

NEW PARADIGM IN PROVIDING PUBLIC SERVICES IN Indonesia

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Abstract

Public service is one of the state's obligations for the society. The society are entitled to receive public services as compensation for carrying out their obligations to the state. Public services are provided with the aim of creating society's welfare. Public services with a new model and paradigm are given by paying attention to the principle of justice, that is everyone who needs public services is given good and fair services according to the rights of service recipients. Public services must be provided in a non-discriminatory manner, it means that the recipient community is treated equally. The relationship between service providers and service recipients is impersonal, which is relationships that are not based on the personal side and the public service providers or recipients.

Key words : *Public Service, New Paradigm.*

PRELIMINARY

In the perspective of law, rights and obligations cannot be separated even though both of it can be distinguished. Like the piece of the money, between rights and obligations only separated by a very thin side. The connection between rights and obligations of the society and the state, then there is a correlation between this two.

The state based on the authority given by the constitution and laws requires the society to contribute to the administration of the state (one of it is for the implementation of development) in the form of taxes. The state is entitled to taxes and the society, but on the other hand the state also has an obligation to provide services to society who have paid taxes. Instead the society are obliged to pay taxes to the state, but also have the right to sue the state to provide services for the implementation of social life.

The state's obligations to provide services for the society (public service) has been implied in paragraph IV of Constitution of the republic of Indonesia 1945 which basically contains the basic services that must be provided by the Government for the society. Thus it can be said that the function of public services is a very central function and governmental actions and the main task that must be carried out by all government officials that is a servant of the State and a servant of society. Providing services to the society as a core function and government are all forms of service activities carried out by central and regional government agencies and BUMN / D in the form of things or the service context of the society's needs or as implementing the provisions of legislation.

In reality, the delivery of public services by the government does not work as expected by the society. This is proven and the number of complaints raised related to the poor service's quality of government and the low performance of Government agencies in charge of providing services. Therefore, later appear the demands for reforms in the delivery of public services, especially by government agencies. Such demands are reasonable given that society feel that they have fulfilled their obligations (paying taxes) so that it is logical and appropriate if they demand the Government to provide the best service in the management of rights or guarantees. On the other hand is the state's obligations (Government) to meet the demands of the society by providing effective and satisfying services

(excellent service) in accordance with applicable public service principles. Public services must be provided by accommodating society's rights. It is time for a paradigm shift in the delivery of public services in Indonesia today.

WRITING METHOD

Research is a basic tool in the development of science, including law. The aim of research is to reveal the truth systematically, methodologically and consistently, including law research. As a *sui generis* science, law is a separate type of science, which has a distinctive character that is normative. Thus the research method in law science also has its own method. Research methods and procedures in the natural sciences and social sciences cannot be applied in law.

This type of research in this writing uses normative juridical type with normative law research methods, which is carried out by studying and analyzing law materials and law issues related to the problem under study. This research was conducted to solve the problems that arise, while the results to be achieved are in the form of a prescription of what should be done to overcome these problems. The approach used in this paper is the statute approach, and the conceptual approach. The statute approach is carried out by examining all laws and regulations relating to the law issues being addressed. The law approach will open up opportunities for researchers to study the consistency and suitability of a law with other laws or between the law and the 1945 Constitution of the Republic of Indonesia or between regulations, land laws, and apartment laws.

Conceptual approach is an approach that moves views, and doctrines in the science of law. These views and doctrines will find ideas that give birth to the law understandings, law concepts and law principles that are relevant to the law issues encountered in this paper. The source of law material used in this paper is Primary Law Material, which is a law material that is of a tactical nature, meaning law material that has authority, which consists of laws and regulations, official records or treatises.

At this writing using legislation as primary legal material is the Civil Law (BW), Law Number 5 of 1960 concerning Basic Agrarian Regulations, Law Number 4 of 1996 concerning Mortgage Rights and Laws Act Number 20 of 2011 concerning Flats. Secondary law material includes all law publications which are not official documents. Publications on this law include textbooks, theses, law dissertations, legal dictionaries, comments on court decisions and law opinions and experts published through journals, magazines or the internet.

DISCUSSION

In An English Indonesian Dictionary, by John M. Echols, the word of paradigm is interpreted as a model or pattern. While the term of paradigm in the Big Indonesian Dictionary is translated as a model in scientific theory, or as a framework for thinking. Next, Thomas S. Kuhn (*The Structure of Scientific Revolutions*), as quoted by Akira Iida, said that: "Kuhn utilized the concept of" the 'paradigm' to explain such strategic revolutions. (Kuhn uses the concept of paradigm to explain something in scientific revolution / change). Therefore based on the notions that have been stated above, in context of this paper's object is that the new paradigm is intended as a change to the public service model. The concept of public service that has been known as the traditional public administration model approach has shifted to a new, more modern model of public management. The dynamics of public service is justified by Denhard, by saying that: according to a theoretical perspective, there has been a paradigm shift in public service and old public administration to the new public management model, and finally to the new public service model.

The new model of public service, public service is based on democratic theory, which teaches the existence of egalitarian (equal distribution) or equality of rights between citizens, in this model the public interest is formulated as the results of dialogue from various values (interests) that exist in society. The public interest is not formulated by the political elite as stated in the legislation Invitation. The (regional) government that provides public services must be accountable to society as a whole. The role of the government is to negotiate and explore various activities, communities, and various existing society groups. Therefore, in this model the government must not only be accountable to

various laws and regulations, but also must be accountable to the values that exist in society. A clearer description of the description above can be seen in the following table.

The ideal theory of public service according to the new public service paradigm as described above is that the public must be responsive to various existing public interests. The task of the government is to negotiate and elaborate various interests of the society and society groups, this implies that the characters and values contained in the public service must contain the preferences of the values that exist in society. Because society is dynamic, the character of public services must also constantly change to accompany the dynamics of society development. To see the new paradigm patterns of the public service system that will be developed can be illustrated in the form of a model, the model is illustrated in the following page. In the picture you will see a shift in the qudtra of old public services with new public services, which combine with political theories and economic theories, which are used as theories of democracy, and these theories of democracy are considered as models of future public services.

In addition, the new model of public service must be non-discriminatory as referred to by the theoretical basis used, it is the theory of democracy that guarantees the equality of society without discrimination of origin, ethnicity, race, religion, and party background. This means that each society is treated equally when dealing with the government (region) to receive public services as long as the required conditions are met. The relationship that exists between the government and the community is an impersonal (non-personal) relationship so as to avoid the nature of nepotism and primordialism.

According to Albrecht and Zemke, as quoted by Soubarsono, public services are the result of interactions and various aspects (That is: service systems, human resources service providers, customer strategies). Therefore it must be supported by a good public service system too. A good system will provide a control mechanism in itself (built in control) so that all forms of irregularities that occur will be easily detected. In addition, the service system must also be in accordance with the customer's needs. This means that the organization (government) must be able to respond to the needs and desires of providing the right service system and strategy. The quality of public services provided by the government can be influenced by some factors include the level of apparatus competence, quality and quantity, facilities and infrastructure used to support the process service, bureaucratic culture and so on. The competence of government is the accumulation and a number of sub-variables such as the level of education, the number of years work experience, and variations of training that have been received. While the quality and quantity of instruments used will affect the procedure, the speed of the process, and the quality of the output (output) to be produced. If the organization uses modern technology such as computers, the service methods and procedures will be different from when the organization uses manual work methods. Therefore, by adopting modern technology can produce more output and quality in a relatively faster time.

One of the important changes that occurred after the collapse of the new order regime was the change in the system of regional governance and centralization to decentralization. This was marked by the birth of Law Number 22 of 1999 concerning Regional Government as it has been perfected by Law Number 32: 2004 concerning Regional Government. It is known that autonomy as an interpreter and a decentralized system gives birth to the authority for the regions to manage their own households to the fullest extent, except for matters that have been determined by Law Number 32 of 2004 as a matter of the central government). In the provision of Article 10 paragraph (3) it is emphasized that government affairs which become government affairs is referred to paragraph (1) include: (a) foreign policy, (b) defense, (c) security, (d) legal, (e) monetary and national fiscal, (f) religion.

That is why through Law Number 32 of 2004 the principle of regional autonomy has been derived to the broadest extent in the framework of regional government. The principle of wide-ranging autonomy certainly opens up space for regional governments to freely (but still in the corridor of the Invitation Act) to provide services for the society in order to realize the welfare of the society. The principle of autonomy to the extent intended as a region is given the authority to administer and regulate all affairs that become the affairs of the government (central) as stipulated in the Law governing regional government. In connection with that according to Soehino as quoted by Laica Marzuki the broadest scope of autonomy means, that to the regions handed over as much affairs as possible into domestic affairs themselves. Based on that regional autonomy which as wide as possible covers a number of things, that is : first, all government affairs that are not governed by the authority of the central government turn into household affairs of the autonomous region. Second, household affairs (autonomy) , affairs are as much as possible left to the autonomous regions, except what is expressly stipulated as the authority of the

central government. Third, no matter how broad the scope of regional autonomy is, the extent referred to remains within the scope of the Unitary State.

In line with the broadest principle of autonomy, the principle of real and responsible autonomy is also carried out. The principle of real autonomy is a principle that to handle government affairs is carried out based on duties, authority and obligations that actually exist and have the potential to grow and develop in accordance with the potentials and characteristics of the region. Therefore the contents and types of autonomy for each region are not always the same as other regions. What is meant by real and responsible autonomy is autonomy which in its administration must be truly implemented in line with the purpose and purpose of providing autonomy, which is basically for the regions including providing quality empowering public services.

Along with the principles mentioned above, the implementation of regional autonomy must always be oriented to improving the welfare of the society by always paying attention to the interests and aspirations that grow in the society. In addition, the implementation of regional autonomy must also ensure harmonious relations between the regions and other regions, it means that they are able to build cooperation between regions to improve mutual prosperity and prevent disparities between regions. Another thing that is not less important is that the regions must be able to guarantee a harmonious relationship between the regions and the (central) government. In a more specific meaning, the region must be able to preserve and maintain the integrity of the territory of the country for the sake of maintaining the establishment of the Unitary State of the Republic of Indonesia in order to realize the objectives of the state.

So that regional autonomy can be implemented in line with the intended goals achieved, the government must provide guidance in the form of providing guidelines such as in research, development, planning and supervision. In addition, standards are also provided (eg excellent service standards), direction, guidance, training, supervision, control, coordination, monitoring and evaluation. At the same time the government (central) must provide facilities in the form of providing opportunities for assistance, assistance and encouragement to the regions in order to carry out autonomy efficiently and effectively in accordance with statutory regulations.

In connection with the administration of public services expected by the government regions always hold or make the principle of autonomy their foothold. Even further and that as one of the form of harmonization, implementation of the principles of regional government, and the principles of autonomy to the fullest, real and responsible. In Article 15 of the Law on Public Services it is emphasized that organizers are required to apply the principles of public service delivery, that is: (a) simplicity, (b) clarity, (c) certainty and timely, (d) accuracy, (e) non-discriminatory, (f) responsible, (g) completeness of facilities and infrastructure, (h) ease of access, (i) honesty, (j) accuracy, (k) discipline, courtesy and friendliness, and (l) security and comfort.

The main objective and the decentralization and existence of local government is the provision of public services for the community. These public services are provided by the regional government, financed by taxes and user fees paid by the local community (local), and funding originating from the government (central). Arrangement and management of public services, thus become the main task of the regional government to prosper the society. The state has a constitutional obligation to prosper the society through the provision of good public services.

The quality of public services is closely related to a systematic and comprehensive service which is better known as the concept of excellent service. According to Lijan, government (regional) in providing public services should understand prime service variables as contained in the public service prime service agenda, that is: (1) the government in charge of serving, (2) the society is served by the government, (3) policies that are used as the basis of public services, (4) equipment or sophisticated service facilities, (5) resources available to be formulated in the form of service activities, (6) quality of services that satisfy the society in accordance with the standards and principles of society service, (7) management and leadership and society service organizations, (8) the behavior of executive involved in society service, whether each has carried out their functions.

Variable service excellence in the public sector as described above can be implemented if the public service provider apparatus (local government) succeeded in making society satisfaction as its main goal, so that society satisfaction which is the main goal is met, the service apparatus is required

to know with certainty who the customers are (the society). The essence of public service is the provision of excellent service, that is service provided to the public (customers) at least in accordance with excellent service standards. For organizations / institutions that do not yet have excellent service standards, referring to fulfilling customer desires (fast, accurate, cheap and friendly) to the society as a manifestation of obligations government apparatus as public servants.

As it's describe earlier, the essence and regional autonomy is the authority possessed by the regional government to regulate and manage its own household affairs. In this case, the local government is assumed to have knowledge and understanding of the potential and needs of the region. Knowledge of the potentials and needs of the region will increase efficiency, effectiveness and responsiveness (responsibility) in public services in each region. In the end the quality of public services produced also increasingly meets the demands and needs of the society.

Based on the description above, regarding the relationship between decentralization and public services can be further explained as follows:

- (1) The society can more easily participate (participate) in decision making (policy) at the local (regional) level, because it directly affects the society. The society participation in public services will increase acceptance and support (legitimacy) and society. Conversely, if local society participation is low, it can cause society resistance to public services,
- (2) Communication and information (relations) between the government and the society will be more intense and easier. Decentralization (has) moved the focus of government and the center to the regions. The closer distance between the society and the local government will lead to increasingly communicative communication (communication interruptions can also be reduced). A well-informed society will also receive good public services. This of course will reduce the distortion of information and communication between the local government and the society,
- (3) Local government performance will be more accountable because of high public awareness and trust. Decentralization is essentially about increasing public scrutiny in public services. Society monitoring is possible because of the level of society awareness and trust in the local government. The higher level of public scrutiny of the local government in the process of public service, the higher level of government accountability,
- (4) One of the functions and decentralization is the strengthening of local institutions. In public services, these local institutions are a place for articulation of society interests and a place for overseeing the implementation of local government policies.

Decentralization is believed to be able to realize prosperity for regional communities, if the essence of regional autonomy is articulated as the economy of the society, and not just autonomy for regional governments. In this context of regional autonomy with the broadest principle must be able to open access for people to participate in determining the direction of policy and growth themselves, including changes in the system that can support the achievement of public welfare. With the implementation of public services according to the new paradigm and model as mentioned above, it is hoped that the achievement of public service performance will be better, which on a macro scale will be able to realize prosperity for all Indonesian people.

CONCLUSION

And the description that has been conveyed in the previous chapter then related to the administration of public services in Indonesia can be drawn in several conclusions as follows:

1. Public service is a state obligation to the society, which is a constitutional obligation with the aim of providing welfare to the society. As a constitutional obligation and mandate of the Public Service Act, the state (Government) must provide the best service to all society, regardless of their status, position and ethnicity.
2. Public services with a new model and paradigm are given by paying attention to the principle of justice, that is everyone who needs public services is given good and fair services according to the rights of service recipients. In addition, public services must be provided non discriminatory. It means that the service recipient society is treated equally, nothing is privileged. The relationship between service providers and service recipients is an impersonal

relationship, which is a relationship that is not based on the personal side and the public service provider and recipient.

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