

Implementation of Electronic Government (E-Government) and Bureaucracy Reform to Achieve Good Governance

Maria Jose de Carvalho Soares¹, Guido Gonsalves Moniz², Leonito Ribeiro³
^{1,2,3}Faculty of Law, Universitas Da Paz, Timor Leste

ARTICLE INFO

Article history:

Received Oct 20, 2022
Revised Oct 27, 2022
Accepted Nov 17, 2022

Keywords:

implementation of e-Government;
a case study from Komisaun Funsau Publica Timor-Leste;
Good Governance.

ABSTRACT

In this era of modernization, the dissemination of information and public transparency are crucial, this phenomenon can be seen through the high number of people in the communities responding to information and the efforts to get transparent information. This can be used as a base to keep track of the government's working progress and to balance public awareness. Therefore, the government is trying to find various ways to enable people to access information easily so the public can track the government's overall performance. Good governance is a clean government, a process that can guarantee the realization of human rights in a manner essentially free of abuse and corruption and with due regard to the rule of law. The implementation of electronic government (e-Government) in Timor-Leste, as a form of bureaucratic reform to achieve good governance, began in 2011 using the 2011-2030 Planu Estratejia Dezenvolvimentu Nasional as the foundation for achieving reasonable control. In Planu Estratejia Dezenvolvimentu Nasional 2011-2030, declares that one of the challenges faced by the Government of Timor-Leste after gaining independence is the vulnerability of government institutions so that e-Government plays an essential role in connectivity between the community and the government.

ABSTRAK

Di era modernisasi ini penyebaran informasi dan keterbukaan publik menjadi sangat penting, fenomena ini dapat dilihat dari tingginya jumlah masyarakat yang merespon informasi dan upaya untuk mendapatkan informasi yang transparan. Ini dapat digunakan sebagai dasar untuk melacak kemajuan kerja pemerintah dan untuk menyeimbangkan kesadaran masyarakat. Oleh karena itu, pemerintah berusaha mencari berbagai cara agar masyarakat dapat mengakses informasi dengan mudah sehingga masyarakat dapat mengetahui kinerja pemerintah secara keseluruhan. Pemerintahan yang baik adalah suatu pemerintahan yang bersih, suatu proses yang dapat menjamin terwujudnya hak asasi manusia dengan cara yang pada hakekatnya bebas dari penyalahgunaan dan korupsi serta dengan memperhatikan aturan hukum. Penerapan pemerintahan elektronik (e-Government) di Timor-Leste, sebagai bentuk reformasi birokrasi untuk mencapai tata pemerintahan yang baik, dimulai pada tahun 2011 dengan menggunakan Planu Estratejia Dezenvolvimentu Nasional 2011-2030 sebagai landasan untuk mencapai kontrol yang wajar. Dalam Planu Estratejia Dezenvolvimentu Nasional 2011-2030, disebutkan bahwa salah satu tantangan yang dihadapi Pemerintah Timor-Leste setelah merdeka adalah rentannya institusi pemerintah sehingga e-Government berperan penting dalam konektivitas antara masyarakat dengan pemerintah.

This is an open access article under the [CC BY-NC](https://creativecommons.org/licenses/by-nc/4.0/) license.



Corresponding Author:

Maria Jose de Carvalho Soares,
Faculty of Law,
Universitas Da Paz,
Email: mizesoares2179@gmail.com

I. INTRODUCTION

The government must be based on several principles, including the rule of law where the legal framework must be enforced impartially, especially on laws that guarantee human rights, consensus-oriented principles in which the government is also a mediation forum for people with different interests to meet broad consensus, to guarantee the best interests of its citizens, and maintain the principle of effectiveness and efficiency (Chepkirui, 2021). This means that government institutions must be able to meet the needs of their people by being more transparent in the implementation of government programs, where all information that is not related to state security and the investigation process is accessible to the public so that the public can supervise the use of state finances. In realizing good, the government must create an electronic system in the administrative process (e-Government) where all administrative procedures related to the recruitment of civil servants, tests for promotion of a civil servant, and the selection process for civil servants are carried out electronically (Garcia, 2001). Good governance must also attain the principle of accountability where every government policy or government work plan must be accountable to both superiors and the beneficiaries (its citizen). Good governance must also have the principle of community participation where the community is invited to participate through supervision/monitoring, providing solutions to government policies that are not beneficial to many people, and minimizing bureaucracy. Good governance must adopt the last principle, the principle of responsiveness in which state institutions providing services must be able to serve all groups of people quickly and precisely (Vieira & Barreto, 2019).

Conceptually, e-Government is not something new. Governments in many developed and developing countries have long used computer systems to assist and support administrative work and data processing, all of which lead to public service (Casaes, 2019). The striking difference between the concept of e-Government that is known today and its application in the past lies in the scope of the use of computer/information systems in serving both the community and other stakeholders (employees, other government departments/agencies, private organizations, and so on) (Wirtz et al., 2017).

In general, good governance is defined as the quality of the relationship between the government and the people it serves and protects, therefore in the public sector, governance is defined as a process of good governance by involving policymaking on various economic, social, and political activities and the utilization of various resources such as natural, financial, and human resources for the benefit of the people which are carried out by adhering to the principles of justice, equity, equality, efficiency, transparency, and accountability (Nabatchi, 2018).

II. RESEARCH METHOD

This research is to examine the problems that have been raised in the formulation of the problem, using a normative approach, namely the statute approach, the comparative approach to law (comparative approach), the historical approach (historical approach) and the legal concept analysis approach (analytical and conceptual approach) (Ali, 2021). In this study, it is expected to find and explain the conflict of norms (gesheid van) which dogmatically can predict the law has caused a conflict of norms vertically and horizontally between laws and regulations, vague norms and empty norms will cause doubts, uncertainty in the application of regulations. legislation by the Parliament, the government and the general public in Timor-Leste, so that from legal theory this condition provides an opportunity for a review of legal concepts and legal principles that are no longer appropriate or there is no legislation with stick to the basic norm, Timor-Leste Constitution.

III. RESULT AND DISCUSSION

Benefits Of Application Of E-Recruitment And Tcexam For Promotion System If Linked To Plano Estrategico Da Comissao Função Publika 2015-2030.

Civil servant management is the overall effort to improve the efficiency, effectiveness, and professional level of the implementation of duties, functions, and obligations which include planning, procurement, quality development, assignment, promotion, remuneration, welfare, and dismissal (Azfar et al., 2018).

The management of civil servants is directed at ensuring the efficient and effective implementation of government and development tasks. One of the activities in the personnel administration system is the recruitment and promotion of ranks. The recruitment process is an organization's way of dealing with the shortage of human resource needs. Therefore, organizations/agencies periodically recruit employees to add, maintain or readjust the entire workforce according to human resources (Liu & Dong, 2012).

Recruitment is a process of collecting prospective civil servants required by certain agencies to carry out certain tasks. The quality of human resources - civil servants is determined by recruitment, where in the recruitment process, what is sought is prospective civil servants who have the motivation, ability, expertise, and knowledge needed to carry out their duties and responsibilities (Fontinha et al., 2014).

The definition of rank is a position that shows the level of position based on the level of complexity, responsibility, impact, and job qualification requirements that are used as the basis for salary. Promotion is an award given for the work performance and service of civil servants to the state. According to *Dekretu Lei No.1/2018 Concerning REGIME DE PROMOÇÃO DO PESSOAL DAS CARREIRAS DA ADMINISTRAÇÃO PÚBLICA*, in article 4, the definition of promotion to the rank of a civil servant is promotion consists of transitioning from a civil servant from a certain level of one career to an immediately higher level in vertical scale, taking on tasks of greater complexity and responsibility (Daley, 2015).

The current condition of society has become a dynamic development, the level of community welfare is getting better, and this is an indication of the empowerment experienced by the community. This means that people are increasingly aware of their rights and obligations in society, nation, and state. People are increasingly brave to make demands, desires, and aspirations toward the government, people are increasingly critical of the government and dare to show control over the government's work performance (Christens, 2012). For that reason, the Komisaun Funsoun Publica which is the umbrella for all civil servants must be able to provide the best quality in carrying out their duties and authorities by utilizing the existing laws and regulations, including in terms of selection of new civil servants, rank promotion to civil servants who have met the requirements, and to be able to produce qualified and professional employees.

Rank promotion and recruitment are ways to improve employee performance to be more professional. Starting from changes in the selection process to the questions that will be tested for applicants, from the administrative selection, where applicants are required to carry through the files that have been determined by the format or existing provisions, to enable to provide discipline to prospective applicants.

Promotion rank based on merit was first conducted by the President of *Komisaun Funsoun Publika, Prof. Dr. Faustino Cardoso, M.Sc.* As an initiative reflection of the *Plano Estrategico Comisso Função Pública 2015-2030* that was outlined in the *Plano Ação Prioritario da CFP 2018-2020*.

As an umbrella for all civil servants, both government employees and civil servants that work in the state agencies (*funcionario pública e funcionario estado*), KFP also always makes improvements to increase work performance and professionalism, we can see this in *Plano Estrategico da Função Pública 2015-2030*.

In 2002, the Timor-Leste government first recruited civil servants, and the process was conducted by *Komisaun Funsoun Publica* and UNTAET (United Nation Mission in East Timor),

where employees from level 1 to level 7 were recruited with a total of 11,214 civil servants, and some of these civil servants were civil servants who worked in the government of East Timor when it was still a province of Indonesia. The number of employees above was allocated to several ministries, including the Ministry of Health, the Ministry of Education, the Ministry of Social Affairs, the Ministry of Justice, the Ministry of Defence and Security, the Ministry of Infrastructure, and the Ministry of Foreign Affairs, and the Ministry of Finance. The recruitment was done so that an organizational structure can be formed in response to the needs of the community and was done conventionally.

Komisaun Funsau Publica started a succession of civil service reforms since its mandate in 2015. The reforms are based on 3 basic principles;

- a. The reform results were to consolidate the achievements.
- b. The reform takes place gradually and continuously.
- c. The reforms are based on needs in the context of Timor-Leste's public services which are based on PEDN and can be implemented.

Administrative reform requires sufficient attention and urgency to implement, following advances in information and communication technology, the requirements of adherence to the principles of good governance, the pressures of social evolution marked by demands from various levels of society, and pressures from the complex environment of social and economic development, at the national, regional and global levels. Administrative reform aims to improve efficiency, effectiveness, responsibility, quality of service to the public, and social conditions (Caiden, 2014).

The legal basis of *Funsau Publica* is the *Estatuto Funsau Publica*, which further stipulates the requirements to become part of the *Funsau Publica*, the relationship between workers, rights, and obligations of a civil servant and the agent of *Funsau Publica*, career paths and regulations related to discipline (Penal, 2014). In the *Estatuto Publica Funsau Publica*, the government is given the authority to regulate the structure and development of the public function including career paths in the general regime and specific regimes, recruitment, evaluation of work performance, leave and absences, and other policies related to staffing. In its development, *Komisaun Funsau Publica* uses the authority given by law, thereby updating the working mechanism, starting from the recruitment of civil servants, data collection of civil servants, and evaluation of work performance to the selection made of prospective civil servants who will occupy certain positions or certain positions. In 2019, *Komisaun Funsau Publica* conducted a test of the e-recruitment and promotion system, the system was first implemented in September 2019, where based on data, the total number of civil servants was 13600 civil servants, of which only 8738 civil servants could take the promotion test. Around 23% did not meet the requirements for rank promotion because of various reasons (some civil servants had died, some civil servants had been on leave without salary, some civil servants were on study leave and some civil servants got suspended sentences, and some were late in getting work performance evaluations or employees who only got sufficient marks on their work performance evaluations. From a total of 8738, there are 2176 female civil servants and 6562 male civil servants. This promotion test is carried out simultaneously for 34 State Institutions, both national and municipal levels, and the test is conducted electronically where the questions are multiple-choice and divided into 2 parts, the first question is about general knowledge, and the second part is about knowledge of Portuguese and Tetum. As for some of the benefits of implementing the system carried out by *Komisaun Funsau Publica*, among others:

- a. Transparency in the selection process, where there is no window for fraud. The implementation of e-promotion will automatically reduce the level of participants cheating in the test because each test participant can see the test results automatically once the participants completed the test.
- b. There is a guarantee of credibility from the system itself; a civil servant is no longer in doubt because the selection is based on objectivity and the ability of the participants and with no

- interference from officials. This is necessary so that civil servants who occupy certain groups not only meet the quantity requirements but also meet the quality requirements.
- c. Allows candidates and other interested parties to watch the results directly and obtained the written exam. Because the personal computer of each participant is directly related to the main projector which will display the value of the work of each participant so that each participant will know immediately the results of the exam.
 - d. Minimize the possibility of abuse of power and bribery in giving the final test score. In carrying out the test using this e-promotion, there is no opportunity for abuse of power and bribery by officials in the relevant agencies.
 - e. Minimize the use of paper in exams and save time in the process of correcting the work of test takers.
 - f. Can establish a management system and work processes that are transparent and efficient in providing better services to the public in general and civil servants.

Weaknesses of the Implementation Of E-Procurement and Tcexam For Promotion By The Komisaun Da Funsau Publica.

The implementation of the e-recruitment and TCExam for promotion system, the stages and mechanisms that ensure transparency and accountability are expected to produce quality and integrity *civil servants/funsiunariu publiku. Promosaun Grau Rejime Karreira Jeral 2021*. The implementation of the e-recruitment and TCExam for promotion based on the *Guia Esplikativu Sistema TCExam ba Prosesu Teste Eskritu Eletroniku Promosaun Grau Rejime Karreira Jeral 2021*.

In the recruitment process, the *Funsau Publica* Commissioner is based on Lei Decree No.34/2008 which has been amended by Lei Decree No. 22/2011, in which Article 18 regulates the recruitment method which consists of 3 stages;

Stage I: test on general knowledge (*provas de conhesemento*) at this stage aims to assess the level of academic and professional knowledge of the candidate, required and appropriate for the implementation of certain functions. In this stage, the examinee is given a test on general knowledge and special knowledge and can assume written or oral form and is theoretical or practical. The nature, form and duration of the test are set out in the notification of the opening of the competition, which is still mandatory bibliographic or statutory indications required for realization in matters not regulated in the school curriculum in accordance with the required Educational or professional qualifications. In this stage, all questions must be given by the relevant Ministry and submitted to the *Funsau Publica* Commission for approval before being given to participants (Gomes, 2017).

Stage II: interviews with participants (*entrevista professional de selecção*) professional selection interviews are conducted with the aim of assessing interpersonal relationships and in an objective and systematic way, the professional and personal skills of the candidate. For each professional interview conducted individually, which contains a summary of personal data, and clarification given by the candidate to each question posed by the jury.

Stage III: evaluation of the overall (*curricular availability*) at this stage aims to assess the professional skills of each candidate related to the position being offered, in this stage, the personal analysis of each candidate greatly affects the final score. In the curricular evaluation it is mandatory to consider and weigh matters relating to job vacancies that are currently needed; a) academic qualifications, which need to be considered also the qualifications for which the academic degree was obtained. b) formal training received, especially in relation to the required professional field. c) professional experience, which considers the effective performance of functions in the field of activity for which the contest is open and other qualifications in accordance with the assessment of authority and time.

As for the use of the system in the test process for promotion of groups or ranks of civil servants, in the *Decreto Lei No.1/2018* concerning the Regime of Promotion of Individuals in Career Paths as Civil Servants, article 5 states that promotion of a civil servant can be done if it meets the

requirements as following: a) There is a vacancy in a position, b) Appropriate academic qualifications, c) Reduced working time, d) Possibility of carrying out positions in service commissions, e) Satisfactory performance evaluation results, f) Knowledge of the official language, g) Pass the written test (Rigolin, 2017).

Based on the *Decreto Lei No.1/2018* Concerning the Regime of Promotion of Individuals in Career Paths as Civil Servants, then in its implementation, Komisaun Funsau Publica makes a Guideline in the use of the system, where the guideline is used to guide participants in the use of the system, the guideline produced in printed form and participants also access it through the Komisaun Funsau Publica website.

In implementing the system for the first time, it was realized that in addition to the advantages, there were also disadvantages of the system which resulted in many test takers not getting satisfactory results, even though when viewed from work experience and length of work, the participants were not in doubt. As for some of the weaknesses of the implementation of the system, among others;

- a. The system was not created for examinees who have physical disabilities such as civil servants who are blind or deaf, so that in taking the exam, participants find it difficult
- b. Many participants did not understand how to use computers, because the examinees did not differentiate between national level civil servants and municipalities civil servants, where many participants from the municipalities level did not know how to use computers.
- c. The material being tested is not balanced, where the material provided is not adjusted to the level or rank of the participant. So that many participants from levels D, E, F, G are difficult to adjust. The general knowledge material given in the exam is not in accordance with the level of knowledge of the participants, so that many participants fail the recruitment exam and promotion selection exam for the rank of a civil servant.
- d. The socialization carried out by Komisaun Funsau Publica has not been maximized regarding the system, so that this system not familiar to the civil servants. The culture of sharing does not yet exist so that the mindset of the community in general and particularly municipality civil servants is still simple (technological stuttering).
- e. The limited number of servers and the lack of licensed software that are sold at high prices have caused local governments (municipality level) to have not been able to implement the recruitment and promotion system in each local government. With this situation, it creates a situation where local governments (municipality level) are not independent in the recruitment and promotion of civil servants in the local area and with the vacuum of the recruitment and promotion system in the regions, it can provide opportunities for unscrupulous local government officials and unscrupulous local employees to conduct buying and selling positions within the scope of local government.
- f. Another weakness in the implementation of the recruitment and selection system for promotion to civil servants is that if the participant does not reach the value determined by the system, then the participant is automatically considered failed and must be re-test because in the exam the implementing committee is not assigned. allow to intervene on the results of the participant's exam so that participants who do not reach the target are considered failed.

IV. CONCLUSION

From the description above regarding the implementation of the system for recruiting prospective civil servants and promotion examinations based on the *Decreto Lei No.34/2008* concerning the recruitment of civil servants, which has been amended by the *Decreto Lei No.22/2011* and the implementation of the system for the selection examination promotion within the scope of the Public Service Commission, which is regulated in *Decreto Lei No.1/2018*.

In the implementation of these two regulations, each ministry or government institution (both autonomous and non-autonomous), must still coordinate with the Komisaun Funsau Publika, as the umbrella for all Timor-Leste public civil servants. *Komisaun Funsau Publika*, in carrying out its authority as a staffing service center, always makes improvements to work performance so that it can fulfill the Commission's vision and mission in realizing quality public services and upholding professionalism. As for several breakthroughs made as a form of reform to Funsau Publika services, among other; a) The existence of a central human resource information management (FPE) system, b) There is a system that is used in recruitment and promotion selection examinations for civil servants, the system is E-Recruitment And TCEXAM for Promotion (deliberação da CFP no. 76/2018/CFP). CNC and CNQ modules. This system was first published in 2019, this system was adapted to the *Decreto Lei No.1/2018*. This system automatically imports data on the total number of candidates or civil servants who meet the requirements and automatically, this system also schedules dates for each participant to take the exam. There are 100 questions in this system, which are divided into 2 parts, namely 50 questions in Tetum and 50 questions in Portuguese and Tetum which are randomized. This system has also been implemented by Tribunal Recurso, UNTL, PDHJ, MACLN, AE, PCM, MF, MDF, MPE, SERVE, HNGV, and MI. this selection is carried out by government agencies in collaboration with the Public Service Commission, c) Training Module (FOR); This system is used to analyse the problems of each report, the results of this analysis are used to conduct several trainings, so that the training provided is right on target and effective, d) SIGAP ou PMIS (personal management information system); Where in this system makes it easier for institutions to access all information about a civil servant, where this system accommodates all information about a civil servant starting from personal identity, education, training, results of annual job evaluations and career paths.

In the implementation of the two laws and regulations (Lei Decree No.34/2008 and Lei Decree No.1/2018 along with the regulations of the Presidente do Komisaun Funsau Publika in the form of deliberação da CFP no.76/2018/CFP).

References

- Ali, Z. (2021). *Metode penelitian hukum*. Sinar Grafika.
- Azfar, O., Kahkonen, S., Lanyi, A., Meagher, P., & Rutherford, D. (2018). Decentralization, governance and public services: The impact of institutional arrangements. In *Devolution and development* (pp. 45–88). Routledge.
- Caiden, G. E. (2014). Administrative reform comes of age. In *Administrative Reform Comes of Age*. de Gruyter.
- Casaes, J. C. C. (2019). *Governança de dados abertos governamentais: framework conceitual para as universidades federais, baseado em uma visão sistêmica*.
- Chepkirui, A. (2021). Principles of Good Governance. *IDOSR Journal of Arts And Humanities*, 47.
- Christens, B. D. (2012). Targeting empowerment in community development: A community psychology approach to enhancing local power and well-being. *Community Development Journal*, 47(4), 538–554.
- Daley, D. M. (2015). Strategic human resource management. In *Public personnel management* (pp. 128–142). Routledge.
- Fontainha, F. de C., Geraldo, P. H. B., Veronese, A., Alves, C. S., Figueiredo, B. H. F. R. de C., & Waldburger, J. (2014). *Processos seletivos para a contratação de servidores públicos: Brasil, o país dos concursos?*
- Garcia, R. C. (2001). Subsídios para organizar avaliações da ação governamental. *Planejamento e Políticas Públicas*, 23.
- Gomes, C. I. de A. (2017). *Preservação dos vestígios forenses: conhecimentos e práticas dos Enfermeiros do Serviço de Urgência e/ou Emergência*. Universidade de Coimbra.

- Liu, X., & Dong, K. (2012). Development of the civil servants performance appraisal system in China: Challenges and improvements. *Review of Public Personnel Administration*, 32(2), 149–168.
- Nabatchi, T. (2018). Public values frames in administration and governance. *Perspectives on Public Management and Governance*, 1(1), 59–72.
- Penal, C. O. I. (2014). Suplemento. *Registro Oficial*, 180.
- Rigolin, I. B. (2017). *Comentários ao regime único dos servidores públicos civis*. Saraiva Educação SA.
- Vieira, J. B., & Barreto, R. T. de S. (2019). *Governança, gestão de riscos e integridade*.
- Wirtz, B. W., Weyerer, J. C., Thomas, M.-J., & Möller, A. (2017). E-government implementation: Theoretical aspects and empirical evidence. *Public Organization Review*, 17(1), 101–120.