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Public Service Accountability and Monitoring in the Perspective of National Policies: An Analysis of Indonesia's Law on Public Service

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Abstract

In public service, monitoring is one of the management functions which help to ensure a given project achieves its target as planned. For Indonesia, public service control and monitoring is regulated based on law Number 25 Article 35 of 2009 on Public Service. In terms of its concept, public service control and or monitoring is divided into two concentrations: internal control and external control. Regarding this, the law further provides general explanation regarding monitoring or control system along with internal and external control. This study is a normative-empirical study based on the secondary data with primary legal materials, along with secondary and tertiary legal materials, which describes monitoring in public service. Descriptive analysis is used to gain consistency, systematic overview and synchronization between Indonesia regulations, theoretical concepts and the practical implementation. The results indicate that there is internal and external control and monitoring over public service based on Indonesia's Law Number 25 of 2009. However, a competence party is required in internal control, while external control should focus on good governance to avoid corruption, collusion, and nepotism.

Keywords: control, governance, law, public service and public administration

Introduction

Monitoring system has become the central idea of public service, since it is also the core of public administration (Lapuente and Van de Walle, 2020). Besides, administration itself refers to a service which creates a paradigm concerning public service within public administration that indicates a close relationship between both concepts (Denhardt and Denhardt, 2015). The enforcement of strict monitoring system, both internally and externally, apply to all parties from government institutions to non-government institutions in order to ensure the appropriate service given to the public (NRC-US, 2011). The emergence of ¹Ombudsman in Indonesia indicates that monitoring system demands serious attention, since an internal control towards the subordinates in an institution is insufficient (Shah, 2007). The phenomenon of rampant corruption, collusion, and nepotism through all elements of society prove that there is a challenge in controlling the country's public system. Thus, many people get poor services challenges in a system, deemed weak.

Referring to the fact that there is poor control and performance particularly in public institutions, it is considered necessary to involve external supervisors (Caruana, 2015). These external institution supervisors should be independent with no personal interest. The basis of external institution is founded on the desire to establish good governance. In this regard, the emergence of ombudsman system is the best answer to people's opinions regarding the need for external control (Bertelli, 2005). Public service is conceived as a social need which is part of human rights, therefore it should be handled properly for the

¹ Ombudsman is censorship institutions originated from Sweden to ensure the government does not violate any law.

public good. This makes it important to formulate public service regulations which are in the interest of the entire nation. Public service law contains the initiative in providing the services without manipulations (Makarim and Taira S, 2009). Thus, a control mechanism over the activities and the organizers is required to support the objective of the law (Atmasasmita, 1997). Which helps complaints and problems, that can arise in public service practice, to be quickly addressed.

Though public service is intended to serve citizens, in most cases, it has been found that the domination in public service bureaucracy positions, is that citizens are perceived as mere objects (Wyeth, 2020). This is not only unfortunate, but also implies deviance among public employees who are seen as people interested in serving public bureaucracy rather than serving the public. This kind of situation happens due to the lack of clarity in the public service itself. This has led to a call from some experts arguing for organizational culture and cultural change in the public sector (Dingwall and Stranglemen, 2005). After the validation of Indonesia's Law No. 25 of 2009 on Public Services, Ombudsman received a lot of complaints concerning public service provided by Regional Governments, Indonesian National Police, the National Land Agency (BPN in Indonesia), Indonesia judicial arms, and also Central Government (Iskatrinah and Supriyo, 2009).

The poor public services provided in many sectors, particularly concerning basic needs, leads to corruption, collusion, and nepotism practices in Indonesia (Robertson-Snape, 1999). The legal actions performed by law enforcers, such as the police and Indonesia's Corruption Eradication Commission (KPK in Indonesia), will be less beneficial without the supervision over the cases brought forward. Therefore, Indonesia Ombudsman is expected to be a crucial actor in maximizing external control.

However, the expectation toward Indonesia's Ombudsman can work only with the support of other parties (Robertson-Snape, 1999). Therefore, it is important for society to work together in performing external control over public services to realize good governance. Regarding this, people can actively complain when there is irregularity found in the practice. Similarly, People's Representative Council, such as the Parliament or the regional assembly, may act as the external supervisory institutions (Indonesia Law Article 20A Paragraph (1) of 1945).

Due to the potential irregularity found in the practice, it is important to have external supervisory institutions outside the internal institutions that already exist. Based on this, the present paper thought to answer the following questions:

- What does monitoring over public service mean?
- What are the meaning of internal and external control in public service administration?

Furthermore, this study aimed to know and explore the idea of controlling in general along with internal and external control within organizations. Meanwhile, the other objective was to understand public service results in regard to the internal and external supervisors.

Research Methodology

The research methodology is a reflection of specific procedures which are crucial to the validity of the study results. This study used normative-empirical approach with secondary data as the source of the data. The secondary data further included primary legal material, which consisted of legislative secondary legal materials which comprised of Indonesian regulations and other related references and tertiary legal materials in the form of reference dictionaries and encyclopedias.

This study is a descriptive analysis which considers the aspect of consistency, harmonization, systematizing, and consistency between legislation, theoretical concepts and practical implementation. The content was analysed to understand how the law and material on public services are implemented within the Indonesian setting.

The study used secondary data to analyse the concept and practice of public service controlling and monitoring. Just like other countries, public service monitoring is a service provided to help ensure appropriate from the citizens regarding government services (Kenis, 2006). Such responses can only be obtained from the document materials in regard to policies, regulations and practices.

Findings and Discussion

In general, monitoring activities is a process of measuring performance and act as a guarantee to get expected results. In other word, all the works are confirmed to follow the set plan and standards. Kenis (2006) defines supervision as the process of monitoring performance, comparing it with some standards, and then providing rewards and adjustments. Meanwhile, some experts describe control activity as a process for determining what will be implemented, practiced evaluated and corrective activity performance when it is required (Terry, 1953). According to Fayol "1841-1925" as cited by Jarvis (2005) controlling consists of measurement to examine whether every target is achieved or run following the objectives and the set principles.

Kathe Callahan (2007) Controlling is the assessment and correction of the subordinate's work to ensure the company's objectives and plans are achieved. Control is an observational process rather than organization implementations to ensure all of the works are handled appropriately follow the targeted plan. The following are the three important elements in carrying out public service:

- Customer: Service must meet minimum standards formulated by the organizers, should not clash with the contract, and also serve people who can not afford.
- Provider: Service should focus on the provider's job maximally. The fully service will increase the social image of the provider which is important in the performance assessment of each division in the form of the customer satisfaction. Satisfaction refers to the manifestation of service provider's success.
- Public: Service on public basic rights is the main duty of the government. Therefore, without an exception, every citizen has the right to get services from the government. The best enables every citizen to enjoy the best service type.

The control over public service becomes as important and relevant as the guarantee that the country has provided qualified services in the form of existed service standards. The controlling activity plays a strategic role to:

- Ensure that everything goes according to the mandate, vision, mission, goals, and targets.
- Determine accountability performance level that can be used as a parameter to measure the success along with the failure of the organization's work in achieving the targeted goals and objectives.
- Ensure the financial management used for development purposes follows the ethical and legal rules of public expectation, so that the principle of accountability is fulfilled.
- Provide information on the impact of the required programs or interventions, so that the decision makers can learn how to create effective public service programs which are more satisfying for society.

According to Schermerhorn, the implementation of control activities covers: **Feedforward Control**: is performed before the activity begins to ensure the clarity of the objectives, the availability of adequate directions, the availability of required resources, and focusing on resources quality. **Concurrent Control**: focuses on the process of monitoring unexpected activities to ensure everything work as planned and reduce unwanted results. **Feedback Control**: is done after completing the activities to provide useful information to improve future performance and focus on the quality of the results. **Internal-External Control**: provides the opportunity to improve oneself, while external supervision is performed through the supervision and the use of formal administration.

The steps of monitoring activities are consisted of several points and executed based on the needs and the objectives as follow:

Preliminary Control: means monitoring every budget proposals, especially those from public service providers. Budget relates to the price of the services, outputs, and outcomes of each service. It is expected that the supervision is held since the preparation stage in order to notify public regarding the plan of the executives. Hence, budget allocation can inform public whether the public service is adequate or not.

- Interim Control: means to ensure whether the public services work accordingly to the standards and able meet public expectations within a certain period or not. The controlling activity can also be directed towards the implementation of public services budget or future regulation.
- Post Control: means to ensure whether the public services run following the expectation and the evaluation of the targeted plan. The activity is predicted to make maintenance recommendations, repair or improve the quality of the service.

Thus, the scope of public service control generally consists of preventive and repressive supervision, which are:

Preventive Supervision: monitoring activities held at preparation and planning stage of public service institutions. It is aimed to serve at prevention and repairing aspect, including establishing new regulations to improve public service quality standards.

Repressive supervision: monitoring activity over public service activities. It aims to stop the violations and reconstruct the original condition, either with or without punishment. Public service is delivered in an integrated series of activities which are understandable, transparent, smooth, accurate, complete, fair, and affordable. Therefore, any public service is required to have the following elements:

The rights and obligations of the providers and the recipients must be transparent and understood by both parties. The arrangement of each public service form must be adjusted to public's conditions and their ability to pay under the provisions of the current regulations which still stick to the effectiveness and efficiency. The quality of public services management and results should be pursued to be able to provide safety, comfort, regularity, and legal certainty that can be justified.

Public services practice is integrated with public administration practice in most countries. Thus, public service becomes one of the issues or important objectives of public administration, including public services management, public affairs management (public interests and public needs), and public service equal distribution. The concept of public services is developed along with the development of society and science, which in this manner, there are three paradigms of public administration to assess public service: Old Public Administration, New Public Management, and the New Public Service. In its development, the idea of public service has shifted and grew significantly. Public service essence then shifts both in substance and technical level. To achieve the idea of good governance, it is important to take the three strategic steps as follows:

Public service concerns with the interaction between the government and its citizens, including various groups outside of the government. Ideally, the interactions could force the government as the provider to give the best services for its citizens. Additionally, the quality changes, whether to be better or worse, will have a direct impact to the society, since their daily life depends on what is provided by the government.

Public service is the realm in which the principles of good governance can be better articulated. For example, the quality of institutional aspects in public service based on good governance principles lays on the interaction between the government, public, and market. Moreover, it concerns with the involvement of actors outside the government which can provide feedback, criticism, or a response to the services. Meanwhile, the values of good governance, effectiveness, efficiency, non-discrimination, equitable, high-power responsiveness, and accountability can be realized through delivering public services. Those values then become visible and applied to public services within the idea of good governance.

Public service continually involves various interests within a country, such as the idea of better quality which comes from the government, public, and market mechanisms. Thus, public service quality further influences the future of regional and national government. Trust and power legitimacy are in fact gained from society. In open political system and direct leadership today, people can decide their choice and support to the capable or not capable regime. Power legitimacy nowadays is determined by how they treat the citizen. Regarding this, poor services will only cause public mistrust toward their government.

From the quality perspective, public service is closely related to the quality of governance. Therefore, it is significant to understand several good governance index components namely²:

Public Participation Index consists of political freedom and political stability indicators. The Government Orientation Index consists of judicial efficiency indicators, bureaucratic efficiency, and corruption eradication. Community Development Index consists of human development indicator and equitable distribution of income. Economic Management Index consists of outward-oriented indicators, central bank independence, and the GDB ratio.

ANALYSIS

Public Service Implementation Control

Monitoring or supervision refers to an activity to ensure the achievement of targeted objectives. Generally, supervision already exists in an organization where the company leader observes the subordinates. This kind of monitoring activity is expected to prevent the occurrence of irregularities which can possibly intrude company's performance in achieving its target.

Basically, supervision or monitoring activity means the effort in instructing the executor to stick to the plan. Supervision may contain standard determinations, inspection, outcomes and standards comparisons, and some adjustments based on certain standards. An effective supervision can help organizing planned works and ensure it is performed according to the plan.

Considering monitoring activity can uncover the irregularities, misuse, leakage, wasting, fraud, and potential problems in the future, it is appropriate to say that controlling is approximately close to the planning. In regards to the comparison within monitoring activity, it is important to have criteria, norms, standards, and measurement of the objectives. On the other hand, planning and supervision refer to opposite sides of the same coin, since without planning we will not have supervision and vice versa.

Moreover, the importance of institution monitoring is in fact derived from the performance of the involved organization. On the top of that, supervision in modern management is inseparable from other management functions. In the Article 35 paragraph (2) of Indonesia Law No. 25 of 2009, internal control is known to be conducted through direct supervision by the employer and functional supervision by the supervisors. Both supervisions are done based on the current regulations. Indonesia norms included in Law No. 25 of 2009 further mention public service practice has been supported with attached controlling devices. Meanwhile, the arrangements have also been expanded with the implementation of functional supervision.

Internal supervision refers to supervision activity conducted by people or council within the organizational unit. This type of monitoring activity can be done through observing the head of the institution, in other words built-in control. Moreover, the supervision is conducted periodically by the inspectorate general in each ministry and inspectorate region for every region in Indonesia under the supervision of Ministry of Home Affairs.

The External Control Over Public Service Practice

⁵ Jeff Huther and Anwar Shah, *A Simple Measure of Good Governance*, dalam Anwar Shah (eds). 2005. *Public Service Delivery: Public Sector Governance and Accountability Series*. Washinton DC: The World Bank. Page. 41

Article 35 paragraph (1) states that the monitoring function is conducted by the internal and external supervisory institutions. Meanwhile, paragraph (3) mentions that the external control is performed by: a. public through delivering their complaints regarding public administration services, b. ombudsman institution in accordance with Indonesia laws and regulations, and c. the House of Representatives, the Provincial and District / City Councils.

Based on the official instructions above, external supervision refers to a monitoring type performed by a particular party outside the organization executive. Thus, there is no official connection between supervisor and the supervised party in external control. One of the examples is Indonesia Audit Board (BPK in Indonesia) as the external supervisor of Indonesia government in terms of its financial management. The examination is conducted by public accountants under the provisions of examination report law and should be delivered to the board.

In carrying out their main duty, the Audit Board of Indonesia does not neglect the government internal control result. Thus, there should be compatibility between both elements. Additionally, the compatibility does not lessen the independency of the Audit Board as the objective institution.

Conclusion

Public service monitoring is included in management function to ensure the practice of public service is performed accordingly. Regarding this, Indonesia Law No. 25 of 2009 on Public Service manages the issue related internal supervision. Thus, Indonesia public services arrange a strict supervision over subordinate workers, along with monitoring system by the functional institutions based on Indonesia law. On the other hand, external control is performed by institutions outside the structural or official institutions. Based on Indonesia law No. 25 of 2009 on Public Service, the external control is done by public, ombudsman, and the legislative. Internal control should be handled by those who have moral accountability and legal credibility. The practice of external control should be carried out based on the principles of good governance and free of corruption, collusion, and nepotism.

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