



## **HARMONIZATION OF GOVERNMENT BUREAUCRACY TO REALIZE GOOD GOVERNANCE**

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### **ABSTRACT**

*This article analyzes the harmonization of governmental bureaucracy to achieve good governance. The results of this research show that some things that are related to good governance are public policies, participative public policies, reform of a governmental bureaucracy, and social empowerment. Public policies must be derived in a set of implementing guidelines and technical guidelines that apply internally in a bureaucracy. Apart from formally fulfilling society's public rights, inspiring public policies are involved in the development plans of a particular area. A clear and consistent instrument is also created to develop a mechanism of social participation. The reformation of governmental bureaucracy to achieve good governance is directed to the change process and the target achievement that includes: a) the actualization of a value system that becomes the basis and the reference for a behavioral system of good governance, b) structure: the state or social institutional order at every area unit, c) process (management in all of its functions, in the activity dynamics and the public and private entities), d) apparatus resources. Social empowerment through the good governance mechanism will lead to co-guiding, co-steering, and co-managing processes.*

**Keywords: Bureaucratic Harmonization; Government; Good Governance.**

### **ABSTRAK**

Artikel ini menganalisis harmonisasi birokrasi pemerintah untuk mencapai tata kelola pemerintahan yang baik. Hasil penelitian ini menunjukkan bahwa beberapa hal yang berkaitan dengan tata kelola pemerintahan yang baik adalah kebijakan publik, kebijakan publik partisipatif, reformasi birokrasi pemerintahan, dan pemberdayaan sosial. Kebijakan publik harus diturunkan dalam seperangkat pedoman pelaksana dan pedoman teknis yang berlaku secara internal dalam birokrasi. Terlepas dari secara resmi memenuhi hak-hak publik masyarakat, kebijakan publik yang menginspirasi terlibat dalam rencana pembangunan daerah tertentu. Instrumen yang jelas dan konsisten juga diciptakan untuk mengembangkan mekanisme partisipasi sosial. Reformasi birokrasi pemerintahan untuk mencapai tata kelola pemerintahan yang baik diarahkan pada proses perubahan dan

pencapaian target yang meliputi: a) aktualisasi sistem nilai yang menjadi dasar dan acuan sistem perilaku tata kelola pemerintahan yang baik, b) struktur: tata tertib kelembagaan negara atau sosial di setiap unit wilayah, c) proses (manajemen dalam semua fungsinya, dalam dinamika kegiatan dan entitas publik dan swasta), d) sumber daya aparatur. Pemberdayaan sosial melalui mekanisme tata kelola yang baik akan mengarah pada proses co-guiding, co-steering, dan co-managing.

**Kata kunci: Harmonisasi Birokrasi; Pemerintah; Pemerintahan yang baik.**

## INTRODUCTION

Harmonization of law appeared in the science of law in Germany in 1902. Harmonization of law was developed in the science of law which is used to show that in the world of law, government policies, and the relationship between the two, there is diversity that can lead to disharmony<sup>1</sup>. The purpose or function of law is the harmonization of various purposes, goals and interests between individuals and individuals and between individuals and society. A just law aims at harmonizing individual purposes with that of society<sup>2</sup>. The principle of fair law includes harmonization between the aims and objectives as well as individual interests, and the aims and objectives as well as the public interest, which consists of two elements, namely mutual respect<sup>3</sup>. and participation<sup>4</sup>. The purpose of bureaucratic reform is to create a professional government bureaucracy with characteristics, integrated, high performance, free and clean of KKN, capable of serving the public,

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<sup>1</sup> Kusnu Goesniadhie S, 2006, *Harmonisasi Hukum Dalam Perspektif Perundang-Undangan, Lex Specialis Suatu Masalah*, Surabaya, Jpbooks, hlm. 62.

<sup>2</sup> Hari Chand, 1994, *Modern Jurisprudence*, Kuala Lumpur, Internasional Law Book Service, hlm. 49.

<sup>3</sup> Satjipto Rahardjo, 1986, *Ilmu Hukum*, Bandung, Alumni, hlm. 233-234.

<sup>4</sup> Theo Huijbers, 1995, *Filsafat Hukum Dalam Lintasan Sejarah*, Yogyakarta, Kanisius, hlm. 150-155.

neutral, prosperous, dedicated, and upholding the basic values and code of ethics of the state apparatus<sup>5</sup>.

In Rome in 1926, the International Institute for the Unification of Private Law (UNIDROIT) has issued a body of uniform law doctrine<sup>6</sup>. Scientific meetings related to the methodology of legal unification at the universal, regional, and federal levels, the problem of judges in each country on the legal form, the characteristics of unification, and the way in which unification is carried out with different legal systems, as well as technical assistance for developing countries in establishing legal uniformity<sup>7</sup>.

In Indonesia, in the context of legal harmonization, it is well known that efforts to harmonize and strengthen the conception of draft laws are directed at realizing the harmony of conceptions with state ideology, national goals, the 1945 Constitution, other existing laws, and all fields to be regulated in the draft law-the law<sup>8</sup>. The program's target is to create harmonization of laws and regulations in accordance with community aspirations and development needs<sup>9</sup>. The principle of balance between the interests of individuals and society with the interests of the nation and the state, is one of the material principles of the content of every statutory regulation<sup>10</sup>. Article 41 of the Charter of Fundamental Rights of the European Union states: Right to good administration: 1) Every person has

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<sup>5</sup> Kementerian Pendayagunaan Aparatur Negara dan Reformasi Birokrasi, Reformasi Birokrasi Makna dan Tujuan, <https://www.menpan.go.id/site/reformasi-birokrasi/makna-dan-tujuan1>, accessed on February 2, 2022.

<sup>6</sup> United National International Law Portal, Undroit, <Http://Www.Worldbank.Org/Unidroit>. accessed on 27 January 2022.

<sup>7</sup> Sudarto Gautama, 1983, *Kapita Selektta Hukum Perdata Internasional*, Bandung, Alumni, hlm. 26.

<sup>8</sup> Undang-Undang No 25 Tahun 2002 Tentang Program Pembangunan Nasional Tahun 2000-2004.

<sup>9</sup> *Ibid.*

<sup>10</sup> Undang-Undang Republik Indonesia Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan.

the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union . 2) This right includes the right of every person to have access to his or her file, professional and business secrecy, 3) the obligation of the administration to give reasons for its decisions. Every person has the right to have the community make good any damage caused by its institutions or by its servants in the performance of their duties<sup>11</sup>. On the basis of the Charter of Fundamental Rights of the European Union, which was adopted, the understanding of bureaucratic administration and public services is the right of the community, which is basically: obtaining business services fairly, impartially, and in a reasonable time; the right to be heard before any individual action that harms him is decided; right of access to obtain files privately; obtain compensation incurred by government agencies or officials in carrying out their duties. In the context of legal harmonization, which includes reform of state administration including the bureaucracy in it, in essence, it is a transformation of various dimensions of values contained in the constitution of the 1945 Constitution. By looking at the background above, the formulation of the problem in this article is how are the parameters for harmonization of the government bureaucracy in order to realize good governance?

## **METHOD**

This article examines normative law with legal rules and principles<sup>12</sup>. The author conducts an international inventory of conventions, protocols, laws, and regulations that apply in Indonesia, relating to the harmonization of the bureaucracy starting from the 1945 Constitution of

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<sup>11</sup> Article 41, *Charter of Fundamental Rights of the European Union*, EN C 364/18 *Official Journal of the European Communities* 18.12.200.

<sup>12</sup> Y. Rafferty, *The Impact of Trafficking on Children: Psychological and Social Policy Perspectives*, Journal Compilation: Child Development Perspectives, Volume 2 Nomor (1), 2008.

the Republic of Indonesia, laws, to the implementation of regulations. The approach used is a normative juridical approach or a legal approach. The writing specification is descriptive juridical analysis, with data sources in the form of primary, secondary, and tertiary legal materials, as well as those supported by primary data, and analyzed qualitatively and juridically.

## **DISCUSSION**

Harmonization which includes reform of the administrative system and state bureaucracy requires directed implementation of the change process and the achievement of targets including the actualization of values, which underlies the behavior of the system and state administration processes. All developed in order to realize the ideals and goals of the state, the realization of good governance, efficient and effective. Harmonization includes adjustments to laws and regulations, government decisions, judges' decisions, the legal system and legal principles with the aim of increasing legal unity, legal certainty, justice, and comparability, usefulness and clarity of law, without obscuring and compromising legal pluralism<sup>13</sup>.

Harmonization of law which includes reform of state administration is also a response to demands for a state administration system that respects the values and principles of good governance, and human resources of government officials and all state administrators who have integrity, competence and consistency in applying the principles of good governance. both in executive bodies and officials who fill the ranks of the bureaucracy, civil or military, as well as legislative and judicial bodies.

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<sup>13</sup> L. M. Gandhi, 1995, *Harmonisasi Hukum Menuju Hukum Yang Responsif*, Pidato Pengukuhan Guru Besar Tetap FH UI, dalam Moh. Hasan Wirahadikusumah, dkk, 1996/1997, *Perumusan Harmonisasi Hukum Tentang Metodologi Harmonisasi Hukum*, Jakarta Timur, BPHN Departemen Kehakiman, hlm. 30.

Thus, to harmonize the government bureaucracy in order to realize good governance, what is being done includes improving several policies, reforming and empowering the community<sup>14</sup>.

### **1. Public Policy**

Public policies are decisions that are binding on the people at a strategic or outline level made by public authorities. As a binding decision for the public, public policy must be made by a political authority that accepts a mandate from the public, generally through an election process. Public policies will be implemented by the state administration run by the government bureaucracy<sup>15</sup>. Policy is a guide in thinking to make decisions, these decisions are taken within limits. Decisions require action but are intended to require managers to make commitments<sup>16</sup>. The main focus of public policy in a modern state is public service, which is everything that the state can do to maintain or improve the quality of life of the people. Balancing the role of the state which has an obligation to provide public services with the right to collect taxes and levies, and on the other hand balancing various groups in society with various interests and achieving the constitutional mandate. The policy is an effort to solve social problems for the benefit of the community on the principles of justice and the welfare of society. And the policy must at least fulfill four important things, namely; (1) people's standard of living increases, (2) justice occurs: By the law,

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<sup>14</sup> Ombudsman, Reformasi Birokrasi Reformasi Pelayanan Publik, <https://ombudsman.go.id/artikel/r/artikel--reformasi-birokrasi-reformasi-pelayanan-publik>, accessed on February 2, 2022.

<sup>15</sup> Wikipedia Indonesia, Ensiklopedi Bebas Berbahasa Indonesia, <Http://Id.Wikipedia.Org>, diakses pada tanggal 28 Januari 2022.

<sup>16</sup> Harold KoontzCyrill O'Donell and Heinz Wehrich, 1992, *Management*, edisi ke-8, New York, McGraw-Hill Book Company, hlm. 144.

social justice, and opportunities for individual achievement and creation,<sup>17</sup>.

The term public policy refers to a broad set of implementing tools of legislation, covering aspects of the budget and implementing structure. The public policy cycle can be linked to policy making, policy implementation, and policy evaluation. Public involvement in every stage of policy can be a measure of the level of state compliance with the mandate of the people who are sovereign above it. Public policy refers to the wishes of the ruler or government which ideally in a democratic society is a reflection of public opinion (public opinion)<sup>18</sup>. Some things are required to the policy effective, namely, 1) the existence of legal instruments in the form of laws and regulations, 2) the policy must be structured in terms of implementing and financing it, 3) the need for public control, a mechanism that allows the public to know that the policy in its implementation is experiencing deviations or deviations. no.

*The government should cooperate with agencies, non-governmental organizations, hospitals, academics or researchers, psychiatrists and doctors, police, local authorities, and community leaders*<sup>19</sup>. In an authoritarian society, public policy is the desire of the rulers alone, so the above description does not work. But in a democratic society, what often becomes a problem is how to absorb public opinion and build a policy that has public support. The ability of political leaders to communicate with the public to accommodate their wishes, but equally important is the ability of leaders to explain to the public why a wish cannot be fulfilled. It is

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<sup>17</sup> Noeng Muhadjir, 2000, *Ilmu Pendidikan dan Perubahan Sosial, Teori Pendidikan Pelaku Sosial Kreatif*, Yogyakarta, Raka Sarasin, hlm. 15.

<sup>18</sup> *Ibid.*

<sup>19</sup> Sulistya Eviningrum, Hartiwiningsih, dan Mohamad Jamin, *Developing Human Rights-Based Legal Protection Model on Victims of Child Trafficking in Indonesia*, *Advances in Social Science, Education and Humanities Research*, Volume 358, 2019, hlm. 80-83.

naive to expect that there is a government that can satisfy the whole population at all times, but it is authoritarian a government that does not take seriously aspirations and tries to communicate current and future policies.<sup>20</sup> In practice, this public policy must be revealed in a series of implementation instructions and technical instructions that apply internally to the bureaucracy. Meanwhile, from the community side, what is important is the existence of a public service standard, which describes to the community what services they are entitled to, who can get them, what are the requirements, as well as what form the service will take. This binds the government (the state) as the service provider and the community as the service recipient<sup>21</sup>.

## **2. Participatory Public Policy**

Academically it is not easy to assess whether a local government system has managed the policy process in a participatory manner or not. No matter how great an observer, it is easy to slip into judgments about the quality of participation in the policy process if you don't have the tools to measure and understand the policy process itself well. In order to eliminate misunderstandings and misunderstandings about the quality of participation in the policy process, it is necessary to first state the force of participation, and the difference between the policy mechanism and the policy process.

Participation means more than just participation. Participation has a more active role and contains elements of equality and sovereignty from the actors of participation. Meanwhile, participation can be interpreted as a complement and does not have to be equal. To bring strong support and participation from the community to regional

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<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*



development, the community is involved in the decision-making process, including at the stages of development planning at various levels. Thus, it is hoped that there will be a sense of belonging and a shared sense of responsibility for the entire community towards development in their area.

Law Number 32 of 2004 concerning Regional Government provides directions on how development is managed by all elements, namely how development is managed by all elements, namely the government and the community as equal partners. This paradigm shift requires the readiness of all parties. The government on the one hand must give up some of its authority to be managed by the community, starting from planning, implementing and managing it as well as evaluating it. As a concession from the transfer of part of the authority, the community must be prepared to be involved in terms of understanding the agreed development directions and policies.

Participation on the one hand means listening to the public on the other. In the space of a combination of citizens' willingness to participate and governance awareness (executive and legislative) to listen to the public, rational choices can be debated. These choices are a matter of public policy. If we agree that the conditions for the meeting of the two sides are symmetry and openness of information, the question that then arises is, who can actually play the role of bridging the two different interests between the community (civil society) and the government (governance). Because of that, a paradigm emerged that thought the need to form a kind of participation commission institution. The participation mechanism is not only to fulfill the political rights of the people who have been formally involved in the development planning of a region and region.

### **3. Government Bureaucratic Reform**

In the life of various nation states in various parts of the world, the developing government bureaucracy is the main vehicle in the administration of the state in various fields of national life and in relations between nations. In addition to managing services, the bureaucracy is also tasked with translating various political decisions into various public policies, and has the function of managing the implementation of these various policies operationally. Bureaucracy is a critical success factor in realizing a clean government and free from corruption, collusion and nepotism (clean government) in the overall scenario of the realization of good governance<sup>22</sup>.

The bureaucratic reform road map based on the ESDM ministerial regulation refers to the presidential regulation no. 81 of 2010 concerning the Grand Design of Bureaucratic Reform 2010-2025. The Rosd map of bureaucratic reform, which is prepared and implemented every five years, is a detailed plan for implementing sustainable bureaucratic reform from one stage to the next so that the annual performance targets and activities will be clear and measurable<sup>23</sup>.

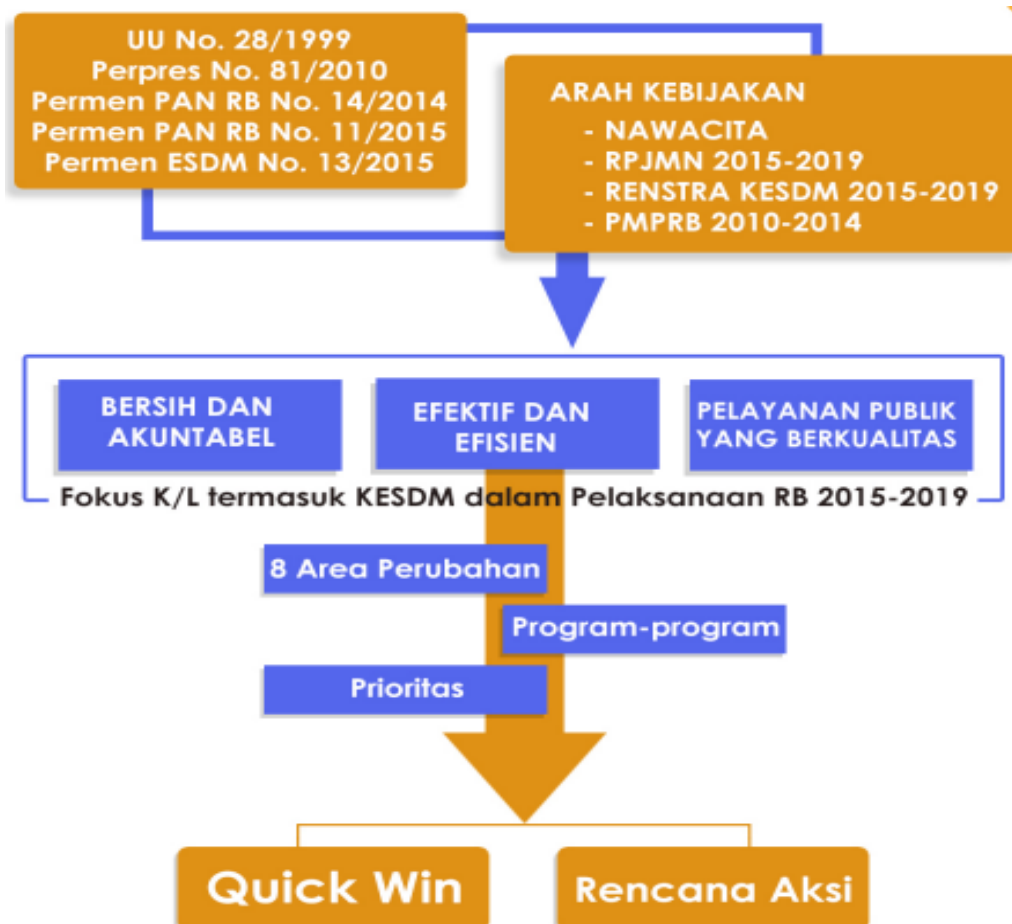
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<sup>22</sup> A. R. Murtopadidjaja, 2005, *Dimensi-Dimensi Pokok SANKRI*, Jakarta, Lembaga Administrasi Negara.

<sup>23</sup> Direktorat Jenderal Ketenagalistrikan, Buku Saku Reformasi Birokrasi, [https://gatrik.esdm.go.id/assets/uploads/download\\_index/files/d0700-buku-rb.pdf](https://gatrik.esdm.go.id/assets/uploads/download_index/files/d0700-buku-rb.pdf), accessed on February 2, 2022.

Figure 1.

Bureaucratic Reform Road Map



The success of the government bureaucracy in realizing a government that is clean and free from corruption, collusion and nepotism (KKN) is also determined by many other factors. Among these factors that need to be taken into account in the policy of “good governance bureaucratic reform”, even in the context of “reforming the state administration system” as a whole, are the commitment, competence, and consistency of all parties who play a role in the implementation of state government, both elements of the government apparatus. the state and citizens in realizing clean government and good governance, as well as in actualizing the various dimensions of values contained in the state constitution of the 1945 Constitution,

according to their respective positions and roles in the state and in the nation's society<sup>24</sup>.

The meaning of bureaucratic reform includes: A major change in the paradigm and governance of Indonesia. The big gamble of the Indonesian nation in facing the challenges of the 21st century. It is related to thousands of processes that overlap between government functions, involve millions of employees, and require a large budget. Reorganizing the bureaucratic process from the highest to the lowest level and making new breakthroughs with gradual, concrete, realistic, earnest steps, thinking outside the existing habits, changing paradigms, and with extraordinary efforts. Revise and develop various regulations, modernize various policies and management practices of the central and local governments, and adapt the duties of government agencies to new paradigms and roles<sup>25</sup>.

In that connection, good governance can be seen as a paradigm which, among other things, contains concepts that include three main actors, namely the state government in which the government bureaucracy is included, the business world (private and state businesses), and the community. The three actors who play a role in the administration of the state and the development of the nation have the positions, roles, responsibilities, and capabilities needed for a dynamic and sustainable development process. In the concept of good governance, the three actors in the state administration system are placed as equal partners<sup>26</sup>.

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<sup>24</sup> *Ibid*

<sup>25</sup> Kementerian Pendayagunaan Aparatur Negara dan Reformasi Birokrasi, Reformasi Birokrasi Makna dan Tujuan, <https://www.menpan.go.id/site/reformasi-birokrasi/makna-dan-tujuan1>, accessed on February 2, 2022.

<sup>26</sup> *Ibid*

One of the main factors and actors that play a role in the realization of clean government and good governance is the government bureaucracy. In public positions and services, the government bureaucracy greatly determines the efficiency and quality of services to the community, as well as the efficiency and effectiveness of government administration. Laws have been enacted by the DPR and promulgated by the government, and various public policies as outlined in various forms of statutory regulations developed in the context of state administration and good governance can be managed effectively by the government if there is a healthy government bureaucracy. and strong, namely the government bureaucracy that is professional, neutral, open, democratic, independent,<sup>27</sup>. The government bureaucracy is basically designed as a rational bureaucracy with a hierarchical-structural approach. The institutional arrangement that takes place in the utilization of the state apparatus, classically emphasizes the importance of rationalizing the government bureaucracy that creates efficiency, effectiveness, and productivity through a balanced hierarchical and horizontal division of labor, accompanied by formalist work procedures and strict supervision. In its growth, the government bureaucracy develops vertically linearly, in the sense that the direction of policies and orders is from top to bottom, and accountability runs from the bottom up, as well as loyalty, therefore cross-institutional government coordination which is generally carried out formally is difficult. In such conditions, it is difficult for Indonesia to present a clean government and good governance. Thus, bureaucratic reform towards a good governance system implies the need for efficient use not only of the bureaucratic system of government

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<sup>27</sup> *Ibid*

and bureaucrats, but also similar steps to various institutions and individuals outside the government bureaucracy, both public and private, including public and private institutions. state institutions and various institutions that develop in society, along with all their personnel, and all of this is carried out in synergy with the spirit mandated by the constitution, and heeding the principles of good governance.

#### **4. Community Empowerment**

The existence of government democracy in a country is reflected by the recognition and respect of the state and all elements of the state apparatus for the rights and obligations of citizens, including the freedom to make choices and express themselves rationally as a form of their sense of responsibility in the administration of the state and nation building, and empowerment for those who are in a weak position rationally and fairly. Democracy not only has meaning and contains freedom, but also responsibility, democracy also contains demands for competence and means wisdom in assuming responsibility in realizing common goals, which is accompanied by a high commitment to upholding the public interest by upholding human values, justice and truth<sup>28</sup>. If the community is not capable or powerless, then it must be enabled or empowered. Empowerment means giving a role to the lower classes of society in their participation in various government activities.

In order to empower the community to assume development responsibilities, the role of the government can be reinvented, among others a) reducing barriers and obstacles to creativity and community participation, b) expanding access to services to support various socio-economic activities of the community, c) developing programs to

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<sup>28</sup> *Ibid*

further improve ability and provide opportunities for the community to play an active role in utilizing and utilizing the available productive resources so that they have high added value in order to improve their welfare<sup>29</sup>. From these conditions a very urgent need arises for the public sector in the regions to involve the private sector and the community. The government should play a more role in controlling steering rather than direct handling (rowing). The government must be able to become a catalyst for the involvement of the private sector and the community to participate in providing public services<sup>30</sup>.

Local governments with democratization principles are required to be able to mobilize participation, promote transparency and accountability in the administration of local government. This is where the impact of the essence of good governance is clear as a process of involving the public, private and community sectors to deal with public problems that are no longer possible to be handled by local governments.

## CONCLUSION

From the discussion above, it can be concluded that public policy must be revealed in a series of implementation instructions and technical guidelines that apply internally to the bureaucracy. Inspirational Public Policies, apart from fulfilling the people's political rights, are formally involved in regional development planning, clear and consistent instruments are also created to build mechanisms for community participation. Government Bureaucratic Reform towards a good governance system, directed at the process of change and achieving goals

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<sup>29</sup> *Ibid*

<sup>30</sup> David Osborne and Ted Gaebler, 1992, *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*, Massachusetts, Addison Wesley Publishing Company.

which include: a) actualization of values that underlie and become a reference for good governance system behavior, b) structure: institutional arrangements of the state and society in each regional unit , c) process (management in its overall function, in the dynamics of public and private activities and entities), d) apparatus resources. Community Empowerment through the mechanism of good governance will occur the process of co-guiding, co-steering and co-managing.

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