

Volume 2 No. 1, March 2023

The Analysis of the Implementation...
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The Analysis of the Implementation of Public Services Based on the Public Service Act

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Abstract. This study aims to analyze the compatibility between the provision of public services by the Regional Office of the Ministry of Law and Human Rights in Central Java and the provisions stipulated in Act No. 25 of 2009 concerning Public Services. This research using the normative juridical method. Based on research it was concluded that the implementation of services at the Regional Office of the Ministry of Law and Human Rights in Central Java had been carried out based on the provisions stipulated in Act No. 25 of 2009 concerning Public Services. The organizing element and its implementation have met the public service standards set by the Head of the Regional Office as the person in charge of administering public services at the Regional Office of the Ministry of Law and Human Rights in Central Java.

Keywords: Public; Service; Standard.

1. Introduction

The current condition of public service delivery in Indonesia, although conceptually as stipulated in Act No. 25 of 2009 concerning Public Services (UUPP) has made significant progress. However, at the implementation level, it is still very concerning, illegal levies and KKN are still carried out by individuals who are only concerned with their own needs, do not care about the fate of their nation.¹

The poor system of public service delivery greatly influences investment competitiveness and also leads to the development of Indonesia's economy internationally, because among the factors that constitute a weakness in competitiveness to attract direct investment in a country is the provision of public services, especially in the field of licensing regulations and supporting facilities and infrastructure for ease of doing business such as the availability of airports,

¹Nuriyanto, 2014, 14 Years of the Indonesian Ombudsman: Poor Public Service, What's the Solution?, Bhirawa Daily Article, March 10, 2014 edition;

seaports and proper transportation facilities, in addition to the conducive safety factor. The Public Service Law outlines the concept of providing quality public services that are in line with the latest public service concepts. Act No. 5 of 2014 State Civil Apparatus regulates that public service providers must be professional and prioritize good and quality services. Whereas Act No. 37 of 2008 concerning the Ombudsman of the Republic of Indonesia gives the authority to supervise the implementation of public services to the Ombudsman as an independent state institution. In addition, the two regulatory packages also provide a mechanism for solving problems (disputes) that occur due to the implementation of public services, which are based on the principle of alternative dispute resolution (ADR) and with a persuasive approach, which prioritizes coaching to public service providers who have committed maladministration.²

Efforts to realize good-governance and clean-government, including the implementation of public services, require fundamental elements from actors and administrators of government and public services.³ Neglecting the elements in carrying out the duties and functions of government organizations will have an impact on decreasing the quality of government administration and public services.

Government officials have changed to be responsive to environmental demands, so that the best services are provided with transparent and accountable procedures. Many public reform movements experienced by developed countries in the early 1990s were inspired by public pressure on the need to improve the quality of public services provided by the government.

The main task of the government is to provide welfare and prosperity for its people, serve the interests of the community in an equitable and just manner, provide protection and a sense of security as well as ease in providing services. Definition of Public Service, In fact, what is the product of government organizations is public service. These services are provided to fulfill people's rights, whether they are civil services or public services. This means that service activities

²Nuriyanto, 2014, Settlement of Maladministration by the Ombudsman, Thesis of the Untag 1945 Master of Law Study Program, Surabaya, p. 9.

³Bambang Suryantoro and Yan Kusdyana, Analysis of Public Service Quality at the Surabaya Shipping Polytechnic, in the Journal of Baruna Horizon Vol. 3, No. 2, December 2020, page 224. Atep Adya Bharata expressed his opinion that there are four important elements in the public service process, namely: (1) Service Providers; (2) Service Recipients; (3) Type of Service; and (4) Customer Satisfaction.

⁴Indra Bastian, Public Sector Accounting: An Introduction, Erlangga, 2006, Jakarta, p. 3-4.

⁵Dr. Ismet Sulila, SE. M.Sc., Implementation of Public Service Dimensions, Deepublish, 2015, Yogyakarta, p. 2

are basically related to the fulfillment of a right. It is inherent in everyone, both individually and in groups (organizations), and is carried out universally.

The expansion of the government's role in carrying out public service functions developed with the emergence of views or views on state philosophy. The expansion of these functions is none other than for the welfare of the people. This is in line with the goals of the Indonesian state, which reads "... to protect the entire Indonesian nation and all of Indonesia's bloodshed and to advance public welfare, educate the nation's life".

The preamble to the 1945 Constitution of the Republic of Indonesia mandates that the aim of establishing the Republic of Indonesia, among other things, is to promote public welfare and educate the nation's life. This mandate implies that the state is obliged to meet the needs of every citizen through a government system that supports the creation of excellent public service delivery in order to meet the basic needs and civil rights of every citizen over public goods, public services and administrative services.

It is further emphasized in Article 34 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which reads: "The state is responsible for the provision of proper health services and public service facilities."

The quality of public services can be an indicator of good and bad government performance. In the implementation of Public Services as referred to in Act No. 25 of 2009 concerning Public Services it is emphasized that "the state is obliged to serve every citizen and resident to fulfill their basic rights and needs within the framework of public services which is the mandate of the 1945 Constitution of the Republic of Indonesia". In this case, the main executor is the state, which consists of the Government, Provincial Regional Governments, and Regency/City Regional Governments.

The Regional Office of the Ministry of Law and Human Rights in Central Java continues to improve itself by increasing human resources in an effort to improve public services. Facilities and infrastructure are also continuously equipped so that the state apparatus is able to more quickly provide services to the needs of the community, both for applications for registration of intellectual property, notary, citizenship, immigration, public communication services, legal aid, as well as the preparation of regional legal products. The office area of the Regional Office of the

⁶Ibid., p. 84

⁷Hetifah Sj Sumarto, Innovation, Participation, and Good Governance: 20 Innovative and Participatory Initiatives in Indonesia, Indonesian Torch Foundation, Second Edition, 2009, Jakarta, p. 329

⁸In this case, this also includes the Village Government which was formed based on Act No. 6 of 2014 concerning Villages.

Ministry of Law and Human Rights in Central Java is quite strategic, and several related agencies are located in an area making it easier for the community to deal with government officials. Government officials who are able to carry out their duties properly and deftly will certainly receive awards from the government. The effort is to encourage officers to do their job well. This is in line with the provisions of Article 82 and Article 83 of Act No. 5 of 2014 concerning the State Civil Apparatus (ASN).

Based on the provisions of Article 1 number 1 of Act No. 25 of 2009 concerning Public Services, it is determined that the definition of 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 for goods, services and / or administrative services provided by public service providers. The Public Service Provider itself is every state administration institution, corporation, independent institution established by law for public service activities, and other legal entities formed solely for public service activities. Meanwhile, executors of public services, hereinafter referred to as executors, are officials, employees, officers and everyone who works within the administering organization who is tasked with carrying out actions or a series of public service actions.

The Regional Office of the Ministry of Law and Human Rights is a vertical agency of the Ministry of Law and Human Rights, domiciled in the province, under and responsible to the Minister of Law and Human Rights. In carrying out its duties and functions the Regional Office is led by a Head of Regional Office who is tasked with coordinating the implementation of the duties of division heads. There are 4 (four) divisions in each regional office, namely the legal services and human rights division, the immigration division, the corrections division, and the administration division.

Services provided by regional offices continue to be improved both in terms of service quality and the facilities provided to service recipients. This is solely done so that service recipients get quality services in accordance with established service standards without neglecting security and comfort for service recipients and service providers themselves.

In practice, although all efforts have been made and carried out in order to improve the quality of public services as mandated in the provisions of laws and regulations, there are always aspects that can be continuously improved and improved so that regional offices can become public service providers that are not only in accordance with service standards. , but also can provide satisfaction to service recipients for the public services that have been carried out.

⁹See point 2 of Article 1 of Act No. 25 of 2009 concerning Public Services

Based on this, of course it is necessary to carry out research or legal studies on issues regarding the Implementation of Public Services at the Legal Services and Human Rights Division of the Central Java Regional Office based on Act No. 25 of 2009 concerning Public Services which will be described in this study.

2. Research Methods

The research method used is normative juridical method. The data used is secondary and tertiary data. Secondary data includes primary legal materials and secondary legal materials. Data analysis techniques are carried out using descriptive juridical and qualitative methods, through a process of interpretation, conceptual reasoning and contextuality with the problem under study.

3. Results and Discussion

The duties of Regional Offices as stated in Article 2 of the Minister of Law and Human Rights Regulation Number 30 of 2018 concerning the Organization and Work Procedure of the Regional Offices of the Ministry of Law and Human Rights are to carry out the duties and functions of the Ministry of Law and Human Rights in provincial areas. The implementation of these tasks is of course guided by the policies of the Minister of Law and Human Rights and the provisions of laws and regulations.

To carry out these tasks, there are several functions held by the Regional Office. First, Regional Offices carry out coordinating functions in the areas of planning, program control, and reporting related to the management of human resources, facilities and infrastructure, and financial administration. This function is administrative in the internal agency or it can be said that the public services carried out are indirect¹⁰because the services provided do not reach directly to service recipients in this case the community.

Second, implementation of service functions in the field of general legal administration, intellectual property, and provision of legal information. The direct

¹⁰Public services are directly and indirectly mentioned in the Appendix to Regulation of the Minister of Administrative Reform and Bureaucratic Reform Number 14 of 2017 concerning Guidelines for Compiling a Public Satisfaction Survey for Public Service Provider Units, namely in number 3 Chapter I Letter H and number 6 Chapter VI. In the context of public services by Regional Offices, direct service can be interpreted as meaning that the service is provided without going through a particular intermediary or media so that direct contact or interaction occurs between the service provider and the service recipient. An example of a direct form of service is service through a counter or service counter. Whereas indirect services are carried out through an intermediary or media so that there is no contact or interaction between the service provider and the service recipient or it can be said that the interaction occurs indirectly. Examples of indirect services are through electronic applications or self-service machines.

service function is carried out both electronically and non-electronically in accordance with the policies that apply to the Ministry of Law and Human Rights. Electronic services aim to provide convenience for service recipients in utilizing services provided by Regional Offices so that it is expected to create simple, fast and low-cost public services as mandated in Act No. 25 of 2019 concerning Public Services.

Third, the implementation function of facilitating the design of regional legal products and the development of legal culture as well as counseling, consultation and legal aid. The function of designing regional law products is facilitative, which means that the implementation works in collaboration with other parties, in this case the regional government as stipulated in Act No. 12 of 2011 concerning Formation of Legislation as amended by Act No. 15 of 2019 concerning Amendments. On Act No. 12 of 2011 concerning Formation of Legislation. It can be said that this facilitative service is a form of indirect public service. While the development of legal culture and counseling,

Fourth, the Regional Office is the coordinator in the operational implementation of the technical implementation unit within the Ministry of Law and Human Rights which organizes public services in the field of immigration and the field of correctional. This shows that the Regional Office actually does not directly provide public services in the immigration or correctional sector. Services in this field are carried out by technical implementation units which are executors of operational technical tasks and/or supporting technical activities within the Ministry of Law and Human Rights in the regions.

Fifth, the function of strengthening and serving human rights. The implementation of this function aims to realize respect, fulfillment, promotion, protection and enforcement of human rights. The implementation of these functions can be carried out directly or indirectly. Implementation directly in the form of receiving complaints regarding alleged violations of human rights by the community, legal consultations, as well as providing and disseminating information related to human rights. While the implementation of services is indirectly carried out through facilitative assessment or provision of recommendations on the establishment of laws and regulations.

Sixth, the Regional Office carries out the function of implementing administrative affairs within the Regional Office. This function is similar to the first function, which is administrative in nature within the agency so that it can be said that this service is a form of service indirectly.

The implementation of public services in Act No. 25 of 2009 concerning Public Services is regulated in Chapter V concerning the Implementation of Public Services. Therefore in this study refers to the provisions contained in that chapter.

1. Public Service Standards

Setting service standards is an obligation for every public service provider. The preparation of these service standards is carried out by taking into account the ability of the organizers, the needs of the community, and environmental conditions. These provisions are contained in Article 20 paragraph (1) of Act No. 25 of 2009 concerning Public Services.

Then it was added to Article 20 paragraph (2) of Act No. 25 of 2009 concerning Public Services that in preparing these service standards, administrators are required to involve the public and related parties. This participation can be carried out through a community satisfaction survey according to the guidelines stipulated in the Regulation of the Minister of Administrative Reform and Bureaucratic Reform Number 14 of 2017 concerning Guidelines for Compiling a Community Satisfaction Survey of Public Service Provider Units. The results of the survey then became one of the considerations in compiling public service standards organized by the Regional Office of the Ministry of Law and Human Rights in Central Java.

The public service standards for the Regional Office of the Ministry of Law and Human Rights in Central Java are contained in the Decree of the Head of the Regional Office Number W13.OT.02.02-231 of 2021 concerning Joint Services for the Regional Office of the Ministry of Law and Human Rights in Central Java. The attachment to the decree contains the types of service products provided by the Regional Office of the Ministry of Law and Human Rights in Central Java, requirements, service mechanisms/procedures, timeframe, fees, service products, and facilities for handling complaints/suggestions/input through electronic applications which are detailed in the Appendix to the Decree of the Head of the Regional Office of the Ministry of Law and Human Rights in Central Java. This is in accordance with the provisions in Article 21 of Act No. 25 of 2009 concerning Public Services.

These public service standards must be implemented in the administration of public services by the Regional Office of the Ministry of Law and Human Rights in Central Java. These provisions are in accordance with Article 20 paragraph (3) of Act No. 25 of 2009 concerning Public Services.

Every public service provider that does not compile instruments in the form of public service standards subject to the sanction of dismissal with respect not at his own request (Article 54 paragraph (8) of Act No. 25 of 2009 concerning Public Services. Meanwhile, public service providers who do not involve the community and related parties in the preparation of public service standards and do not apply established public service standards are subject to sanctions as stated in Article 54

paragraph (7) of Act No. 25 of 2009 concerning Public Services, namely the sanction of release from office.

2. Public Service Information

In addition to setting public service standards, public service providers are required to compile, stipulate, and publish public service announcements clearly and broadly (Article 22 of Act No. 25 of 2009 concerning Public Services). As for public service providers who do not comply with these provisions subject to the sanction of release from office (Article 54 paragraph (7) of Act No. 25 of 2009 concerning Public Services).

The Central Java Ministry of Law and Human Rights Regional Office compiles and determines service announcements in the Decree of the Head of Regional Offices Number W.13-25-OT.03.01 of 2021 concerning Service Declarations. The contents of the service announcement are as follows: "With this, all of us implementing the Central Java Regional Office of the Ministry of Law and Human Rights declare that they are capable of carrying out services according to predetermined service standards and if we do not keep this promise, we are willing to accept sanctions in accordance with statutory regulations."

3. Public Service Information System

Public service information systems are needed as support in the implementation of public services. The public service information system contains all public service information originating from administrators at every level. Management of the information system is the responsibility of public service providers and can be in the form of electronic or non-electronic information systems. The information system must be provided by the organizers for the public in an open and easily accessible manner (Article 23 of Act No. 25 of 2009 concerning Public Services).

The electronic service information system at the Regional Office of the Ministry of Law and Human Rights in Central Java can be found on the https://silandu.kemenkumham.go.id and https://jateng.kemenkumham.go.id pages. The two pages contain profiles of service providers, profiles of service implementers, service standards, service announcements, complaint management, and performance appraisal of service implementers. In addition, there is also information about the activities carried out along with data on a collection of laws and regulations that can be accessed by the public at large.

Meanwhile, a non-electronic service information system is provided at the One-Stop Joint Service (LBSP) facility which consists of a service consulting room and a service room in the form of a service counter.

4. Management of Facilities, Infrastructure, and/or Public Service Facilities

Non-electronic provision of facilities, infrastructure and/or public service facilities is realized through the LBSP room. Facilities and infrastructure at LBSP to support the provision of public services in the form of providing reading books, snacks and drinks, waiting rooms, lactation rooms, children's playrooms, service facilities for persons with disabilities, and wireless network connections (wifi broadband) with a comfortable modern concept and safe both for the applicant or service recipient as well as for the service provider or service implementer himself. More details on facilities, infrastructure, and/or public service facilities can be found in the Appendix to the Decree of the Head of the Central Java Ministry of Law and Human Rights Regional Office Number W13.OT.02.02-231 of 2021 concerning Joint Services for Central Java Ministry of Law and Human Rights Regional Offices, which are as follows: Computers and printers; Scanners; Fotocopy machine; Servers; ATK (Office Stationery; Service procedure leaflet; Queue machine; Television (displays queue number); Computers for visitors to access service applications; Trash bins; Waiting chairs; Service flow; Bookcases and reading books; Small children's play area; Complaint box; Standing banner survey services; Toilets; Wheel chairs; Lactation Room; Complaint Room; and Legal Drafter Meeting Room.

Provision of facilities, infrastructure and/or public service facilities is held based on the results of the analysis and arrangement of the list of needs for facilities, infrastructure and/or public service facilities and implementers originating from reports by service implementers regarding the conditions and needs of facilities, infrastructure and/or public service facilities and implementers adapted to the demands of service standard requirements (Article 25 of Act No. 25 of 2009 concerning Public Services).

5. Special Services

Special services are provided to service recipients with special needs including persons with disabilities in the form of providing wheelchair facilities, parking locations and special lanes for persons with disabilities. Special services are also provided to service recipients who are pregnant or breastfeeding in the form of providing lactation rooms as well as special assistance or treatment for service applicants/recipients with these conditions.

6. Public Service Fees/Tariffs

Basically, public service fees/tariffs are the responsibility of the state and/or the public (service recipients). Costs/tariffs for public services which are the responsibility of the state are borne by the state if required in statutory regulations. Meanwhile, fees/tariffs for public services other than those required by laws and regulations are borne by recipients of public services. Determination

of fees/tariffs for public services at the Regional Office of the Ministry of Law and Human Rights in Central Java is determined based on statutory regulations (Article 31 of Act No. 25 of 2009 concerning Public Services).

Regarding service fees at the Regional Office of the Ministry of Law and Human Rights in Central Java according to the type of service product provided, can be seen in the Appendix to the Decree of the Head of the Regional Office regarding Joint Services for the Regional Office of the Ministry of Law and Human Rights in Central Java.

7. Implementer's Behavior in Services

In administering public services at the Regional Office of the Ministry of Law and Human Rights in Central Java, each executor is assigned based on competency standards in accordance with the job description and function of the position. In addition, every implementer of public services is still guided by the code of ethics for the state civil apparatus as stated in Article 5 paragraph (2) of Act No. 5 of 2014 concerning the State Civil Apparatus, namely:

- a. carry out their duties honestly, responsibly and with high integrity;
- b. carry out their duties with care and discipline;
- c. serve with respect, polite, and without pressure;
- d. carry out their duties in accordance with the provisions of laws and regulations;
- e. carry out their duties in accordance with orders from superiors or Authorized Officials insofar as they do not conflict with the provisions of laws and regulations and government ethics;
- f. maintain secrecy concerning state policy;
- g. use state property and assets responsibly, effectively and efficiently;
- h. ensure that there is no conflict of interest in carrying out their duties;
- i. provide information correctly and not misleading to other parties who need information related to official interests;
- j. do not misuse internal state information, duties, status, power and position to gain or seek profit or benefit for oneself or for others
- k. uphold ASN's basic values and always maintain ASN's reputation and integrity;And
- I. implement the provisions of laws and regulations regarding the discipline of ASN Employees.

Meanwhile, according to Article 34 of Act No. 25 of 2009 concerning Public Services, it is regulated regarding the behavior of executors in public services, namely:

- a. fair and non-discriminatory;
- b. careful;
- c. polite and friendly;

- d. firm, reliable, and does not give protracted decisions;
- e. professional;
- f. not complicate;
- g. comply with lawful and reasonable orders from superiors;
- h. uphold the values of accountability and integrity of the administering institution;
- i. not leak information or documents that must be kept confidential in accordance with laws and regulations;
- j. open and take appropriate steps to avoid conflicts of interest;
- k. do not abuse facilities and infrastructure as well as public service facilities;
- I. not provide false or misleading information in response to requests for information and be proactive in fulfilling the public interest;
- m. do not misuse the information, position, and/or authority they have;
- n. in accordance with appropriateness; And
- o. do not deviate from the procedure.
- 8. Supervision of the Implementation of Public Services

Supervision of the implementation of public services is carried out by internal supervisors and external supervisors. Internal supervision is carried out by the direct leadership/superior in stages starting from the head of the sub-sector, the head of the field, the head of the division, and the head of the regional office. The internal control is carried out continuously (continuously) and is carried out through the government's internal control system and functional supervision by the Inspectorate General. One form of internal control at the Regional Office of the Ministry of Law and Human Rights in Central Java was the establishment of an Illegal Fees Eradication Unit (UPP) by the Head of the Regional Office which aims to create a Ministry of Law and Human Rights that is free from illegal levies.

While external supervision is carried out by the community and the supervisory institution (ombudsman). Oversight by the public is facilitated in the form of reports or complaints about irregularities or violations in the administration of public services.

9. Complaint Management

Providing complaint facilities and assigning competent executors in handling complaints is the obligation of every public service provider. The organizer is also obliged to manage complaints originating from service recipients, ombudsman recommendations within a certain time limit. The results of the complaint management must be followed up by every public service provider. The complaint facilities that have been provided must be announced by the service provider so that they can be easily accessed and used by service recipients or the public who will submit complaints. This is as regulated in Article 36 of Act No. 25 of 2009 concerning Public Services.

At the Regional Office of the Ministry of Law and Human Rights in Central Java, complaint management is carried out through complaint channels which include social media applications (whatshapp: 08112935522, Instagram: @kemenkumham_jateng, Facebook: Central Java Kemenkumham, Twitter: @kemenkumhamjtg), E-Report applications, and Whistle Blowing System (WBS) via the https://jateng.kemenkumham.go.id page. In addition, complaints, suggestions and input can be made through the Silandu page or the complaints and suggestions box located in the One-Stop Service Room.

10. Performance assessment

Performance evaluation must be carried out by service providers periodically using performance indicators based on service standards (Article 38 of Act No. 25 of 2009 concerning Public Services). At the Regional Office of the Ministry of Law and Human Rights in Central Java, performance evaluation is carried out at least 1 time in 6 (six) months, then corrective actions are taken to maintain and improve service quality.

4. Conclusion

Based on the description above it can be concluded that the implementation of public services by the Regional Office of the Ministry of Law and Human Rights in Central Java is carried out by referring to the provisions of laws and regulations in the field of public services, namely Act No. 25 of 2009 concerning Public Services, Act No. 5 of 2014 concerning State Civil Apparatuses, and derivative laws and regulations. The Regional Office of the Ministry of Law and Human Rights in Central Java as one of the public service providers has made real efforts to improve the quality or quality of service as mandated by statutory provisions.

5. References

Act No. 25 of 2009 concerning Public Services

Act No. 6 of 2014 concerning Villages.

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