Revisiting Immigration Apparatus' Code of Ethics by *Panca Bhakti Insan Imigrasi* Values Internalisation

Sri Kuncoro Bawono¹, Bobby Briando^{2*}, Sohirin³

¹Immigration Polytechnic, Jl. Raya Gandul, Depok, West Java, 16514, Indonesia; ²Universiti Utara Malaysia, Sintok, Kedah Darul Aman, 06010, Malaysia and Immigration Polytechnic, Jl. Raya Gandul, Depok, West Java, 16514, Indonesia; ³Jl. Raya Gandul, Depok, West Java, 16514, Indonesia

¹ kuncoro@poltekim.ac.id, ² bobby_briando@gsgg.uum.edu.my, ³ sohirin@poltekim.ac.id

*Corresponding author

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ABSTRACT

This paper aims to revisit the current Immigration Apparatus' Code of Ethics that is gradually losing its spirit, namely *Panca Bhakti Insan Imigrasi*, amidst the modernisation and globalization. This research is a library research where data and information were collected and analysed through literature study. The analyses comprise abstraction of knowledge, idea, and thought which are available in academic literatures. There are five core values which are stated in *Panca Bhakti Insan Imigrasi*: *taqwa* or piety, upholding honor, intellect, self-integrity, and innovation. Immigration apparatus needs to revisit those values hierarchically. The *taqwa* value is an absolute value that will derive the other four values.

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1. Introduction

The development of civilization has brought many changes to human being especially in how they manage their job. At this time, job becomes more specific and varied. The globalization which occurred has inevitably brought all nation in the world to be more intensively connected and transnational [1]. This phenomenon has created a new borderless world, in which 'the boundary' between countries becomes increasingly subtle. Such condition makes it difficult for a nation to control every kind of exchange between the nation including cultural exchange [2].

This blurred culture in global citizenship demands a standard value and a solid character building that implemented as a guide for the professional to behave in every situation. A professional that is seen as a highly specialized intellectual, is not only responsible to the institution that they worked for, but also for the citizens as the recipient of the public service [3].

One of the professions that are associated to the public service is an immigration officer. Immigration officer as one of government apparatus has responsibility and

authority to provide immigration service. In their duty, the immigration officers are so related directly to the citizens especially in passport issuance, and immigration control [4].

However, there are some unethical conducts that still done by the immigration officer. The most noticeable cases are the involvement of an Immigration officer in Harun Masiku case. Harun Masiku was known as the fugitive of Corruption Eradication Commission that has been placed in the most-wanted list. Another case was the involvement of immigration officer in Djoko Tjandra case, a fugitive in corruption, by enabling his passport issuance. Those cases show that Directorate General of Immigration needs to reform the institution. In this point, sometimes the ethical measurement becomes relative as a result of value erosion that is occurring at the moment.

To overcome this problem, the Directorate General of Immigration has to create a “Built-in Mechanism”, in the form of Code of Ethics as an instrument of social control and protection of the immigration officer’s dignity. The code of ethics for the immigration officer is engraved on the five principles named “*PANCA BHAKTI INSAN IMIGRASI*”. This principle needs to be internalized, so this noble profession will be not degraded as mere job, which lacks idealism and integrity that only cares for materialistic gains.

This paper will revisit the current Immigration officer’s code of ethics, which in its implementation seems to be shifting far from the spirit that originally constructed the code. Modernisation and globalization have faded the spirit of *Panca Bhakti Insan Imigrasi* that has its own spiritual values. Those five values are *Taqwa, Menjunjung Tinggi Kehormatan, Cendekia, Integritas Pribadi dan Inovatif* should be righteously implemented as spirit that become the foundation of every immigration officer behavior and attitude.

2. Method

This research is a library research, which is a kind of research that gathers data and information through a literature study. This research will assess and critically analyse every knowledge, idea, and thought, which are available in academic literatures. Further this research also hopes to make theory contribution and methodology.

The analysis that used in this research was descriptive analysis. This analysis was conducted through classifying data gathered then processing data into information that can be understood by the reader. Further, the approach that used was philosophical approach to reflect and analyse data through certain views [2].

The data analysis in this research was based on annotated bibliography analysis. In doing the analysis there are three important things such as: the identity of the source; qualification and the writer’s aim; and a short conclusion about the content, also the relevance of the source used [5].

3. Results and Discussions

When one has chosen his/her career as government apparatus, whether he/she likes it or not, he/she has become a part of “power”. This way, his/her action and attitude has implication for the whole citizens. Citizens have a big expectation on the government

apparatus's action and attitude. It is not surprising if a small unethical conduct from a government apparatus will raise a huge attention from the citizen[6].

This situation does not only occur on Eastern countries, but also in Western countries, which uphold individual freedom. In Western countries, ethical standard for the government apparatus are set in higher standard than public itself. For instance, an affair case that involves government official could become a reason for an impeachment. Moreover, on a case that directly related on public needs like corruption, gratification, bribery or abuse of power the sanction could have worse implications. This is why it is important to understand that ethics is a fundamental action for the Government apparatus [7].

Ethics is defined as "the discipline dealing with good and bad with moral duty and obligation". Specifically, ethics could be understood as "an idea or moral belief that influence the behavior, attitude and philosophy of life of a group of people" and sometimes is also defined as "the discipline dealing with s good and bad with moral duty and obligation". Consequently, ethical concept is often associated to morality. However, they are different. While ethics become the goals of life and understood as a reflection of good or bad and right or wrong conduct; morality is an obligation to do and ought to do a good conduct [8].

Related to public service delivery, ethics on public service is the reflection on a standard and a norm that decides whether an action or a decision is good or bad especially in serving the citizens as the apparatus' responsibility. This responsibility demands the government apparatus to have a moral commitment which also consider the balance between individual dimension and public dimension [9].

Further, ethics also could be seen as a character or *ethos* a person or a group that is based on values and norms. With this definition, ethics is in line with morality and/or social decorum. Social decorum is a values and norms that set a person's behavior that accepted by public, nation, and state entirely. In Indonesia context, ethical values not only written down on religion or legal norm, but also on culture, Pancasila, and organisation's value [10].

The values that are embraced in an organization are written down in a Code of Ethics. Code of Ethics is a set of rules that become a basic of action in a group of people that written as a regulation. A common understanding on code of ethics usually refers to a codification on public ethics that applies to certain profession. That's why people know Accountant's Code of Ethics and Medical code of ethics.

Nevertheless, the increasing demands of government apparatus' professionalism improvement drive every public institution to create and formulate their own Code of ethics. The Code of ethics for Immigration officer has been regulated through Minister of Law and Human Right regulation No. M-HH-02.KP.05.02 year 2010. This code of ethics is a guidance for immigration apparatus to behave in every situation.

Differ to law norms, the existence of Code of ethics includes many points regarding morality principles without any punishment as a sanction. While, the law norms include

many sanctions for misconduct. To be implemented effectively, that coercive punishment system needs at least a group of law enforcer that has a responsibility to control the implementation of the law. On the other hand, punishment system on ethical norm requires an individual consciousness, and social sanction.

The philosophical character of public ethics becomes the most fundamental guidance for the government apparatus to behave and conduct. The ethical norm is the most determined factor in formulating and deciding a policy. In many things, when ethical norm has been obeyed, the law enforcer does not need to work hard. This is because social order has been built. In the other word, if government apparatus and citizens already have a strong basic ethical norm, the obedience on law norm will follow and the misconduct could be prevented earlier [11].

The question is how is the implementation of code of ethics in the Directorate General of Immigration. In the reality, the existence of the code of ethics seems do not have any meaning for the immigration officer. The code of ethics looks positioned as an accessory that does not have any meaning [12].

Even more this ethical code seems so far from the idealism of most immigration officer. It is shown by the effort of building character and morality that seems do not work as it is planned. The morality improvement seems like only a lip service and does not reach the substance of moral improvement itself. It shows that moral and ethics building are not an easy task and considered as a big boulder in the future if it does not taken care seriously. Negligence of taking care this problem could cause an impact on nation disintegration [13].

This situation is so interesting to be investigated because the code of ethics is a standard coding of profession's value that have to be obliged. Public will have a big trust to the immigration officer since they have a value principles. This principle is the crystallization of glorious values that exist in the public sphere, which could be adopted as a code of ethics.

However, it should be realized that this value is crystallized and gathered by the thought and idea of group of experts in that profession. Those experts, of course, are not value-free and interest-free persons. Their thoughts are always empowered and based on cultural, economic, and politic assumption that sometimes biased with their ideological interest [14].

Hence, the adoption of code of ethics that come from other countries or other institution is not a proper way to develop ethical behavior of Indonesian government apparatus [15]. Based on that, the formulation of code of ethics should be formulated based on local wisdom, the perspective, and the spirit of the government apparatus itself, in this case, immigration officer.

As we already know, Indonesia have a strength values and view that unites all the cultural and ethnical differences. Those values are also inherited to the smaller sub systems including its public institution. As one of public Institution Directorate General of Immigration has a motto *Bhumi Phura Wira Wibawa*. The motto has a meaning that Immigration has a significant role on protecting the border of Indonesian sovereignty. This motto also has become the main spirit for the immigration officer in doing their duty and role [16]

It is reflected from the basic principle of the immigration officer as the manifestation of *Panca Bhakti Insan Imigrasi*. *Panca Bhakti Insan Imigrasi* is a local wisdom for the immigration officer to do their duty and responsibility. It also become the spirit for the immigration apparatus in doing their function those are Immigration services, Law enforcement, national defense, and development facilitator as stated in the Immigration Law, UU No. 6 year 2011.

The implementation of immigration function in short described as: First, Immigration service. As the institution that provides public service, Directorate general of Immigration has its own standard measurement on the service delivery. In accordance to immigration service, Directorate General of Immigration has implemented management Information Technology called as SIMKIM (System Immigration Management). Besides that, Directorate General of Immigration also has standard operating procedure as the guidance for the immigration officer in doing their job.

In response to the high expectation of the citizen on the quality services, Directorate General of Immigration has set strategic steps in providing high quality services not only for Indonesian but also foreigner. The steps including de-bureaucracy by implementing E-government. Further, Directorate General of Immigration also applied a lot of innovation based on information technology such as Immigration Autogate, and Immigration queuing system.

Secondly, law enforcement. Based on Immigration law, UU No. 6 year 2011, law enforcement that is conducted by Directorate General of Immigration is carried out through two means: administration and tribunal. The administration law enforcement carried out by doing deportation and putting someone on black list. While, the tribunal law enforcement carried out by prison sentence, for example

Thirdly, national defense. This function supported by many instruments such as put someone in blacklist based on immigration law enforcement or request from other law enforcement institution such as Indonesia National Police, Attorney, National Narcotics Board, Corruption eradication commission, or the other Ministries. Besides that, Directorate General of Immigration also has power to conduct an intelligent operation and Immigration compliance. Those operations held as part of The Directorate General Immigration role in protect the nation from unwanted foreigner that could bring threat to the nation.

Lastly, development facilitator. In order to support national development, Directorate General of Immigration has implemented many policies that could bring benefit for Indonesia's economic growth. Visa exemption policy is one of the policies that claimed bring more tourist. Another policy is the ease of investment for the foreigner, through special visa for the investor. Directorate General of Immigration has supported the central government in increasing foreign investment. Those examples show that Directorate General of Immigration has done its fourth function as a development facilitator.

On conducting those duty and responsibilities, sometimes immigration officer faces many kind of a conflict of interest. It is not easy task to hinder the conflict of interest on the practice. Conflict of interest could be defined as: "a situation in which a person, such as public official, an employee, or professional, has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties".

It therefore could be defined that conflict of interest in public institution is an unprofessional conduct that taken by government apparatus in taking a decision that heavily influenced by his personal interest. This conduct will bring negative impact to the organization especially in delivering public services. Conflict of interest also could lead into a bigger problem named abuse of power. In a bigger scope, abuse of power could impact the financial and economic situation in a country [17].

Bad influence from a conflict of interest could be described as follows: firstly, *Aji Mumpung* (self dealing) is a conduct that takes a benefit from someone's position. Sometimes, someone who have a position especially in as public officer take a benefit from many personal interests, such as nepotism, bribery, embezzlement, or gratification.

Secondly, an influence peddling. Influence peddling is a bad conduct that usually performed by government official who have influence in making decision especially regarding a human Resource Management. He uses his influence to put someone in some certain position and get benefit from the transaction. Another example of influence peddling is using Facilities that given by the government for his own interest. For example, someone drives official car for his own business. Those practices still can be found in Indonesia, and have to be scraped gradually.

Thirdly, sharing classified information. Conflict of interest could create a black market for an illegal transaction for instance classified information sharing. There are many informal and illegal forums that become a platform to share classified information. This kind of forum needs to be eradicated because it will bring benefit for the unscrupulous person to share the classified information for his/her own interest.

Lastly, moon-lightning. Ideally, someone who becomes public apparatus cannot have a side business outside his job. A public officer who has a business outside tends to take a benefit from his position for his business. This problem also becomes an acute problem in Indonesia. It will cause a low integrity in public service.

Even though code of ethics immigration officer has been applied based on *Panca Bhakti Insan Imigrasi*, there are still some ethical conduct and conflict of interest that have been done by many immigration officers. It shows that immigration officer could not practice the values that lies in *Panca Bhakti Insan Imigrasi* including *Taqwa* (Piety), *Menjunjung Tinggi Kehormatan* (Uphold the Honor), *Cendekia* (Intellect), *Integritas Pribadi* (Self- Integrity) and *Inovatif* (Innovative). Ministry of Law and Human Right regulation No.M.HH-02.KP.05.02 has clearly stated that every immigration officer in their daily activity including his duty on public service delivery, law enforcement, national defense, and development facilitator has to behave based on this Code of Ethics that derived by *Panca Bhakti Insan Imigrasi*.

Panca Bhakti Insan Imigrasi is hoped could be a holistic and philosophic ethics concept for Indonesian Immigration officer. In this paper, philosophically writer will assess every value that lies in *Panca Bhakti Insan Imigrasi* through reflective thoughts. *Taqwa* is the most honorable position that can human achieve in God's view. *Taqwa* is a condition of human spiritual when he feels the conformity of God, or He feels that his sight, thought, word, and act are because of God. *Taqwa*, in its implementation on everyday activities could be shown by the effort of every government apparatus in how they decide a policy, way of work or a procedure that based on a believe on God.

This spiritual-based procedure could be seen through policy decision. Policy in this context could be defined as a policy making that is not contradict with God's rule. The main foundation of this view is The God Almighty that creates every single thing in this world (*Causa Prima*). This will bring together the nature, the harmony of cosmic and microcosmic, interrelated relationship, mutualism, in the other word "integration".

In this way, every policy that is decided by apparatus, which lives in this country, is not resistant to the God's command. The policy making process is a kind of Integral Totality. Finally, the policy itself is not a secular product, which separates between state and Religion aspect. But it does not mean that it will create a religion country.

Another thing is, the implementation of the policy and apparatus's behaviour in delivering public service do not contradict to the norm and the God's rule. *Taqwa* is a character in which a person will remember that God will always see every little thing what we do. This character is a behaviour that we always do what the God's ask and leave everything that the God's ask us to leave. This character ought to be reflected on every policy, decision, and the practice in our bureaucracy. If the government apparatus delivering the public service based on *Taqwa*, we will not afraid that conflict of interest or Abuse of power will be occurred.

Menjunjung Tinggi Kehormatan (uphold the honor). If human could appreciate and positioned himself as a God's creation, he will honor the equality, and respect to other human being. It means that in delivering public service, Indonesian government apparatus have to give a same chance for every Indonesian citizen to receive an impartial service. There is no difference between the rich and the poor in term of services they get. The

government apparatus also have to give a priority for the disable. With this kind of services, we can grow love, respect, tolerant among us.

Cendekia (Intellect). Having intellect means having sharp thought of something, and also could be define easy to understand and smart. In other word, *Cendekia* means someone who can easily understand any situation and find solution of any problem. A public service will bring more outcome if the leader is an intellectual. With the intelligence, the leader can think about the best solution, or decide the best policy. He/she also has a broad insight, wise, and know which is right or wrong.

Further, the government apparatus also have to be clever so they would know holistically what cause the problem. In this way, he/she can find the solution properly. This is not only practiced by leaders, but also every person in the organization. Apparatus has to know and understand the organization, his role, and his responsibility. Then, implement their intelligence, in order to achieve the organization goal. This kind of practice that can build immigration apparatus who have intellect value.

Integritas Pribadi (self-integrity) is one of the most important attributes that have to be owned by every person. Integrity is a concept that related with consistency in actions, values, methods, principles, and expectations from everything we do. A person who has integrity, it means that he is honest and has strong character. Integrity itself, derived from Latin language “*integer*” which means resolute in defending the principle, not corrupt, and become the baseline of moral values.

Integrity also related with conscience, includes honesty, sincerity, commitment, etc. Integrity in organization could be build by three important elements there are the leader, consistency, and commitment. Those values should be owned by a leader and become a guide for the leader to act.

Integrity would be stronger if the leader has consistency between his word and his action. If he does not have integrity in serving the public, he should be ready to lose his credibility. It because public has lost their trust to the government officer.

Inovatif (Innovative). Innovative means the ability to invent, create, or develop innovation through initiative and creative changes. In other definition, innovative character could be defined as a finding process to find and implement something new in the previous condition. It also defined by do something new with adding or creating new value and bring benefit socially or economically [18]. There are some elements of innovative behaviour as follows: 1. Initiative, 2. Creative, 3, Novelty.

James Brian Quinn argues there are some success factor that can support innovation, as follows: a) Public oriented b) create added value c) Effective and Efficient d) in line with organisation’s vision and mission e) could be improved. Through innovation, an organization could have existence and could survive from the massive change that currently happen.

Those *Panca Bhakti Insan Imigrasi* values that should be implemented as the ‘way of life’ every Immigration apparatus. In this case, *Panca Bhakti Insan Imigrasi* is set as a guidance that should be practiced in every activity. To this extent, substantially Taqwa as

the first value animates the other values includes uphold the honor, intellect, self-integrity, and innovative.

Immigration officer who have *taqwa* is the most honorable officer before God. In this phase, immigration officer has achieved a condition where he feels conformity to God Almighty. He will feels from his deepest soul that his sight, thought, word, and action influenced by God.

Upholding the honor is the second value from *Panca Bhakti Insan Imigrasi* basically spirited from the first value *Taqwa*, which is also spirited the other values, intellect, self-integrity and innovative. In this value, Immigration apparatus have to respect and put the other people as a God's creature in a proper position. Immigration apparatus should uphold the equality among people and respect the rights of other people. So that, immigration apparatus should deliver public service equally without discriminate someone based on their status and position. Because everyone is the same position before God.

The third value, *Cendikia* is covered and spirited by *Taqwa* and upholding the honor value, that also spirited Self Integrity and Innovative value. In this value, immigration apparatus ought to understand his situation and create a solution for a problem. In other word, immigration apparatus have to be wise, have a broader view, and know what is ought to do as ordered by The God to bring benefit for people.

The fourth is self integrity. This value is covered and spirited by *Taqwa*, upholding the honor, and intellect value, those values also spirited the last value which is innovative. In this value, every immigration apparatus has to have conscience, that includes honesty, sincerity, and commitment. If the apparatus works with conscience and consistency between his words and actions they will gain a trust from the citizens, and the greater outcome will be achieved.

The last value on *Panca Bhakti Insan Imigrasi* is innovative. This value is covered and spirited by *taqwa*, uphold the honor, intellect, and self integrity values. In this value, immigration officer have to be able to create and develop innovation through initiative and creativity to have novelty. These actions also have to be supported by action that taking care of the environment so the living harmony in the world would be achieved. This is also inline with task that given by God as a *Khalifah* on Earth. Based on that we have to manage, prosper, and keep the earth save.

Those *Panca Bhakti Insan Imigrasi* values have to be manifested in everyday life including in religious life, and social life. Based on the ministry regulation, *Panca Bhakti Insan Imigrasi* values is kind of professional and spiritual awareness of Immigration Officer in doing their role and responsibilities.

Professional awareness means that every immigration apparatus have to conform and obey the technical guidance and rules in regards to their position as a decision maker. While, Spiritual awareness regard to the implementation of *Panca Bhakti Insan Imigrasi* values that includes *taqwa*, uphold the honor, intellect, self-integrity and innovative.

Panca Bhakti Insan Imigrasi is a foundation of immigration apparatus' to behave and act. This value also should become textual reference for the immigration apparatus to act.

By implementing those values, Immigration officers expected to do their job and behave based on morality conduct as stated in *Panca Bhakti Insan Imigrasi*.

With the code of ethics formulation that in line with *Panca Bhakti Insan Imigrasi*, Immigration apparatus will see their position as the God's trustee not as a power holder. In one hand, the values as a honorable citizen could be held. On the other hand, the citizen will have a high trust to the immigration apparatus because of the professionalism which contain affection and spiritualism value [19].

Finally, *Panca Bhakti Insan Imigrasi* becomes a way to be close to God. Being close to God is the most certain and concrete goal as a human. That is why, doing an activity as Immigration officer could become a way for them to have a race in doing a good deed. The spiritual value of *Panca Bhakti Insan Imigrasi* is the manifestation to achieve the god's point [20].

This God's point that become the final destination of the immigration apparatus to do their role and responsibility. The poin indicated by *taqwa*, that is a condition that a human feels a total submission to the God. *Taqwa* is the core of *Panca Bhakti Insan Imigrasi*, and also as a soul of the Immigration apparatus to do their role and duty [21].

4. Conclusion

Panca Bhakti Insan Imigrasi is the crystallization of Immigration Apparatus Code of Ethics. The values that are included in *Panca Bhakti Insan Imigrasi* are ways for the apparatus to get close to God with a holy soul. The core of the value is *Taqwa*. *Taqwa* is the most honorable human position before God. *Taqwa* is a situation when a human feels his/her submission to God, or when he/she feels from his/her deepest soul that his/her thought, sight, word, and actions are moved by God. *Taqwa* in professional term could be seen by the effort of the officer in deciding a policy, work plan, work system, and procedure, which are based on the guidance of God.

This code of ethics should be the way of life as well as the soul of every immigration officer while conducting his/her role and duty. Finally, the apparatus concept as a God's trustee could be implemented and the best service will be given to the citizen based on way that set by God. This way, greater benefit and outcome will be achieved for the society.

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