

IMPROVING GOVERNMENT PUBLIC SERVICES STANDARDS IN INDONESIA: A REVIEW OF THE PUBLIC SERVICE ACT NO. 25/2009

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ABSTRACT

Public service has become a critical policy issue due to its limited impact on community transformation. This article explores the range of public services delivered by the Indonesian government under Act Number 25, 2009 on Public Service, as well as the standards and principles governing these services. The research conducted is normative legal research that relies on secondary data to address the issue. Findings reveal that public services can be categorized into two types: services for public goods and services for administration, which are regulated in Article 5 of Act Number 25, 2009 on Public Service. The standards for these services, mandated by the government, can be found in the first paragraph of Article 20 of the same Act. This directive compels the government to provide extensive public services to enhance the well-being of the Indonesian community.

Keywords: Standards, Community, Public Services, Indonesia

INTRODUCTION

The demand for public services is steadily increasing in both quantity and quality. This trend can be attributed to factors such as population growth, educational attainment, societal demands, occupational diversity, and community well-being. However, the implementation of public services has posed a strategic policy challenge due to its limited impact on the evolving aspects of public life. In the pre-reform era, bureaucratic government structures predominantly controlled the administration and provision of public services, with the government taking on a prominent role. Consequently, citizen participation in governance was minimal. (Abdul Sabaruddin, 2015).

The implementation of public services is a deliberate endeavor undertaken by the government to ensure the provision of fundamental necessities and civil liberties to all

individuals. This includes commodities, services, and administrative support provided by public service providers. In the realm of local governance, public services can be defined as the provision of services or meeting the needs of individuals, communities, and/or other organizations with vested interests in the entity. This is done by following the prescribed guidelines for satisfying service recipients. According to Chapter 1, Article 1, Paragraph 2 of Law Number 25 of 2009 regarding Public Service, public service providers include state organizing institutions, corporations, independent institutions established under the law for public service activities, as well as other legal entities established exclusively for public service activities.

Individuals who avail themselves of public services possess certain requirements and anticipations regarding the proficiency and effectiveness of professional providers of said services. The current objective of both the Central Government and Local Government is to effectively deliver public services that meet the needs and expectations of the population. The current state of affairs indicates that the execution of public services continues to encounter challenges due to an ineffective and inefficient governmental system, as well as a deficiency in the quality of human resources. The government's poor image is evident through numerous complaints and public dissatisfaction, both expressed directly and disseminated via mass media channels. These grievances primarily revolve around convoluted procedures, lack of certainty regarding settlement periods, ongoing costs, non-transparent requirements, unresponsive attitudes of government officials, and other related issues.

The presence of inadequate and opaque bureaucratic performance may incentivize individuals to pursue illicit means such as bribery or collusion with officials to expedite staff recruitment processes or receive prompt services. These circumstances frequently motivate individuals to actively seek out potential instances to establish a sequence of services. There are five primary challenges within the context described, namely the abuse of authority and positions leading to the acceptance of bribes and nepotism, the inadequate knowledge and skills possessed by officers engaged in various operational activities, resulting in diminished productivity and service quality, the frequent occurrence of employee errors, the engagement of officials in unlawful activities such as illicit financial gains, bribery, and corruption, and the manifestation of dysfunctional or negative bureaucratic behaviors, including arbitrariness,

feigned busyness, and discrimination. Additionally, the internal circumstances prevailing within various government agencies contribute negatively to bureaucratic functioning, such as insufficient benefits and working conditions, a lack of work descriptions and performance indicators, and a dearth of compassionate systems (S.P. Siagian, 1996).

Public services serve as a prominent indicator for evaluating the effectiveness of governmental performance. The evaluation of government performance by the general public is facilitated through the direct assessment of the quality of public services received. This is because the quality of public services is experienced by individuals from various societal spheres. The achievement of professional, effective, efficient, and accountable public service delivery contributes to the enhancement of a positive public perception.

Pratama has discussed the roles of local government and process innovation in the realm of public service in Indonesia. The study reveals that the innovation specifically pertained to the integration of technical and administrative aspects. The primary focus of the outcomes was directed towards addressing societal issues within the health and education sectors (Pratama, 2019). In addition, Purwanto and Pramusinto have looked into the effect of decentralization in Indonesia in the ambit of health service. It reveals that despite recent initiatives focused on deconcentration, the central government continues to exert significant influence in both the governance structure and the provision of public services. While local governments are typically assigned a wide array of responsibilities, they often face inadequate budgetary allocations to support these functions (Purwanto & Pramusinto, 2018).

Rianda Dirkareshza, Andri Ardiantor, and Roni Pradana have researched the extent of the Public Service Act of Indonesia in fulfilling the welfare state. It reveals that this Act has not been able to fulfill the aim of Indonesia to be a welfare state, hence this Act should be revised for this purpose (Rianda Dirkareshza, Andri Ardiantor, Roni Pradana, 2021). This study is different from the above studies as it is going to examine the public services in Indonesia under Act Number 25, 2009 concerning Public Services and the standard used by the Indonesian government in providing the service to the public and its principles.

RESEARCH METHOD

This paragraph describes normative legal research, which focuses more on the object of norms or statutes (Suhaimi, 2018). The data for this research is obtained through library research. The secondary data includes statutes related to this study, books, journal articles, and other relevant literature. These collected data are then analyzed qualitatively.

DISCUSSIONS AND ANALYSIS OF RESULTS

1. The Scope of Public Service Under the Public Services Act Number 25, 2009

Service is an essential requirement for all individuals. Therefore, it is indicating its inseparability from human existence. Service can be understood as a dynamic process that involves the resolution of problems encountered by individuals in their role as customers, and the provision of solutions by companies acting as service providers. Customer service, in its broadest sense, refers to any deliberate or planned activity aimed at delivering satisfaction to customers. Through the provision of such service, the desires and requirements of customers can be fulfilled (Kasmir, 2010).

According to the Great Dictionary of The Indonesian Language, the ministry has three meanings, namely how to serve the needs of others by earning money rewards and to provide facilities in connection with the sale and purchase of goods or services (Hardiansyah, 2011). Etymologically, the term "service" originates from the word "service," which denotes the act of aiding in the preparation or provision of necessary assistance to an individual. Consequently, "service" can be understood as the manner or process of assisting, particularly about the exchange of commodities or services. Another concept that has a resemblance to the aforementioned ministry is dedication and service (Hardiansyah, 2011).

In addition, Gronroos defines the service as an imperceptible sequence of actions or events arising from the interaction between consumers and staff, or other elements offered by a service organization, to resolve consumer or customer issues (Gronroos, 1990). Moreover, it is also defined as any lucrative activity carried out within a collective or organization, which provides satisfaction to individuals despite the absence of a tangible product as an outcome. (Lukman, 2000).

Public service plays a key role in the field of administration. Public services are commonly defined as services that are administered by the government and are accessible to the general public. Public services encompass all commodities and services that are administered and coordinated by the government. Furthermore, Dwiyanto reiterated that the prior literature posited the notion that the activities undertaken by the government might be classified as public service. (Agus Dwiyanto, 2015).

Act Number 25, 2009 on Public Service, has defined it as a set of actions aimed at meeting the needs of citizens and residents in compliance with the Laws and Regulations. These activities involve the provision of goods, services, and administrative services by public service providers (Mahsyar, 2011). The Indonesian language dictionary, can be defined as the provision of assistance or aid to individuals or communities. This can encompass various forms of support, such as facilitating the exchange of goods and services or offering convenience about their sale and purchase, medical services refer to the range of services that an individual obtains about the prevention, diagnosis, and treatment of a certain health condition (Depdikbud, 1990). It encompasses all provisions offered by either the government or private sector, as the general public cannot typically independently fulfill its requirements, save for collaborative efforts aimed at addressing the overall social well-being of the community. (Mulyadi Deddy, 2015).

The provision of public services entails the satisfaction of the desires and requirements of the community by the organizers of the state, which in this instance was founded by the public with the explicit objective of enhancing the well-being of the community. Indeed, it is imperative for the state, specifically the government, to possess the capacity to fulfill the requirements of the community. It is imperative to comprehend the collective demands of the community, rather than focusing solely on individual wants. (Juniarso and Achmad Sodik, 2010).

According to Article 3 of Law Number 25 of 2009 on Public Service, the primary objectives of the Public Service Act are to establish explicit parameters and delineate the rights, responsibilities, obligations, and authorities of all entities involved in the execution of public services, to achieve an effective framework for the provision of public services that aligns with the fundamental principles of good governance and corporate practices to implement public services in compliance with relevant laws and regulations and to

establish legal safeguards and assurance for the community in the execution of public services.

In providing public services the elements that must exist are systems, professionals, and facilities (A.S. Moenir, 1995). The provision of public services should also prioritize adherence to the principles governing their execution. They are simplicity, clarity, authority, payment, timeframe, precision, Non-discriminatory, leadership, comprehensiveness of facilities and infrastructure encompasses the presence of appropriate work facilities, infrastructure, work equipment, and other necessary assistance, such as the supply of telecommunication and informatics technology facilities, accessibility, honesty, conscientiousness, and painstaking, discipline, courtesy, and hospitality, safety and (Moenir, 1995). Although there is the Act of Public Service in Indonesia, the public services nowadays are not met the demand of the community yet which can be seen from the complaints made by them through mass media (Rinaldi, 2012).

The state has a responsibility to cater to the needs and rights of all individuals, as outlined in the Constitution of the Republic of Indonesia in 1945. To establish trust in public services provided by public service providers, it is essential to meet the expectations and demands of citizens and residents. This is crucial for enhancing public services and upholding the rights and obligations of every individual, as well as fulfilling the responsibilities of both the state and corporations involved in public service provision. To achieve these goals and ensure the provision of high-quality public services by the principles of good governance and corporate practices, it is necessary to have clear legal regulations. These regulations also serve to protect citizens and residents from any misuse of authority in the delivery of public services.

Public services under Act Number 25, 2009 are divided into two categories that are public services of goods and public services of administration. It can be seen in Article 5 Paragraphs 2, 3, and 4 of Act Number 25 of 2009 on Public Services. Article 5 (2) states that the scope, as delineated in Paragraph (1), encompasses several domains such as education, pedagogy, employment and commerce, habitation, communication and information dissemination, ecological milieu, healthcare, social welfare, energy

production and distribution, financial services, transportation systems, utilization of natural resources, tourism, and other areas of paramount importance.

In addition, Article 5 (3) provides that Public goods services as referred to in Paragraph (1) are the procurement and distribution of public goods conducted by government agencies that receive funding from state revenue and expenditure budgets and/or regional revenue and expenditure budgets. Apart from this, the procurement and distribution of public goods are carried out by a business entity that receives its founding capital from state wealth and/or regional wealth that is separated. In addition, the procurement and distribution of public goods are not financed by the state budget or regional budgets, nor by business entities that receive their founding capital from state or regional wealth. However, the provision of these goods is the responsibility of the state as stipulated in the legislation.

Regarding the service in the form of administration, Article 5 (4) states that services for public services, as described in paragraph (1), encompass the delivery of public services by government agencies that receive funding from state revenue and expenditure budgets and/or regional revenue and expenditure budgets, the provision of public services by a business entity that is established using capital derived partially or entirely from state wealth and/or regional wealth that is segregated, and the provision of public services that are not financed through the state budget of revenues and expenditures, regional revenues and expenditures, or business entities established using capital derived partially or entirely from state wealth and/or regional wealth that is segregated. However, the availability of these services is mandated by the state by the Laws and Regulations.

Based on the discussion above, it is clear that public services are entitled to everyone including the disabled (Wiranata and Kristhy, 2022). This standard component of public service is designed to provide the widest access to information to the public so that the public is facilitated to reach basic services that lead to the welfare of the community. In addition, the fulfillment of these service standards, can minimize the actions of administration malls. The public is entitled to legal certainty over the implementation of public services because the function of the government is to serve the public in the bureaucratic system. Organizing public services is the obligation of the government to the people to build a sense of trust in the people for all policies carried out by the government.

Judging from the needs of the community, public services are very important, both in the form of public goods and public services. Services in the form of public goods can be in the form of facilities that support people's lives such as highways, clean water, public telephones, and so on. The higher the quality of service in the form of public goods, the better people's lives will mean that there are no problems that hinder in carrying out daily activities (Sinambela, Lijan Poltak, et. all, 2007).

2. The Standards and Principles of Public Services in Indonesia

Standardization is an essential prerequisite for the effective implementation or provision of public services. Furthermore, it is crucial to promote the widespread implementation of standardized public services in order to guarantee accessibility and enhance public awareness, especially among individuals who rely on these services. The implementation of clear and regulated service procedures is a fundamental element of standard public services (Pratama, 2019).

The adoption of standardized service procedures, which include the management of complaints, holds significant significance for both service providers and recipients. In addition, it also requires the length of time required for completion. The settlement time is defined as the period of time that elapses between the first submission of an application until the completion of the requested service, including the resolution of any related complaints. Moreover, remuneration for provided services. The service charges encompass the exact specifics that are stated in the process of delivering the service. Furthermore, it needs the delivery of services. The results of the service will be achieved through the predetermined arrangements. The subject matter under consideration relates to the facilities and infrastructure and the adequate provision of service facilities and infrastructure by public service providers. Finally, it must exist the level of competence exhibited by service personnel. The assessment of service employees' competency should be carried out in an appropriate manner, considering the necessary knowledge, skills, abilities, attitudes, and behaviors (A.S. Moenir, 1995).

Standards for public service provision in Indonesia have been clearly specified in Article 20, Paragraph 1 of the Public Service Act. The government has a responsibility to establish and implement service standards, taking into consideration their own capabilities,

the community's needs, and environmental factors. In the process of formulating and establishing the benchmark for service, as mentioned in Article 20 verse (1), it is imperative for the organizer to involve the community and relevant stakeholders. Government as the Organizer is required to adhere to the prescribed standard of service mentioned in verse (1). The involvement of the community and relevant stakeholders, as mentioned in Paragraph (2), is conducted based on the concept of non-discrimination, direct relevance to the specific service, competency, prioritization of deliberation, and consideration of diversity. The development of service standards, as mentioned in Paragraphs (1) and (2), must adhere to specific parameters outlined in government regulations.

The Act of Public Service explicitly stipulates that public services ought to possess characteristics such as high quality, efficiency, accessibility, affordability, and measurability. Public service mechanisms should be effectively communicated to the general public, encompassing essential information such as schedules, timings, costs, and quality standards. The term used to refer to this is Standard Operating Procedure (SOP) in the context of public service.

Besides the standards of providing public services, there are principles that must be considered in terms of providing such services to the public. Firstly, there must be transparency in providing public services in Indonesia. This idea necessitates an inclusive and transparent disposition, ensuring that it is readily available and easily comprehensible to all relevant stakeholders. The implementation of transparency in public services can be seen as a practical application of the principle of *openbaarheid* in the field of administrative law in the Netherlands. This principle emphasizes the need for public service tasks and activities to be conducted in a manner that is accessible and transparent to the community. This includes ensuring that decision-making processes, policy development, planning, implementation, and oversight or control are carried out openly. Additionally, it is essential that public services are easily accessible to all parties seeking information. The transparency, or openness, of the government, is a significant aspect since it enables the public to gain a deeper comprehension of the policy initiatives being implemented (Purwanto & Pramusinto, 2018).

Secondly, it is an accountability of public services provision. This implies that the implementation of services must adhere to the regulations and laws, ensuring equal treatment and accommodations for specific groups. This principle emphasizes the importance of accountability in delivering public services, aligning with the stipulations outlined in legislation. Thirdly, the providing is conditional. The theory under consideration posits that public services should be provided in a manner that aligns with the capacities and circumstances of both the service provider and the service user, all the while adhering to the principles of efficiency and effectiveness.

In addition, the principle of participation is intended to facilitate and promote community involvement in the execution of public services by taking into account the desires, requirements, and anticipations of the community. Moreover, the notion of equal rights pertains to the fair treatment of individuals without criminalizing or discriminating against them based on factors such as ethnicity, color, religion, class, gender, and economic status. Furthermore, the principle of the Balance of Rights and Obligations necessitates a harmonious equilibrium between the rights and obligations of both the community and the government. It asserts that both the provider and recipient of public services are responsible for upholding their respective rights and obligations (Husni Tamrin, 2013).

It is anticipated that these principles will yield satisfaction to the community in relation to the provision of services. The provision of high-quality public services is a fundamental responsibility of government agencies, as they serve as servants to the community. Consequently, the enhancement of public service performance is guided by three key principles: the institutional aspects of service delivery, the processes involved in service provision, and the human resources responsible for delivering these services.

Public service serves as a conduit via which the state's bureaucratic structure carries out its duties pertaining to the identification and satisfaction of the community's demands. The provision of public service qualities, as mandated by the Act, necessitates that the government deliver prime public service, which is synonymous with exceptional service or the highest quality service. The benchmarks for exceptional service are established based on relevant service standards or are established by service-providing entities.

In order to achieve national development goals, it is imperative to confront the conditions and rapid changes that have ensued from the shift in value in a prudent manner. This necessitates the implementation of ongoing and sustainable measures across all facets of development, with the aim of fostering public trust. Hence, it is imperative to develop a conceptual framework for a public service system that encompasses core values, perceptions, and behavioral norms, enabling the realization of human rights as stipulated in the 1945 Constitution of the Republic of Indonesia. This framework should ensure that the public receives services that align with their expectations and contribute to the attainment of national objectives. Considering the aforementioned factors, it is necessary to implement the Act on public services (Purwanto & Pramusinto, 2018).

The legislation pertaining to public services aims to provide explicit boundaries and interconnections about the rights, responsibilities, and powers of all parties involved in the execution of public services. Furthermore, the act of public service aims to establish public services in compliance with legal regulations, while also ensuring the provision of protection and legal assurance for the community during the execution of such services. The act public service is anticipated to play a regulatory role in overseeing the operation of public services in Indonesia. However, the bureaucracy continues to face numerous challenges, most notably the issue of inadequate transparency in the provision of public services (Pratama, 2019).

The significance of public service lies in the engagement of multiple stakeholders, encompassing both public servants and the general public. Due to the involvement of several stakeholders, assessing the quality and overall satisfaction of a service becomes challenging ascertaining whether it has effectively met the expectations and requirements of all parties involved. It is possible that a service has met the expectations of one party while failing to meet the expectations of the other party. Hence, it is imperative to establish a standardized criterion for assessing and determining the quality of public services, in order to ascertain their effectiveness and efficiency. Despite its implementation, this standard has failed to meet the expectations of all stakeholders. However, under this criterion, those who harbor objections and express dissatisfaction with the quality of public services have the opportunity to lodge complaints.

In Article 15 of the Act of Public Service, it is stipulated that the entity responsible for organizing public services is required to undertake several obligations. These obligations include the preparation and establishment of service standards, the compilation, establishment, and publication of service information, the placement of competent individuals to implement the services, the provision of infrastructure facilities and/or public service facilities that contribute to the establishment of a satisfactory service environment, the provision of high-quality services in accordance with the principles of public service implementation, and the execution of services in accordance with the established service standards. The fulfillment of service standards is crucial as it serves as a signal that can effectively mitigate the occurrence of administrative malpractices.

The comprehension of public service standards, as outlined in Article 1, Verse 7 of Law Number 25 of 2009 on Public Service, serves as a fundamental criterion for guiding the execution of services and evaluating service quality. It represents the commitment and obligation of service providers to deliver services that are of high quality, efficient, accessible, affordable, and quantifiable, thereby fulfilling the needs and expectations of the community.

CONCLUSION

The categorization of public services can be classified into two main categories: public goods services and administrative services, as stipulated in Article 5, Paragraphs 2, 3, and 4 of the Public Services Act. This Act mandates the establishment of standards for government services provided to the community. These standards must be developed and set by taking into consideration the capacity of the service provider, the requirements of the community, and the prevailing environmental conditions. When formulating and establishing service standards, it is imperative for the organizer to incorporate the involvement of the community and relevant stakeholders. The organizers affected by the flood must adhere to the established service standards. The involvement of the general public and relevant stakeholders should be conducted in accordance with the concept of non-discrimination, directly linked to the specific type of service, based on competency, and emphasizing deliberation, while also taking into consideration diversity. The development of service standards should be conducted in accordance with the principles outlined in the Government Regulation.

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