

## URGENCY OF THE PUBLIC SERVICES SUPERVISION ON THE REGIONAL GOVERNMENT IMPLEMENTATION



Ida Ayu KETUT KARYANI  <sup>1\*</sup>

I Wayan PARSA  <sup>2</sup>

<sup>1</sup> Udayana University, Faculty of Law, Doctoral Program of Legal Studies, [karvani.fhud@yahoo.com](mailto:karvani.fhud@yahoo.com), \*Correspondent Author

<sup>2</sup> Udayana University, Faculty of Law, Doctoral Program of Legal Studies, [wayan\\_parsa@unud.ac.id](mailto:wayan_parsa@unud.ac.id)

### Article history:

Accepted 05 August 2020

Available online 31 August 2020

### Keywords:

Supervision,

Public Service,

Regional Government.

### Abstract

This study examined the supervision of public services as stipulated in Law 25 of 2009, namely regarding public services and Law 23 of 2014 concerning regional government. Supervision carried out in the law is to give authority to each of the existing institutions or institutions, causing overlapping existing authority. Giving authority to officials will give birth to the rights and obligations to achieve the goals and intentions specified in the legislation. The rise of corruption cases occurs because of the weakness of existing supervision of government administration, especially in public services. In this case corruption will foster public distrust of public services. The form of maladministration carried out by public service providers is always associated with behavior in services performed by public officials and the norms of behavior of officials in public services. In addition, these problems are also caused by the opportunities and authority given to be abused and the low quality of public services in various service sectors. Supervision of public services can provide certainty about the public services provided by the government whether it has been running according to targets and objectives and is a way to find out as early as possible maladministration that might occur so that effective and accountable government can be realized.

### 1. Introduction

The state has an obligation to serve every citizen to fulfill their basic rights and needs within the framework of public services which is mandated by the 1945 Constitution of the Republic of Indonesia. Building public trust in public services by public service providers is an activity that must be carried out in line with expectations and demands of all citizens and residents related to improving public services.

Public service as stipulated in Law Number 25 Year 2009 Article 1 states that what is meant by public service is an activity or series of activities in the framework of fulfilling service needs in accordance with statutory regulations for every citizen and resident of goods, services, and / or administrative services organized by public service providers.

Philosophically, public service is the fulfillment of the basic rights of the community as the recipient of the service and the

apparatus as a public servant. The nature of public service is the provision of excellent service to the community which is an embodiment of the obligation of the government apparatus as a public servant (Suryadi, 2012).

There are 3 (three) main tasks of the government bureaucracy, namely (Lumintang, 2013): public service, empowerment, and development. Public service, is providing routine public services to the public such as providing services. Empowerment, is empowering the community to achieve progress in a better life, such as providing guidance, assistance, consultation. Development, is to carry out development in the community, one of which is by building transportation infrastructure.

Public services in this case include the implementation of public good and public regulation. Public good relates to the provision of infrastructure, goods and services which includes core public services which are the main tasks and functions of the central

government or regional governments. Public regulation related to the formation of laws and policies in the framework of creating peace and order (Hardiyansyah, 2015).

Public services are still faced with conditions that are not in accordance with the expectations and demands of the community. The difference in services provided in public services can foster distrust of the community. The community has the right to receive equal and fair services. However, in reality the government has not been able to fulfill it optimally, which can be seen from the absence of services requested but somehow it would still be served, the community is made as an object, and there are no clear benchmarks regarding the provision of good services.

The existence of complicated procedures, slow service, and corruption in various forms can lead to distrust of the public in public services. In addition, the rise of corrupt practices will have an impact on public services provided, which is supported by the opportunities and authority given to be abused and the low quality of public services in various service sectors.

In connection with the occurrence of maladministration, it is necessary to supervise the actions of the apparatus in order to avoid the occurrence of acts that are detrimental to the community, at least to minimize the occurrence of such acts as minimum as possible. Problems faced specifically related to public services, according to Kwik Kian Gie, (2003) are among others due to the high abuse of authority in the form of KKN (corruption, collusion, nepotism), inefficient government organizations at the central and regional levels, poor quality of public services and weak functioning of supervisory institutions. Weak supervision means that the more possible the implementation of work that is not optimal, so that the objectives to be achieved will be increasingly difficult to realize and more opportunities for abuse of power. And vice versa, with the stronger control or tight supervision, the more optimal the implementation of work so that goals can be achieved and abuse of power can be avoided which ultimately people's rights can be realized.

The optimization of the implementation of regional government supervision has not been carried out as it should because of various factors, including the availability of human resources, the budget factor and the commitment factor (political will) of the Governor, regents / mayors as direct superiors who are responsible for the implementation of regional government supervision.

Supervision of the implementation of public services is regulated in Law of the Republic of Indonesia Number 25 of 2009, namely regarding Public Services in Article 35, which determines that:

- (1) Supervision of public services implementation is carried out by internal and external supervisors
- (2) Internal supervision of the public services administration is carried out through:
  - a. Supervision by the direct supervisor in accordance with statutory regulations; and
  - b. Supervision by functional supervisors in accordance with statutory regulations
- (3) External supervision of the public services administration is carried out through:
  - a. Supervision by the public in the form of reports or complaints from the public related to the public services administration;
  - b. Supervision by the ombudsman in accordance with statutory regulations; and
  - c. Supervision by the House of Representatives, Provincial Regional House of Representatives, Regency / City Regional House of Representatives.

Several provisions in the Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government regulate Supervision. Article 35 paragraph (3) and (4) regulates the participation of the community which in this case is the participation in the administration of public services and participation in the form of supervision. Likewise, the Inspectorate as one of the Regional Apparatuses has the task of assisting regional heads in fostering and overseeing the implementation of government affairs which are under regional authority. Further, the inspectorate is regulated in Article 216. The Supervision of the Implementation of Provincial Regional Government is contained in Article 377 which formulates that:

- (1) The Minister carries out general supervision of the Provincial Governments administration;
- (2) Technical Ministers and heads of non-ministerial government agencies carry out technical supervision of the implementation of provincial regional governments in accordance with their respective fields of duty and coordinate with the Minister;
- (3) Supervision as referred to in paragraph (1) and paragraph (2) shall be carried out by the Government Internal Supervisory Apparatus in accordance with its function and authority.

The existence of several laws and other regulations that provide the same authority in supervision, bring negative consequences in

the form of overlapping authority in supervision which can further hamper the Government in realizing public services in accordance with statutory provisions. To realize a clean regional government, good, efficient, effective, and responsible, it is necessary to conduct professional, accountable and independent supervision. Based on the background of the problem as described above, the legal issue raised in this study is as follows: What is the Urgency of the Public Services Supervision in the Regional Government Implementation?

## **2. Research Methods**

In connection with this legal research, the type of research used was normative research. In this case, legal research method is: Normative legal research methods that examine law viewed from an internal perspective with the object of research is the legal norm (Diantha, 2017).

According to Morris L. Cohen and Kent C. Olson (2000), they state that: "Legal research is the process of finding the law that governs an activity and materials that explain or analyze that law". In this study, the most basic approach method used was: The legislative approach, which is an approach that is carried out by examining all laws and regulations relating to the legal issues to be examined. This approach was used to analyze the legal norms in legislation relating to this research topic.

## **3. Results and Discussion**

Improving public services in an effort to reinforce the rights and obligations of every citizen and the realization of state responsibilities in the delivery of public services requires legal norms that provide clear regulation. This is an effort to improve the quality and guarantee the provision of public services in accordance with the general principles of government and to provide protection for every citizen from abuse of authority in the administration of public services.

Related to authority in the administration of state and government, there is legitimacy within it, namely the authority granted by law. Therefore the substance of the principle of legality is an authority (Ridwan, 2006), "Het vermogen tot her verrichten van bepaalde rechtshandelingen", namely the ability to take certain legal actions. Furthermore, the authority of supervision will be discussed as stipulated in the legislation.

### **3.1. Supervision Authority in Laws and Regulations**

In the provisions of the Constitution of the Republic of Indonesia in Article 18 paragraph (2) and paragraph (5), it confirms that the Regional Government has the authority to regulate and manage

its own Government affairs according to the principle of autonomy and duty of assistance and is given the widest possible autonomy. The granting of the widest possible autonomy to the regions is directed to accelerate the realization of people's welfare through improved services, empowerment and community participation.

In essence, regional autonomy is given to the people as a legal community unit that is given the authority to regulate and manage their own government affairs given by the central government to the regions. Autonomy is implemented by the regional head and the DPRD (Local People's Representative Council) with the help of regional authorities. The authority possessed by the state as the holder of people's sovereignty, one of which is to conduct surveillance, which as a whole aims for the prosperity of the people.

Supervision of the implementation of local government is a process of activities aimed at ensuring that local governments can run in accordance with the plans and provisions of applicable laws and regulations. Supervision of the implementation of regional government is carried out by the Government which includes: Supervision of the implementation of government affairs in the region.

In terms of authority, it can be seen from the type of authority delegated to the regional government in the decentralized system. The authority of the delegation means that the regional government accepts the duties and functions of the functions delegated to the region.

The implementation of provincial and district / city regional government consists of the head of the region and the DPRD assisted by the regional apparatus. In carrying out the development and supervision of the administration of government affairs which are the authority of the regency / city area and the task of assistance by the regency / city area, the president is assisted by the governor as the representative of the central government. This is confirmed in the provisions of Article 91 of Law Number 23 Year 2014.

It is the same as the provision in Article 96 which confirms that the Provincial DPRD has a supervisory function. The supervisory function in question is the supervision of the implementation of provincial and governor regulations, the implementation of other laws and regulations related to the administration of the provincial government, and the implementation of the follow-up to the results of audits of financial statements by the Audit Board of the Republic of Indonesia.

The provincial apparatus consists of the regional secretariat, the DPRD secretariat, the inspectorate, the service and the agency. Regional Inspectorate has the duty to assist regional heads in fostering and overseeing the implementation of government affairs which are the authority of the regions and the task of assistance by regional apparatus.

The supervision of the Regional Government implementation is intended to ensure the implementation of the Regional Government runs effectively and efficiently in accordance with the provisions of the legislation, which includes general supervision, technical supervision and supervision of the Regional Head of the Regional Apparatus and Other Supervision Activities.

### **3.2. The Forms of Supervision on Public Services**

Supervision of the government is an effort to prevent mistakes either intentionally or unintentionally as a preventive effort, or also to correct them if a mistake has occurred as a repressive effort. There are several forms of supervision in the government administration. The form of supervision on public services will be reviewed in the next section.

The forms of supervision on public services as stated in the Law of the Republic of Indonesia Number 25 of 2009 concerning Public Services in Article 35 mentioned that:

- (1) Supervision of public services implementation is carried out by internal supervisors and external supervisors.
- (2) Internal supervision of the administration of public services is carried out through:
  - a. Supervision by the direct supervisor in accordance with statutory regulations; and
  - b. Supervision by functional supervisors in accordance with statutory regulations
- (3) External supervision of the administration of public services is carried out through:
  - a. Supervision by the public in the form of reports or complaints from the public related to the public services administration;
  - b. Supervision by the ombudsman in accordance with statutory regulations; and
  - c. Supervision by the House of Representatives, the Provincial Regional House of Representatives, the Regency / City Regional House of Representatives.

Internal supervision is supervision carried out by officials in the organization / government itself. Internal supervision conducted by the government is to develop a monitoring system as an

integral part of the institutional work procedures. The responsibility for the operation or not of this internal control system rests with every supervisor, which is then known as direct supervisor supervision or inherent supervision. This embedded supervision is intended to control every activity of the apparatus so that it can be maintained in accordance with the plans, provisions, and applicable laws (Sujanto, 1996).

Meanwhile, external supervision is supervision carried out by supervisory institutions that are outside the government bureaucracy / organization. External supervision of the administration of public services is carried out by the public. Community supervision is supervision carried out by the public in the form of evaluations carried out by representative institutions, non-governmental organizations, non-governmental organizations, as well as complaints and giving information both directly and through the mass media or public opinion regarding services to the community and government administration.

### **4. Conclusions**

Supervision on the Public Services is very important to ensure that public services provided by the government are running well and meet service standards. Even in this case supervision must also be strengthened in the implementation of regional government. Supervision plays a role in ensuring that public services are running as targeted in accordance with the vision and mission and desired goals. This is done in order to prevent maladministration as early as possible. Through the existence of task arrangements and clear authority, it will create effective and accountable local government. Thus, justice, certainty and benefits for the community in achieving national goals can be realized.

### **References**

1. Cohen, Kent C. Olson, Morris L. (2000). *Legal Research*, United States Of America, West Publishing Co., ST. Paul, Minn.
2. Diantha, P. (2017). *Metodologi Penelitian Hukum Normatif Dalam Justifikasi Teori Hukum*. Jakarta, Prenada Media Group.
3. Hardiyansyah. (2015). *Komunikasi Pelayanan Publik Konsep dan Aplikasi*. Yogyakarta, Gava Media.
4. Kwik, K.G. (2003). *Reformasi Birokrasi Dalam Mengefektifkan Kinerja Pegawai Pemerintahan*. Jakarta.
5. Lumintang, D. (2013). *Rekonstruksi Regulasi Pelayanan Kependudukan dan Pencatatan Sipil Oleh Birokrasi Pemerintahan Dalam Implementasi Undang-Undang No.32 Tahun 2004 Tentang Pemerintahan Daerah*, Vol.I/No.2 April-Juni /2013.

6. Sujamto. (1996). *Aspek-aspek Pengawasan Di Indonesia*. Jakarta, Sinar Grafika.
7. Suryadi. (2012). *Pengembangan Kinerja Pelayanan Publik*. Bandung, PT. Refika Aditama.

**Laws and Regulations**

8. Law of the Republic of Indonesia Number 25 of 2009 concerning Public Services (State Gazette of the Republic of Indonesia Number 112 of 2009 Supplement to the State Gazette of the Republic of Indonesia Number 5038);
9. Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia of 2014 Number 224, Supplement to the State Gazette of the Republic of Indonesia Number 5587).