



# CONSTITUTIONALE

Volume 3 Issue 1, January-June 2022: PP: 11-18.

Faculty of Law, Universitas Lampung, Bandar Lampung, Indonesia.

<http://jurnal.fh.unila.ac.id/index.php/constitutionale>

P-ISSN: 2723-2492 E-ISSN: 2745-9322

## Bureaucracy and the Government

**Yuliana Keke Febrianti**

*Universitas Padjadjaran, Indonesia*

*yuliana20002@mail.unpad.ac.id*

**Zahra Malinda Putri**

*Universitas Padjadjaran, Indonesia*

*zahra20026@mail.unpad.ac.id*

**Adhyatma Wikrama Maheswara**

*Universitas Padjadjaran, Indonesia*

*adhyatmawm@gmail.com*

*Submitted: Feb 15, 2022 ; Reviewed: Apr 21, 2022; Accepted: Jun 27, 2022*

---

### Article's Information

#### **Keywords:**

*Bureaucracy; Government; Public Service.*

#### **DOI:**

*<https://doi.org/10.25041/constitutionale.v3i1.2534>*

### Abstract

#### **Abstract**

*This paper explains the concept of bureaucracy and government as well as describing the differences between bureaucracy and government in terms of definition, theory, and task. This paper also discusses the position of the bureaucracy in the trias politica system, where there is a classification of power, namely the executive, legislative and judiciary. Then, this paper will lead to the administration and implementation of public services. This paper concludes that government and bureaucracy are two different domains, where bureaucracy can become a separate part from the executive, legislative and judiciary. People charge of providing public services are referred to bureaucrats, not the government. Bureaucrats and government have different roles and responsibility in delivering public service.*



Constitutionale is a journal published by Faculty of Law, Universitas Lampung, under a Creative Commons Attribution-ShareAlike 4.0 International License.



## A. Introduction

The term "government bureaucracy" is commonly heard, often seeming intertwined with the concept of government itself. According to the *Indonesian Dictionary (KBBI)*, "bureaucracy" refers to a system within the government operated by its employees, structured around hierarchies and various levels of office. It essentially constitutes an organization comprised of salaried officers tasked with executing governmental functions, providing counsel, and implementing policy decisions.<sup>1</sup> On the other hand, the term "government" encompasses individuals, officials, or entities (such as agencies, institutions, and departments) responsible for the administration of the state, including roles like village heads, sub-district heads, regents, governors, and ministers. The definitions provided by the *KBBI* illustrate bureaucracy as a systemic construct, while government denotes the actors within that system. In a broader context, government can encompass legislative and judicial bodies. Conversely, in a narrower sense, it pertains specifically to the executive branch, where individuals hold office as the executors of executive power or as organizers of state administration.<sup>2</sup>

Lpeawski (in Mustafa, 2014: 4) asserts that bureaucracy serves as the central pillar of state administration, executing its functions and roles within modern society.<sup>3</sup> The execution of governmental duties, aimed at serving the community's interests, naturally fluctuates depending on the prevailing dominant factors. In the intricate dynamics of Indonesian governance, political maneuvering and power dynamics exert significant influence over the shifting functions and roles of the bureaucracy.<sup>4</sup>

According to the Merriam-Webster Dictionary, bureaucracy is defined as "a body of nonelected government officials" or "government characterized by specialization of functions, adherence to fixed rules, and a hierarchy of authority." Conversely, the government is defined as "the organization, machinery, or agency through which a political unit exercises authority and performs functions and which is usually classified according to the distribution of power within it" or "the complex of political institutions, laws, and customs through which the function of governing is carried out." These definitions highlight the distinction between bureaucracy and government: while bureaucracy embodies a system characterized by specialized functions, adherence to fixed rules, and hierarchical authority, government refers to the organization or institution through which political units wield authority and execute governmental functions. Carl Heinzen further delineates bureaucracy as an administrative structure wherein a single official controls administration, in contrast to a collegial structure where multiple officials operate under a chief but retain the right to participate in collective administration.<sup>5</sup>

The multitude of definitions surrounding bureaucracy and government, coupled with the frequent use of the term "government bureaucracy," has led to confusion regarding their distinctions and similarities. The implementation of the *trias politica* concept, as advocated by

<sup>1</sup> Nurdewi, "Adaptasi Manajemen ASN Di Maluku Utara Menuju Birokrasi Berkelas Dunia", *Sentri: Jurnal Riset Ilmiah* Vol.1, No.2 Oktober 2022 : 353.

<sup>2</sup> Dudung Abdullah, "Hubungan Pemerintah Pusat Dengan Pemerintah Daerah", *Jurnal Hukum POSITUM* Vol. 1, No. 1, Desember 2016 : 85

<sup>3</sup> Rika Ramadhan, "Politik Dan Birokrasi Pemerintahan", Riau, *Jurnal Trias Politika* Vol 2. No.1:96-104,

<sup>4</sup> Ajib Rakhmawanto, "Politization Analysis Of Bureaucracy In Developing State Civil Services" Jakarta Timur, *Jurnal Civil Servis*. VOL. 14, No.2, November 2020 : 1 - 10 2

<sup>5</sup> Suyudi, Peran Birokrasi Bagi Suatu Organisasi, *Jurnal Media Aplikom*, Vol. 2, No. 2, Mei 2012 : 35.



Montesquieu and applied in Indonesia, wherein state power is divided into executive, legislative, and judicial branches, further complicates the understanding of the bureaucracy's role within this framework. Consequently, questions arise regarding the entity responsible for delivering public services. Thus, there arises a crucial need for deeper exploration and discourse on bureaucracy and government.

The researcher is intrigued to analyze the bureaucratic system within government, examining both the political system and public service administration. This research aims to contribute to the establishment of an independent political system. Its novelty lies in the significant contribution it can make towards suggesting functions and delineating responsibilities within the political systems of bureaucracy and government. Key questions addressed include the extent of differentiation between bureaucracy and government, the identification of their similarities, the determination of the bureaucracy's position within the *trias politica* framework, and clarification on the party accountable for public service provision.

## B. Discussion

The issue of bureaucracy and government is indeed multifaceted, with various perspectives shaping how they are understood and defined. Often, bureaucracy is perceived negatively<sup>6</sup> due to its association with slow and cumbersome processes, largely attributed to lengthy communication chains. Max Weber's seminal work on bureaucracy theory remains influential, defining bureaucracy as an "ideal type" that serves as a cornerstone in scholarly discussions.<sup>7</sup> Weber outlined six principles of bureaucracy: Task Specialization, wherein responsibilities are divided based on competence and functional specialization to ensure efficiency and clarity of roles; Hierarchical Authority, which organizes management into hierarchical layers, each accountable for staff and overall performance; Formal Selection, where employees are chosen based on technical skills and competencies acquired through training, education, and experience; Rules and Requirements, necessitating formal regulations to maintain uniformity and clarity of expectations; Impersonality, fostering distant and impersonal relationships among employees to prevent favoritism, nepotism, or political interference; and Career Orientation, wherein expertise guides employee selection, facilitating optimal resource allocation. These principles form a framework that shapes bureaucratic systems, aiming to enhance organizational effectiveness and efficiency.

Multiple experts, including Max Weber, have offered diverse definitions of bureaucracy. In "*Rekonstruksi Birokrasi Pemerintahan Daerah*,"<sup>8</sup> Peter M. Blau and W. Meyer define bureaucracy as an organizational framework designed to efficiently accomplish administrative tasks by orchestrating the efforts of numerous members. Similarly, Rourke characterizes bureaucracy as a structured administrative system wherein daily tasks are executed within a transparent hierarchical framework, documented in writing, and segregated into distinct departments, with personnel selected for their expertise.

These interpretations collectively portray bureaucracy as a mechanism for orderly and coordinated governance, facilitating the attainment of specific objectives. However, Bayu Surianingrat<sup>9</sup> contrasts this notion by defining government as an institution vested with the authority to govern administrative domains.<sup>10</sup> Adam and Jessica further elaborate, describing government as an entity empowered to wield authority in accordance with established regulations.<sup>11</sup>

---

<sup>6</sup> Rajender Kumar, "Bureaucratic Theory by Max Weber – A Review Research," *Journal of Advances and Scholarly Researches in Allied Education (JASRAE)* Vol. VII No. 23 (2016): 213-214

<sup>7</sup> William A. Niskanen. Jr, *Bureaucracy & Representative Government*, Chicago: Aldine, (2007), p. 21

<sup>8</sup> Irfan Setiawan, *Rekonstruksi Birokrasi Pemerintahan Daerah*, Bandung: Institut Pemerintahan Dalam Negeri, (2014), p.2

<sup>9</sup> Muhtar Haboddin, *Pengantar Ilmu Pemerintahan*, Malang: UB Press, (2015), p.3

<sup>10</sup> *ibid*

<sup>11</sup> Dharma Setyawan Salam, *Manajemen Pemerintahan Indonesia*, Jakarta: Djambatan (2004), p.36

Expanding on this perspective, Salam conceptualizes government as encompassing all activities and functions of state administration, spanning the legislative and executive branches, in pursuit of state objectives. Thus, it becomes evident that government constitutes an authoritative entity or institution.<sup>12</sup> According to the Merriam-Webster Dictionary, bureaucracy is "a body of nonelected government officials," which means that bureaucracy is a body of unelected government officials.

Bureaucracy and government also have different tasks. The government has three leading roles or tasks, according to Adam Smith. "Adam Smith's Roles for Government and Contemporary U.S Government Roles" states, "Smith believed that government's proper roles in society should be limited, but well defined: government should provide national defense, the administration of justice, and public goods." This statement shows that the three government roles in society are to provide national defense, justice, and public goods. Meanwhile, the bureaucracy has four tasks<sup>13</sup>, and the first is Administrative Tasks. It is the main task of the bureaucracy to implement the laws and policies set by the organization. This means the bureaucracy must perform the administrative function to manage all organizational affairs. The second is the task of providing policy advice. In this case, the bureaucracy serves as the central organization in the state. It has the function of providing information and advice or suggestions for the organization in taking a policy. Next is the Articulation and Aggregation of Interests Tasks. The bureaucracy is often involved in articulation and aggregation functions regularly because it implements organizational policies and programs. The bureaucracy must relate to various community groups related tasks such as teachers, doctors, entrepreneurs, etc. The last is the Task of Maintaining Organizational Stability. Rulers, ministers, constitutions, laws, political parties, and models of government may change millions of times at any time. Still, the bureaucracy is obliged to keep the state alive and integrated, and state mechanisms in which it continues to run well from time to time.

From the elucidation of roles and responsibilities provided above, it is evident that government and bureaucracy are distinct entities. The confusion regarding their similarities often arises from the overlapping roles within the executive branch, where the same individual serves as both head of state and head of government. This conflation is addressed in the journal "*Hubungan Pemerintah dan Birokrasi*,"<sup>14</sup> which highlights the prevalent confusion between the President's roles. The executive functions attributed to the President are frequently associated with the head of state, and vice versa. This ambiguity blurs the lines between what should be a bureaucratic institution and what becomes a governmental institution.

While it was previously stated that bureaucracy operates in support of governmental power and authority, bureaucracy does not merely serve the government. Referring to the definition of bureaucracy provided by the Merriam-Webster Dictionary, which defines it as "a body of nonelected government officials," it becomes apparent that bureaucracy itself can be seen as a form of government, albeit one composed of officials who are not elected by the public. Similarly, the definition of bureaucracy outlined in "*The Bureaucracy: The Real Government*"<sup>15</sup> underscores this point, stating that "A bureaucrat is someone who works in an administrative capacity for the government."

These definitions elucidate a nuanced understanding of government, distinguishing between elected and non-elected entities. The bureaucratic segment, comprised of non-elected

<sup>12</sup> ibid, p.2

<sup>13</sup> Zainuddin Mustapa, *Bunga Rampai Birokrasi (Isu-Isu Strategik Seputar Birokrasi)*, Makasar: Celebes Media Perkasa (2017), p.5-6

<sup>14</sup> Ali Abdul Wakhid, "Hubungan Pemerintah dan Birokrasi", Lampung, Jurnal Teropong Aspirasi Politik Islam (Jurnal TAPIs) Vol 8 No 2, (2012): 164

<sup>15</sup> Ushistory.org, *The Bureaucracy : The real Government*, Tuesday 22 September 2020, Philadelphia, American Government Online Textbook, <https://www.ushistory.org/gov/8.asp>

officials, constitutes one facet of government, while the elected officials, known as the executive or in the Indonesian personnel system, encompass both political and career positions.

Political positions typically denote officials who have been elected through general election processes, involving political campaigns and voting. These positions are delineated in Article 11 of leadership positions law, further categorized into specific roles. In its ideal manifestation, bureaucracy serves the state rather than the government.<sup>16</sup> Therefore, Law No. 43/1999 on Amendments to Law No. 08/1974 on the Basics of Employee, bureaucracy includes individuals such as the President, Vice President, members of the *DPR* (People's Consultative Assembly), Governors, Deputy Governors, Regents/Mayors, and their deputies.

Career positions within the bureaucracy are primarily responsible for implementing policies formulated by political officials or those occupying political positions. The government, which encompasses career positions, is delineated in Article 13, Article 14, and Article 19 of Law No. 5 of 2014 on *State Civil Officials*. This law specifies that the *State Civil Officials* comprises administrative positions, available positions, and high-level positions. Bureaucracy remains a distinct entity within this structure.

Kartawijaya<sup>17</sup> delves into the concept of bureaucracy as an entity distinct from the traditional framework of the *trias politica*. She argues that if we view the government solely as a political entity, it can lead to confusion regarding the role of bureaucracy within the *trias politica* structure. This confusion stems from the amalgamation of government agencies and state administration (bureaucracy), exemplified by entities like the *State Civil Officials* fulfilling administrative functions within the legislative body. Moreover, Kartawijaya defines bureaucracy (state administration) in a negative formulation as "all kinds of state activities that are not legislative, not judicial, and not the government (executive)."

Similarly, the case of Spain highlights bureaucracy as an independent entity. According to an article "Government and Bureaucracy"<sup>18</sup> by the Center of Research for Development (CIDAC) in Mexico City, Spain experienced a period without a government due to political gridlock, yet the country continued to function normally, with its economy improving daily. This underscores the role of bureaucracy in ensuring the smooth operation of government functions on a day-to-day basis, irrespective of the political and legislative decision-making processes. The article further suggests that Spain, like other developed countries, operates independently of the governing individual or party, emphasizing the significance of bureaucracy in sustaining governmental functionality.

The fundamental separation between government and bureaucracy is paramount. It has been emphasized to Rubio<sup>19</sup> that this distinction ensures a nation's stability and the continuity of its functions, even amid political discord. This contrast in roles is evident in both European and American contexts: while the government establishes objectives, criteria, and regulations, it is the bureaucracy's duty to impartially and professionally execute these mandates.

The example of Spain illustrates how the bureaucracy can effectively operate even during governmental instability. It remains capable of upholding governmental functions irrespective of political and legislative upheavals, thereby functioning as a distinct entity from the executive, legislative, and judicial branches. Indeed, the bureaucracy plays a significant role in preserving a country's stability; any malfunction within it can adversely affect the entire governmental system. Consequently, the bureaucracy possesses its own authority and function within governance, necessitating its separation from the executive, legislative, and judicial arms.

<sup>16</sup> Pipit R. Kartawijaya dalam Ali Abdul Wakhid, "Hubungan Pemerintah dan Birokrasi", Lampung, Jurnal Teropong Aspirasi Politik Islam (Jurnal TAPIs), Vol 8 No 2, (2012): 165

<sup>17</sup> Ali Abdul Wakhid, Op. Cit 164-165

<sup>18</sup> Luis Rubio (President of Centre of Research for Development (CIDAC), Mexico City), Government and Bureaucracy, 2016, [http://trilateral.org/download/files/News/RUBIO\\_GOVERNMENT\\_AND\\_BUREAUCRACY.pdf](http://trilateral.org/download/files/News/RUBIO_GOVERNMENT_AND_BUREAUCRACY.pdf)

<sup>19</sup> *ibid*

After the delineation between bureaucracy and government, clarifying the responsibilities for public services becomes paramount. According to Article 1 of Law No. 5 of 2014 on *State Civil Officials*, those designated as Implementers—comprising officials, employees, officers, and personnel within the organizational structure—are tasked with executing public service actions. Notably, this designation primarily encompasses *State Civil Officials Employees (ASN Employees)*, as mandated by Article 11 of the same law, underscoring their duty to furnish professional and quality public services. Hence, it is discernible that *ASN* employees, or bureaucrats, constitute the primary agents responsible for public service delivery.

Conversely, the government assumes a supervisory role in public service provision. As articulated in Article 6 of Law Number 25 of 2009 on Public Services, leaders of state institutions—including ministries, non-ministerial governmental bodies, state commission institutions, as well as provincial and municipal authorities—serve as coaches to oversee and facilitate the seamless execution of public services. Thus, within the framework of public service functionality, the bureaucracy assumes a direct operational role, whereas the government oversees and ensures the efficacy of service delivery.

### C. Conclusion

In summary, this discourse highlights the fundamental distinctions between bureaucracy and government. While both entities form integral components of the government system, their origins, mechanisms of operation, and roles differ significantly. Bureaucracy, comprised of non-elected officials, operates alongside the elected government, each performing distinct functions. Moreover, the bureaucracy's potential detachment from the state power system, as evidenced by its existence outside the *trias politica* framework, underscores its unique nature. Ultimately, while both bureaucracy and government contribute to public service delivery, their respective roles and responsibilities diverge, emphasizing the complexity inherent in governance structures.

## References

### A. Book

- Dharma Setyawan Salam, *Manajemen Pemerintahan Indonesia*, Jakarta: Djambatan. 2004.
- Haboddin, M. *Pengantar Ilmu Pemerintahan*. Malang : UB Press, 2015 Jr, W. A, *Bureaucracy & Representative Government*. Chicago: Aldine, 2007.
- Irfan Setiawan, *Rekonstruksi Birokrasi Pemerintahan Daerah* , Bandung: Institut Pemerintahan Dalam Negeri, 2014.
- Muhtar Haboddin, *Pengantar Ilmu Pemerintahan*, Malang: UB Press. 2015.
- Mustapa, Z., *Bunga Rampai Birokrasi (Isu-Isu Startejik Seputar Birokrasi)*. Makasar: Celebes Media Perkasa, 2017.
- Salam, D.S, *Manajemen Pemerintahan Indonesia*. Jakarta: Djambatan, 2004.
- Setiawan, I, *Rekontruksi Birokrasi Pemerintahan Daerah*. Bandung: Institut Pemerintahan Dalam Negeri, 2014.
- William A. Niskanen. Jr, *Bureaucracy & Representative Government*, Chicago: Aldine, 2007.

Zainuddin Mustapa, *Bunga Rampai Birokrasi (Isu-Isu Strategik Seputar Birokrasi)*, Makasar:Celebes Media Perkasa (2017)

## B. Journal

- Ahmad, B. "Kondisi Birokrasi di Indonesia dalam Hubungannya dengan Pelayanan Publik". *Jurnal Administrasi Publik* 4, no. 1, 2008 : 45-62.
- Ajib Rakhmawanto, "Politicization Analysis Of Bureaucracy In Developing State Civil Services" Jakarta Timur, *Jurnal Civil Service* 14, no. 2, November 2020 : 1 – 102.
- Ali Abdul Wakhid, "Hubungan Pemerintah dan Birokrasi", Lampung, *Jurnal Teropong Aspirasi Politik Islam*. *Jurnal TAPIs* 8, no. 2, 2012 : 155- 176. <https://doi.org/10.24042/tps.v8i2.1570>
- Edi Kusmayadi & Taufiq Nurrohman, "Reformasi Birokrasi di Tingkat Desa (Studi Komparasi Pelaksanaan Reformasi Birokrasi dan Pelayanan Publik di Desa Sukakerta dan Desa Setiawangi Kecamatan Jatiwaras Kabupaten Tasikmalaya)", *Aliansi* 3, no. 2, Juli 2011 : 437-452.
- Dudung Abdullah, "Hubungan Pemerintah Pusat Dengan Pemerintah Daerah", *Jurnal Hukum POSITUM* 1, no. 1, Desember 2016 : 83-103.
- Jody W. Lipford dan Jerry Slice, "Adam Smith's Roles for Government and Contemporary U.S Government Roles – Is The Welfare State Crowding Out Government's Basic Functions?", *Virginia, The Independent Review Journal* Vol.XI No 4, 2007 : 486.
- Kumar, R, "Bureaucratic Theory by Max Weber – A Review Research" *Journal of Advances and Scholarly Researches in Allied Education (JASRAE)* Vol. VII No. 23, 2016 : 213-214
- Lipford, J. W., & Slice, J, "Adam Smith's Roles for Government and Contemporary U.S Government Roles – Is The Welfare State Crowding Out Government's Basic Functions?" *The Independent Review Journal* Vol.XI No 4, 200 7: 486.
- Mai Damai Ria, "Analisis Pengaruh Reformasi Birokrasi Terhadap Kinerja Pemerintah Dearah: Research kasus di Pemerintahan Jawa Barat", *Civil Service* 10, no. 1, Juni 2016 : 51-68.
- Nurdewi, "Adaptasi Managemen Asn Di Maluku Utara Menuju Birokrasi Berkelas Dunia", *Sentri: Jurnal Riset Ilmiah* 1, no. 2 Oktober 2022 : 349-356. <https://doi.org/10.55681/sentri.v1i2.239>.
- Pipit R. Kartawijaya dalam Ali Abdul Wakhid, "Hubungan Pemerintah dan Birokrasi", Lampung, *Jurnal Teropong Aspirasi Politik Islam*. *Jurnal TAPIs* 8, no. 2, (2012): 155-176. <https://doi.org/10.24042/tps.v8i2.1570>
- Rajender Kumar, "Bureaucratic Theory by Max Weber – A Review Research," *Journal of Advances and Scholarly Researches in Allied Education (JASRAE)* Vol. VII No. 23 (2016): 213-214.
- Rika Ramadhan, "Politik Dan Birokrasi Pemerintahan", Riau, *Jurnal Trias Politika* 2, no.1 2018 : 96-114. <https://doi.org/10.33373/jtp.v2i1.1242>.
- Suyudi, "Peran Birokrasi Bagi Suatu Organisasi", *Jurnal Media Aplikom* 2, no. 2, Mei 2012 : 34-39. <https://doi.org/10.33488/1.ma.2012.2.88>
- Wakhid, A. A, "Hubungan Pemerintah dan Birokrasi" *Jurnal Teropong Aspirasi Politik Islam (Jurnal TAPIs)* 8, no 2, 2012 :155176. <https://doi.org/10.24042/tps.v8i2.1570>.

### **C. Regulation**

Undang-Law Number 25 Tahun 2009 Tentang Pelayanan Publik

Undang-Law Number 5 Tahun 2014 Tentang Aparatur Sipil Negara

Undang-Undang No 43 Tahun 1999 Tentang Perubahan atas Undang-Undang No 08 tahun 1974 tentang Pokok-Pokok Kepegawaian

### **D. Internet**

<http://cidac.org/eng/government-and-bureaucracy/>, accessed on 25 January 2021

<https://www.ushistory.org/gov/8.asp>, accessed on 25 January 2021

Ushistory.org, *The Bureaucracy : The real Government*, Tuesday 22 September 2020, Philadelphia, American Government Online Textbook, <https://www.ushistory.org/gov/8.asp>