of more actors in solving and fulfilling the public problems and needs

In conclusion, the Nonstructural Institutional Design exploration, which describes the anomaly practice, has provided a clear picture of institutional design practices in Indonesia. Findings will contribute to a knowledge base and inform the form of intervention developed by policymakers in Indonesia in terms of managing the LNS institutional design.

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