Embedding The Value of Justice In The Meritocracy Regime Through Bureaucratic Representation: Efforts of Democracy-Bureaucracy Reconciliation within the Context of Plural Society

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INTRODUCTION

The aim of this subject is to demonstrate its capability in addressing two key aspects of relevance: social relevance and theoretical (academic) relevance. The assessment of social relevance is determined by the broad social acceptance of the theme, and concurrently, the assessment of academic relevance is carried out by evaluating the consistency and validity of the generated ideas, as well as their contribution to substantive debates in the fields of public administration and political theory. It is essential to acknowledge that, at times, a study or line of thought may hold great social relevance while lacking sufficient theoretical relevance, and vice versa (Kleden, 1987).

The study of the relationship between democracy and bureaucracy based on the theoretical framework of bureaucracy representation in the context of plural societies like Indonesia (including East Nusa Tenggara) is something important (strategic) both theoretically and practically. This is because in modern society, as it is today, it becomes evident that attempts to enforce uniformity in social and cultural diversity, whether through ideological means or political violence, actually become problematic, as demonstrated by the collapse of Yugoslavia and the Soviet communism. It is important to re-understand modern society today as a multicultural society, which is a society composed of various forms of life and value orientations, or a "nation" with many "nations" (Hardiman, 2002). Therefore, a social scientist like Kymlicka (2002), for instance, raises an important warning that the greatest challenge faced by democratic states today (including Indonesia) is to find the appropriate moral and political answers to address the issue of diversity, which includes the potential for increasing intensity of fragmentation and intergroup demands.

At the same time, particularly in Indonesia, the response and actions of the state (bureaucracy) tend to be "neutral" and even repressive. To some extent, this is an implication of the strong practice and thinking (theories and studies) of public administration based on a positivist approach (epistemology). Based on this epistemology, the main value pursued is efficiency, institutionalized in a meritocratic model, which systematically views all aspects/dimensions outside the "rational" bureaucracy as pathological (including social identities) and thus should be disregarded.

During the New Order era, for example, Gery van Klinken (2007) demonstrated that the reinforcement of identity, leading to open conflicts in several regions of Indonesia, such as West Kalimantan, Poso, North Maluku, and Central Kalimantan, clearly indicates that the reality of suppressed pluralism during the authoritarian regime, which was poorly managed, has become a counterproductive time bomb for Indonesia itself. Formal acknowledgment of ethnicity was considered taboo due to its potential for eruption, even though, on the other hand, the national motto of "Bhineka Tunggal Ika" (Unity in Diversity) seemingly legitimizes diversity.

Specifically in East Nusa Tenggara (NTT), it can be said that the region is characterized by a diverse ethnic composition (Flores, Timor, Sumba, Sabu, Rote, Alor, and non-NTT ethnic groups), accompanied by religious contestation (especially between Catholics and Protestants), particularly within the dynamics of politics and bureaucracy. Bau (1999) explains that in NTT, inter-ethnic group conflicts also always translate into inter-religious group conflicts. This is evident in the daily interactions of the community through questions or expressions such as: *"Which ethnicity does he belong to, or what religion does he follow?"* The first question will be related to ethnic identity, and the second question will be related to religious identity. Furthermore, as explained by Bau, the term "orang" attached to Flores becomes "orang Flores" and other groups, it does not refer to the concept of tribal groups according to

customary law, but rather, it is more directed towards regional origin, even though within each region, there are still smaller sub-ethnic groups. Moreover, specifically in Flores, Dhakidae (2015) explains that religion (Catholicism) serves as the formulator of the Flores people's identity. In other words, it is only when the church says "you are Flores people" that every ethnic group there feels they are Flores people. Thus, religion becomes the formulator of both geographic and cultural identity.

In the bureaucracy itself, as shown by Sayrani's research (2010), there is a development of rivalry between ethnic groups and religious groups (Catholic and Protestant), manifested through the emergence of cliques within the bureaucracy that intersect with the political dynamics at the local level. However, an interesting aspect revealed in this reality is that despite the existence of contestation among ethnic/religious groups within the NTT bureaucracy, there seems to be, to a certain extent, informal and limited efforts made by political actors and bureaucrats to balance the composition or formation of political positions and top bureaucratic positions based on ethnic/religious backgrounds within the formal bureaucratic structure. Phenomena like these are intended to be explained using the perspective of representation in bureaucracy based on a post-positivist epistemology, particularly critical interpretivism. Through this epistemology, the reality of social identity diversity within the bureaucracy is not simply framed as pathological but should be critically

examined in different contextual dimensions.

RESULT AND DISCUSSIONS

In order to understand the theoretical framework of bureaucracy representation and its relevance to the relationship between democracy and bureaucracy in a plural society, this paper should be supplemented with several philosophical and theoretical debates, including: (1) the debate between positivist epistemology advocated by the meritocracy regime and post-positivist epistemology promoted by representation theory; (2) the debate between individualism and communitarianism philosophy regarding the position of the human (bureaucrat) as a micro-subject without a situation (impersonal) and the bureaucrat as a macro-subject shaped by their social context. However, due to space constraints, allow me to briefly present some main ideas from the theoretical approach of bureaucracy representation.

At the theoretical level of public administration, bureaucracy representation is a significant study within bureaucracy, particularly concerning issues of justice in a complex plural society (including ethnicity and religion) (Maroney and Williams, 2007; Alkadry, 2007). This study (issue) is fundamentally related to the question of how the reality of pluralism and the relationships among social identities (ethnicity, religion, gender, social class, etc.) are managed, especially by state institutions, including the bureaucracy.

The study of bureaucracy representation is part of the discourse within modern public administration concerning which value choices are most appropriate in addressing the issues of social pluralism and its complexities ethically, politically (in policy-making), and in management. Therefore, there will

always be dilemmas and clashes of values as implications of the complexity of public administration's nature (Keban, 2008). These clashes of values primarily involve the trade-off between efficiency and responsiveness, as well as between neutrality and tolerance (Lemay cited by Keban, 2008). Furthermore, when related to democracy, these conflicting values will also involve the challenge of balancing equality with hierarchy, public participation with expert participation, and justice with efficiency (Hamilton, 2003). Thus, bureaucracy representation, which advocates values of justice, equal access, and participation, becomes one of the issues shaping what Wagenaar (1999) refers to as value pluralism in contemporary public administration.

Bureaucracy representation as an alternative theory within bureaucracy has also evolved alongside the notion that public administration should be more responsive, participatory in policy-making, and have increase social justice and accountability (Alkadry, 2007; Major, 2011). This situation gave rise to the idea of the *new public administration* (Alkadry, 2007; Alves and Timney, 2008) that is oriented towards social justice as a new value in addition to the predominant values of efficiency and economic considerations in public administration. Frederickson (2003) provides several important foundations for building the value of justice in public administration. The first critical note is related to concerns about the lack of attention from the state administration towards the public and its issues, with a preference for more typical approaches that consider the differences in social and economic conditions. There is a tendency to assume that every citizen is the same and receives services in equal measures. Such assumptions are deemed too simplistic, illogical, and empirically inaccurate in

addressing the complexities of the issue. Frederickson's second criticism is about the state administration's tendency to overlook existing disparities, thereby disadvantaging minority groups (marginalized). The long-lasting persistence of wide disparities eventually becomes "enduring," posing a threat to the continuity of the political system's existence. Therefore, social justice encompasses the understanding of a set of value choices, organizational framework choices, and management pattern choices that emphasize equal rights in government services and responsiveness to the needs of citizens rather than the needs of the public organization.

These various descriptions indicate that bureaucratic representation has been proposed by many experts as a strategy to manage the reality of pluralism with all its complexities. Guy Peter (cited by Stevans, 2009) states that bureaucratic representation is an ongoing theory that seeks to reconcile two elements: efficiency on one side and democracy on the other. In a plural and democratic society, bureaucratic representation is considered capable of effectively representing diversity (Deleon, 2005). The essence of the theory of bureaucratic representation lies in the reflection of the diversity of the served community and the ability of the bureaucracy to respond to various interests from different societal groups in public policy-making (Selden, 1997). Thus, bureaucratic representation becomes a symbol of efforts to promote equal opportunities and justice (Deleon, 2005). Kingsley (2003) believes that bureaucracy cannot be formulated as Weber's "ideal type," which is considered unrealistic because it overlooks the aspects of values, beliefs, and "irrationality" inherent in human beings (bureaucrats). Bureaucracy cannot be neutral but must represent the public it serves.

Figure 1
Bureaucracy Representation as Mediation between Bureaucracy and Democracy Relations
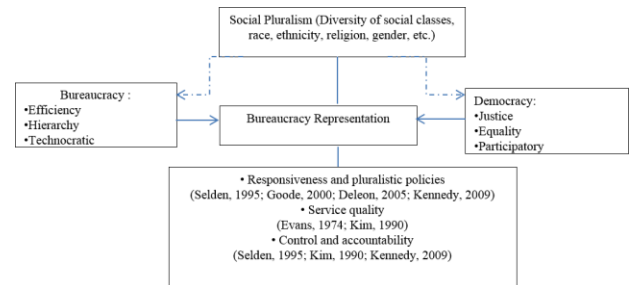
Source: Sayrani (2017)

The representation of public plurality by the bureaucracy is then considered important because it enables the bureaucracy to become a more responsive organization to the diverse needs of various groups in policy-making (Goode, 2000; Kennedy, 2009). The public services provided by the bureaucracy are also believed to be improved since representation allows for maximum service to different segments of society (Evans, 1974). This is based on the assumption, as stated by Crotty and Crotty (2009), that identity, social attributes, and social backgrounds are not simply lost when an individual (bureaucrat) is integrated into the formal bureaucratic structure. Instead, all these factors will become one of the preferences in determining their behavior and choices. Therefore, through representation, it becomes possible to establish a similarity of values between the bureaucrat and the public they serve in understanding public issues (Kim, 1990).

Then, how is the condition of representation within the bureaucracy, especially in the bureaucratic structure in NTT? The practice of representation in the bureaucracy can be identified through phenomena known as passive (descriptive) representation, a situation where various

identities of social groups (including ethnicity and religion) are represented within the public organization (bureaucracy), as referred to by Mosher (in Kim, 1990; Selden, 1995). The level of representation is measured by the proportional alignment of the social composition with the composition within the bureaucratic structure or category. A high alignment between the social composition and the bureaucratic structure is considered the ideal condition of a democratic bureaucracy. This is because passive representation provides a basis for social legitimacy and symbolic advantages (justice) that demonstrate equal and fair opportunities for all social groups within the bureaucracy.

Theoretically, ideal passive representation would be achieved when each social composition is proportionally represented within the bureaucratic structure, as studied, among others, by Lewis (1988), Kim (1990), and Goode (2000), which tends to be conducted in the context of a plural society, primarily focusing on ethnicity (race) in one dimension. In the context of NTT, this theoretical perspective becomes somewhat problematic because the evolving passive representation in NTT occurs within the context of interconnected layered pluralities of identities, namely religion and ethnicity. For the people of NTT, religion and ethnicity are two significant identities that are simultaneously intertwined in social and even political relations. Precisely in this situation, the problem revolves around the choice of the primary identity used as a symbol for representing the social composition within the bureaucracy, namely, between religion and ethnicity.

Regarding these two identities, the passive representation (structural composition) formed within the bureaucracy of NTT Province shows two main tendencies: on one side, there is a high level of religious-based representation (*overrepresented*) within the bureaucracy, while on the other side, ethnic groups remain underrepresented. Despite their differences in overall tendencies, the representation levels within the hierarchical structure, particularly at levels IV, III, and II, exhibit a similar pattern with high levels of representation based on both ethnicity and religion. This situation also indicates a tendency of passive representation practices in NTT, which are rooted in religious identity and interconnected with ethnic identity.

Shifting Importance of Representation

The practice and tendency of representation within the bureaucracy that developed in NTT itself were not static but rather inclined to change, especially concerning their interests. During the New Order era, the tendency of representation practice within the bureaucracy was built upon a more sociological perspective, with informal mechanisms forming the basis of its strategy. The question that can be posed is why, during the New Order era, the dominant basis of representation interests was sociological in nature? The New Order was essentially a regime highly oriented towards regime stability, supported by a strongly consolidated political system and infrastructure (political parties, bureaucracy, and the Armed Forces/ABRI). Political segmentation and conflicts were also institutionally entrenched through regular elections that consistently positioned Golkar as the main political force (winning the elections). Therefore, in the context of a plural society (including NTT), all government institutions, particularly the bureaucracy of the New Order regime,

were indeed oriented towards developing conflict management that could ensure stability at the local level. Precisely at this point, representation within the bureaucracy was mainly linked to the balanced distribution of civil servants (PNS) based on ethnic and religious regions, becoming one of the strategies used to regulate existing social diversity. This means that, to a certain extent, local stability was supported by two things concruently: political stabilization as a centralized design of the regime and social stability through representation within the bureaucracy as a creation of the government regime at the local level.

The sociological interest tendency that served as the basis for representation in the context of the New Order government has undergone adjustments, namely with the strengthening of practical political interests as an implication of changing contexts (direct elections of regional leaders). Unlike the New Order context, which was supported by political and social stability, the post-New Order era shows the opposite. Politically, political actors (regional leaders) are produced through highly competitive political contests with a wide political space for the public. This drives political actors to possess the ability to utilize various political resources, including the bureaucracy. Consequently, representation within the bureaucracy, which was beforehand motivated by sociological interests, must also be instrumentalized as a political force. This means that when representation is carried out, it is not solely an effort to promote intergroup justice but rather a part of political capitalization and consolidation within the bureaucracy.

Figure 2
Process of Formation and Shift of Representation Practices in the Bureaucracy in NTT
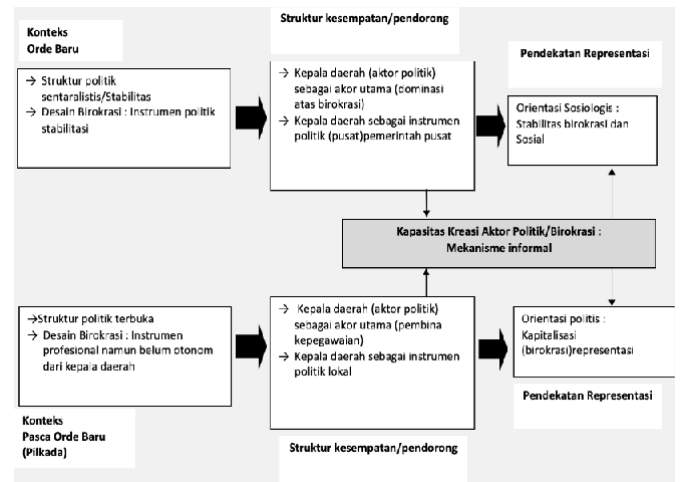
Source: Sayrani (2017)

These two tendencies themselves do not appear to be separate but rather tend to intersect, albeit with varying intensities depending on the context. Therefore, these two tendencies result in variations of representation in the bureaucracy in NTT, namely objective representation, subjective representation, and non-representation, with variations of subjective political and objective neutral, as depicted in the following scheme.

Figure 3
Variations of Bureaucratic Representation Practices in the Government of East Nusa Tenggara Province
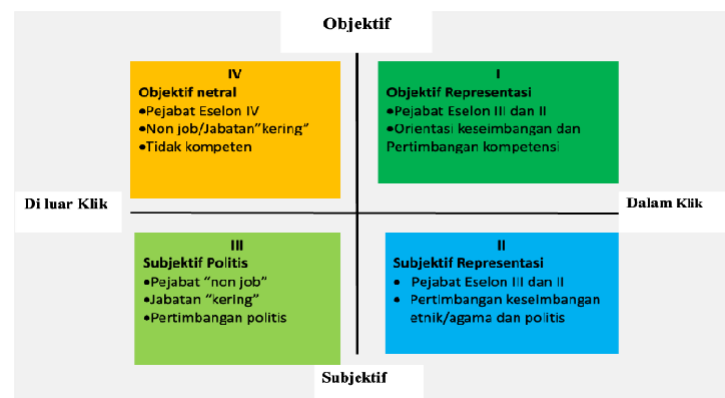
Source: Sayrani (2017)

This scheme illustrates how objective and subjective considerations in the

bureaucracy, especially in filling structural bureaucratic positions, intersect and are supported by a common element, which is networking (cliques). This means that someone who occupies a position in the bureaucracy, whether at the level of Eselon III or especially Eselon II, must be part of a network or clique, regardless of whether the main consideration is competence (objective) or ethnic/religious balance (subjective). With or without this element, an official will either gain access to or be denied access to bureaucratic positions.

The variants of representation, especially objective representation and subjective representation, actually exist both during the New Order regime and the post-New Order period, albeit with different levels of practice. Although subjectively measured, objective representation tended to strengthen during the New Order era, while subjective representation was not as dominant. Furthermore, in the post-New Order period (especially during the regional elections era), objective representation tends to weaken, while at the same time, subjective representation gains strength.

Limitations of the Practice of Bureaucratic Representation in NTT

The practice of representation within the bureaucracy in NTT shows limitations, especially concerning the tug-of-war between objective representation and subjective representation. Informal (subjective) representation that relies solely on political considerations for ethnic and religious balance within the bureaucracy has a vulnerability to shift into a situation of non-subjective representation where an official is placed in a certain position as part of bureaucratic politicization. This means that the practice of representation indeed opens the possibility of being politically

"hijacked" for highly pragmatic political interests.

This vulnerability is mainly driven by increasing political competition (entering the bureaucracy) as a consequence of direct elections for regional leaders. In such a situation, the political commitment of political actors (regional leaders) becomes a difficult-to-predict and control variable since their behavior can be highly pragmatic within the political constellation. On the other hand, the behavior of bureaucratic actors can also be highly pragmatic in engaging in practical politics by leveraging the bureaucratic and social resources they possess in political competition.

This condition indicates that the practice of representation in the bureaucracy in NTT still leaves a gap, which is the absence of "safety valves" that can limit the shift from subjective representation to a situation of non-subjective representation.

At the same time, this situation (subjective representation trap) actually demonstrates something known as the paradox of representation. Through the practice of representation, actors (especially political actors) are essentially striving to promote equitable access among ethnic and religious groups within the bureaucracy as an implementation of democratic bureaucratic management in a pluralistic society. However, at the same time, the basis of these mechanisms is informal, which subsequently evolves into a "semi-personal and closed" approach, heavily relying on political actors (regional leaders). This implies that there is an attempt to promote representation as something democratic but with closed mechanisms (tending to be undemocratic). Consequently, the practice of representation within the bureaucracy does not occur openly (through open

consensus as a democratic principle) in the current democratic climate.

There are two factors that can explain why such paradox still exists. This situation indicates that the inherent system and character of the New Order in managing bureaucracy, which involved a closed and highly personalized approach in the recruitment (circulation/mutation and promotion) of bureaucratic elites, still persists in the current democratic setting. The closed mechanism in the circulation of bureaucratic elites under the New Order regime can be understood as part of the regime's orientation towards stability. In this closed mechanism, loyalty can be ensured, and adequate control can be maintained. This means that the tendency to conduct representation in a closed manner is a reflection of the entrenched thinking about stability, personal loyalty, and control within the bureaucracy (both political actors and the bureaucratic apparatus).

Moreover, closed mechanisms may actually serve as a response to democracy at the practical level, particularly in electoral politics (regional elections). The intense competition in regional elections pushes political actors, especially regional leaders, to engage in closed and highly personalized representation practices. In this sense, the primary authority for promotions lies with the regional leaders, and the relationships formed between political actors (regional leaders) and the bureaucratic apparatus become highly personal, even adopting patron-client relational dynamics. Therefore, the practice of representation in bureaucracy is not solely aimed at achieving ethnic and religious balance but should also be capitalized as a direct political benefit (in the context of regional elections). This situation becomes challenging to control (oriented towards pragmatic capitalization of representation) if the practice of representation is carried out based on

democratic consensus (open) bases and mechanisms.

Contribution to Bureaucratic Theory: Representation in the Duality of Structures

At the level of bureaucratic theory, these various discussions demonstrate that the processes and dynamics within bureaucracy are not solely a single process (mechanistic, hierarchical, formalistic managerial) but rather, it is a dynamic arena. The presence of representation practices within a bureaucracy based on a meritocracy system is evidence that bureaucracy operates dynamically within the duality of structures, where formal and informal mechanisms coexist together. This simultaneously challenges the dualism paradigm endorsed by mainstream bureaucratic theories today, where subjective matters, including issues of relations between groups (ethnic and religious), are deemed irrational and must be excluded from bureaucracy.

Figure 4
Representation Bureaucracy in the Duality of Structures
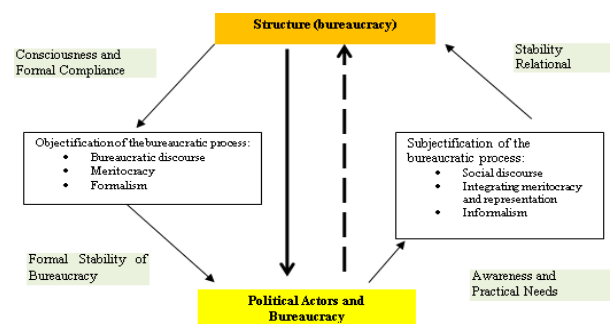
Source: Sayrani (2017)

In the duality of structures, the bureaucratic structure and the behavior of political actors and bureaucracy (agencies) always interact dynamically and reciprocally (in two directions). On one hand, the bureaucratic structure will determine the behavior of political actors

and bureaucracy through an objectification of the bureaucratic process that produces a formal bureaucratic system. Conversely, on the other hand, political actors and bureaucracy have the capacity to reciprocally shape the bureaucracy through a subjectification process that gives rise to informal systems within the bureaucracy.

CONCLUSION: Justice Beyond Meritocracy

In the context of NTT society, the presence of the state (bureaucracy) is of utmost importance for people from all social strata. This is because, as stated by Tedey (2015), the state (bureaucracy) holds a position as the shaper of social structure, where the livelihoods of all societal layers heavily rely on their access to the state (bureaucracy). Becoming a civil servant and subsequently holding bureaucratic positions serve as means to directly access state resources, which will be used to support the social and even political livelihood of local political actors. In other words, when non-state resources are not sufficiently available, the state (bureaucracy) and its resources become the primary arena of contestation among social groups.

Thus, there is a social dimension inherent in bureaucracy that is closely related to the existence (sense of belonging/presence) of all ethnic and religious groups within the government in NTT. This relates to the subjective dimension of justice among ethnic and religious groups within the bureaucratic structure. Therefore, in NTT, the presence of a civil servant, especially in the hierarchical structure of bureaucracy, will always be assessed by the public based on the proportion of ethnic and religious representation. As a result, the presence of a civil servant in the bureaucratic hierarchy holds sociological significance for the public in terms of how their identity and group are valued, positioned, and assigned roles.

In such a context, justice is not merely something concrete in material terms (distribution of material resources), but it also encompasses something subjective and non-material, which involves the feeling of being valued and recognized within the realities of different groups (ethnic and religious) in NTT. As a result, the local government is encouraged to represent all identities/groups proportionally within the bureaucracy.

Precisely in this situation, the realistic aspect that needs to be observed is how the constellation and reality of power access distribution (justice) among various social groups towards bureaucracy are. At the strategic level, the government bureaucracy in NTT seems to be developing representation in bureaucracy as a mechanism for distributing positions among ethnic/religious groups within the bureaucracy. The question is, what are the values of justice that may be achieved/realized in the representation scheme practiced within the bureaucracy? Or, where do the weaknesses of the meritocracy system lie in achieving justice within the bureaucracy?

To discuss justice in bureaucracy, whether using the meritocracy or representation approach, following Rawls ([1995] 2006), there are several principles that can be applied to examine justice within a system (including bureaucracy). *Firstly,* bureaucracy (positions) must be open equally, meaning two things: equal opportunity for all talented individuals (those with abilities) to pursue a bureaucratic career and equal opportunity in the sense of fair chances. *Secondly,* concerning benefits for each individual, these benefits must be enjoyed by everyone equally (the principle of

efficiency), while also making necessary distinctions in treatment (specifically) for disadvantaged (weaker) groups.

If we follow the scheme with both Rawls' foundations of justice, it becomes evident that the meritocracy system is fundamentally built on the principle that bureaucracy (positions) is open equally to all groups (equal treatment for all ethnic/religious groups) in the sense that anyone with the ability has the right to obtain benefits (occupy bureaucratic positions). Simultaneously, meritocracy also emphasizes equal and fair opportunities through an open mechanism that allows everyone to access bureaucratic positions.

Thus, justice in the meritocracy perspective is defined based on the assumption that when a bureaucracy is capable of recruiting and promoting individuals based on their abilities through a fair mechanism, justice within the bureaucracy is achieved. This situation is what Rawls refers to as liberal equality.

The weakness of this perspective lies in the absence of strong guarantees for the protection and implementation of equal rights for all, as its distribution is solely based on talents and abilities, which, in reality, are never equal, especially among different social groups. If abilities become the primary criterion, it will only create inequalities, particularly between the stronger and weaker groups.

It is these weaknesses that the representation-based bureaucratic approach seeks to address. In this mechanism, an effort is made to combine the principle of "equal opportunity," which refers to fair chances for everyone, with the principle of difference, where recognition is given to marginalized groups to access bureaucracy. With the inclusion of the principle of difference, there is an opportunity for more talented groups in society to gain greater

advantages, while at the same time, equal opportunities are provided for those less fortunate to access bureaucracy. This situation is what Rawls refers to as democratic equality.

This notion implies that justice does not always have to entail treating everyone equally without regard for objective differences among individuals (groups) involved. Therefore, representation-based bureaucracy can essentially foster the spirit of egalitarianism without succumbing to naive demands for absolute equality.

This scheme illustrates that justice based on the meritocracy system can only result in a liberal equality that tends to be irrelevant when applied in heterogeneous societies characterized by diverse social groups and different social classes. This is due to the fact that structural differences (inequality between social groups and classes) will also affect the social groups' access to bureaucracy and different bureaucratic positions. Meanwhile, representation-based bureaucratic justice seeks to surpass the meritocracy-based justice by promoting equal opportunities for those with abilities while also giving attention to marginalized groups to ensure their inclusion in the bureaucratic positions.

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