

# Implementation of Public Involvement Policy in Public Service: Study on Licensing Service in South Tangerang City

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**Abstract:** The government has been realized that public involvement is the key in creating quality public services, especially on licensing service. For this purpose, a series of policies have been undertaken to ensure that public or communities are involved in the whole range of public service process. Law Number 25 the Year 2009 on Public Service, mandates that the public should be involved in all stages of public service especially in the formulation, discussion, and stipulation of public service standards. Besides, the public should also be involved in the supervision and complaint of public service. The purpose of this study is to describe the implementation of public involvement policy in public services, especially on licensing services in South Tangerang City. The research method used is qualitative research method, with data collection using documentation technique, observation, and interview. The results of the study indicate that the public involvement on public service, especially the licensing service in South Tangerang City has not been appropriately implemented. It is evidence of the lack of public involvement in the process of formulation, discussion, and stipulation of licensing service standards. Besides, public participation in supervision and complaint of licensing service in South Tangerang City is still meagre.

## 1 INTRODUCTION

Public participation has a vital role in government, especially in the implementation of public services. It is based on the idea that good governance is a government that reflects the will and trust of citizens. Thus, the public must participate actively in the government and the implementation of public services, from the stage of formulation, implementation, supervision and even until the evaluation. The urgency of public involvement in public services is due to several reasons. *First*, universally the existence of society (population) is a requirement of the establishment of a country, besides there are regions, governments, and international recognition. The government as the organizer and policymaker must realize that the existence of society is an integral part of the state. *Secondly*, constitutionally the 1945 Constitution asserts that "sovereignty is in the hands of the people and is carried out by the Constitution." Sovereignty is the ultimate power, so it is clear that the people rule and become king, while the government only carries out the mandate of the people *Third*, Law Number 25 the Year 2009 on Public Service affirms that public participation in

public service delivery starts from the preparation of service standards to evaluation and award. *Fourth*, in the context of good governance, participation is one of the principles and pillars for the government to run effectively. *Fifth*, public participation is the essence of democracy, namely government from, by and for the people (RES Fobia, 2016)

Regarding public policy, currently, the Government of Indonesia is actively promoting public involvement in public services. It is reflected in Law Number 25 the Year 2009 on Public Service affirming that the public must participate in all process of public service delivery. In addition, the public should also be involved in the supervision and complaint of public services. Furthermore, to implement the law, the government issued Government Regulation Number 96 the Year 2012 on the Implementation of Law Number 25 the Year 2009 on Public Service, which reaffirms that every public service providers including licensing service must involve the public namely all parties who are related with the recipient benefits of public services, either directly or indirectly, including public figures, academics, business, professional organizations, and non-governmental organizations.

Nevertheless, the results of the Ombudsman's survey held in May - October 2016 stated that 78.41 percent of the 2,000 public service units do not involve the public in the preparation of public service standards. Also, as many as 60.73 percent's of public service units in Indonesia do not conduct community satisfaction surveys. Whereas the level of public satisfaction is an indicator of public involvement in evaluating the public services quality. (Alidona, 2016)

These conditions motivate this research to understand deeply on the implementation of the government policy that actively encourages public participation in public services, especially licensing services in South Tangerang City. This research uses qualitative methods, with the hope of revealing the realities that occur in depth, both those that appear real and hidden. In collecting data is used documentation, observation and interview techniques. Many forms of documentation are collected like various laws, government regulation, regional regulations, local government regulations and document in service provider units. Interviews in this research also is done with purposive sampling from service providers and users in South Tangerang City.

## 2 BASIC CONCEPT OF PUBLIC INVOLVEMENT IN PUBLIC SERVICE

The public sector must adopt the flows of globalization, information technology and the wave of democratization. Thus, there are various concepts in public sector governance such as global governance, electronic governance, and democratic governance. Furthermore, from the concept of democratic governance emerges the term participatory governance, which emphasizes public participation as the central pillar of governance. (Bevir, 2011)

According to Rhodes (Pierre, 2000) there are at least 7 main concept of governance, namely: (1) Governance as corporate governance, namely the implementation of governance in the private sector with speed tasks and high accountability. (2) Governance as new public management, is understood as a governance process that puts the spirit of management as in companies. With a management style that is always alert to competition, market mechanisms, efforts to prioritize customer satisfaction. (3) Governance as good governance, namely the process of

administering government that applies the principles of good governance, such as being more responsive, transparent, participatory, and accountable to very complex public interests. (4) Governance as international interdependence. Reflecting the existence of international interdependence, in the fields of production, financial transactions, law, security, and so on. (5) Governance as a socio-cybernetic system. As a system of governance that involves the interaction and interrelation of many actors both from government and non-government such as the legislature, the private sector, NGOs, academics, and the press who together take responsibility for public problems. (6) Governance as new political economy. In the new political economy approach, governance is an interaction between society, the state, and a very open market economy. (7) Governance as networks, a governance process that is based on the establishment of links between actors who interact with each other in providing services for the community.

The importance of public participation can be examined from the concept of good governance, especially in implementing development programs. United Nations Development Program (UNDP) views that good governance is a prerequisite that must exist in order to realize sustainable development. UNDP say that "good governance is a necessary condition for the achievement of each of the Millennium Development Goals (MDGs) – eradicating extreme poverty and hunger; achieving universal primary education; promoting gender equality". In this context governance is defined as "the exercise of political, economic, and administrative authority to manage a nation's affairs. It is the complex mechanisms, processes, relationships and institutions through which citizens and groups articulate their interests, exercise their rights and obligations and mediate their differences".

Therefore, governance is said to be good when applying the principles: participation, the rule of law, transparency, responsiveness, consensus orientation, equity, effectiveness & efficiency, accountability, and strategic vision (United Nations Development Program, 1997). Thus it seems clear that the participation or involvement of the public is one of the principles that must be applied in good governance, especially in public service.

Good governance is a governing that reflects the will and mandate of the people. For this reason, the people or the community must absolutely participate actively in the government and the implementation of public services, from the stage of formulation, implementation, supervision and even evaluation.

Vilkišienė says that public participation is a precondition for democratic governance. Therefore, it is essential to empower citizens as public service users to be more active in the service delivery process. According to Vilkišienė, citizen participation in public services can be interpreted as a part of the provision of the public services impacting on the performance of the service providers' organization. Citizen participation is essential and appropriate to improve institutional performance in the provision of public services and improve citizen satisfaction on the quality of public services (Vilkišienė, 2010).

Nowday the application of the good governance principles is no longer seen as the insistence of the donor country, but has become an organizational need to maintain its existence. Without the application of the good governance principles, each organization is ensured that its existence and sustainability will be threatened. The important point as the end of the application of good governance principles is to improve the quality of public services. In other words, there is no good or better governance if there is no evidence that public services are getting better quality. Therefore, the quality of public services is a strategic point where public trust in the government is at stake. Even the purpose of Law Number 25 the Year 2009 concerning Public Services expressly stated for "the realization of a proper public service delivery system in accordance with the principles of good governance".

Public service is closely related to good governance, where good governance will certainly be very responsive to the demands of the community to obtain public services with sufficient quantity and good quality. This was affirmed by Léautier, Vice President of the World Bank (Shah, 2005): "Poor governance leads to weak delivery of vital public services and unwelcome outcomes for access to public services by the poor and disadvantaged members of the society". Of course on the contrary, good governance can provide good public services, including for the poor. There is positive synergy and a very close relationship between good governance and public service quality. If the administration of the state is well organized and consistently applies the principles of good governance, public services will automatically run well and good quality.

About public service itself, the Law Number 25 the Year 2009 on Public Service describe Public service is an activity or series of activities in order to fulfill service needs in accordance with the laws and regulations for every citizen and population on the

goods, services and administrative services provided by public service providers. Public service providers are any state administering institutions, corporations, independent institutions formed by law for public service activities, and other legal entities that are formed solely for public service activities. Provider is a public service organization which is a public service provider working unit within the state administration institution, corporation, an independent institution established by law for public service activities, and other legal entities that are formed solely for public service activities. Public services can be carried out by central and regional government agencies, state-owned enterprises, regionally-owned enterprises, and privately-owned business entities, as well as individuals who are given the task of organizing certain public services in which part or all of the funds are sourced from the state and regional budget. The public in this context is all parties, both citizens and residents as individuals, groups, or legal entities that are domiciled as beneficiaries of public services, both directly and indirectly. Public service providers must serve the public with service standards, namely guidelines for service delivery and quality assessment guidelines service as obligations and promises of the organizer to the community in the framework of quality, fast, easy, affordable and measurable services.

Thus, for the organizers to provide quality public services, it is crucial to involve the public to know in advance what the expectations and needs of the community it serves. Do not let the gap as Zeithaml et al (Zeithaml, Parasuraman, & Berry, 1990) says: (1) The gap between customer expectations (expected service) and management perception (management perception of customer expectation). This gap arises because of a lack of survey of market needs or improper use of research results and lack of interaction between service providers and customers. Other causes are the lack of communication between management and service providers (customer contact personnel), even though they have many informations about the things that were expected by customers. Also too many bureaucratic levels in the service unit are also a factor in the emergence of the gap. (2) The gap between management perception (management perception of customer expectation) and service quality specifications. (3) The gap between service quality specification and service delivery. (4) The gap between service delivery and external communication to the customer. (5) The gap between expected service and perceived service. In

order to solve the gap, the most strategic step is the intense citizen involvement in formulating the quality of service specifications, oversee the course of service and complain if the services provided are not following the expected service.

### 3 PUBLIC INVOLVEMENT POLICY IN PUBLIC SERVICE

The policy of public involvement in public service is one of the types of public policy that is a term used to describe the laws, decisions, regulations, etc. of a governmental body (United Nations, 2007). The legal basis for public involvement is based on the 1945 Constitution, which provides guarantees for the protection of human rights. It includes the right to association, the right to issue opinions, the right to obtain services and to obtain equal opportunities in government.

Public involvement in public services emphasizes the importance of community participation in all public service activities, from the stage of policy formulation, implementation, and even to the level of evaluation. This is following Law Number 25 the Year 2009 on Public Service which affirms that the implementation of public services is based on "participatory principle" namely the form of community participation in the delivery of services by taking into account the aspirations, needs, and expectations of the community. Article 39 of the Law specifically regulates the public participation, namely: (1) The participation of the public in the implementation of public services starts from the preparation of service standards to the evaluation and awarding; (2) Public participation is manifested in the form of cooperation, fulfillment of the rights and obligations of the community, as well as an active role in the preparation of public service policies; (3) Communities can form public service supervision institutions; (4) The procedures for public participation in the implementation of public services are further regulated in government regulations. (Law on Public Service, 2009). Further Government Regulation Number 96 the Year 2012 on the Implementation of Law Number 25 the Year 2009 on Public Services, reaffirms that the organizers must involve the public in the implementation of public services as an effort to build a fair, transparent and accountable public service system. Article 41 describe that public participation in the implementation of public services covers the entire process of organizing

public Services which includes: (1) Preparation of public service policies; (2) Preparation of service standards; (3) Supervision and evaluation of the implementation of public services; and (4) Awards. Article 42 declare that the participation of the community in organizing the public service is conveyed in the form of input, responses, reports, and complaints to the organizers and direct superiors of the organizers and related parties in accordance with the provisions of the legislation or through the mass media. In addition the organizer is obliged to provide information to the public regarding the follow-up to the completion of inputs, responses, reports and complaints. Article 43 explain the participation of the community in the supervision and evaluation of the implementation of public services, is realized in the form of : (1) Supervision and evaluation of the implementation of service standards; (2) Supervision of the application of policies; and (3) Supervision of the imposition of sanctions. Article 44 confirms that public participation in granting awards as referred to in Article 41 is realized in the form of monitoring, evaluating, and evaluating the performance of the organizer. Article 45 describe community participation in the implementation of Public Services as referred to in Article 41 refers to the following principles: (1) Directly related to the service user community; (2) Having competence in accordance with the type of service concerned; and (3) Prioritizing deliberation, consensus and diversity of the community. Article 46 explain that community participation in the implementation of public services can be carried out individually, representatives of service user groups, representatives of observer groups and representatives of legal entities concerned with public services. Article 47 declare that the community can independently provide awards to the organizers or implementers who have good service performance according to their ability or competence. (Government Regulation on the Implementation of Law Number 25 the Year 2009 on Public Service, 2012).

As a follow-up to the public involvement policy in public services, the Ministry of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia issued various regulations to ensure that the policy is fully implemented. They are as follows: *First*, Regulation of the Ministry of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia Number 16 the Year 2014 jo Number 14 the Year 2017 on Guidelines for Public Satisfaction Surveys on Public Service

Implementation. The purpose of the regulation is : (1) Encourages community participation as service users in assessing the performance of service providers; (2) Encouraging service providers to improve the quality of public services; (3) Encouraging service providers to be more innovative in organizing public services; (5) Measuring the tendency of the level of community satisfaction towards public services. The regulation also require public service providers to conduct a public satisfaction survey periodically at least 1 (one) time per year, as a form of public participation. In line with the strategic point of public participation in government, especially in public services in the local government, the government issued Government Regulation of the Republic of Indonesia Number 45 the Year 2017 on Public Participation in the implementation of Local Government which confirms that the role of the community to channel aspirations, thoughts, and importance in the administration of regional government. The public participation can be done in form of public consultation, delivery of aspirations, public hearing, work visit, socialization, seminars, workshops and discussions. (Government Regulation of the Republic of Indonesia on Community Participation in Local Government Implementation, 2017).

*Second*, Regulation of the Ministry of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia Number 17 the Year 2017 on Guidelines for Performance Evaluation of Public Service Provider Unit. In the regulation, the principle of participation is used in assessing the performance of public service delivery. The principle of participation emphasizes the level of involvement (participation) of the community in policy making, planning, implementation and monitoring and evaluation of public services. Besides that, the regulation also uses community participation is an indicator of service provider performance (Regulation of the Minister of Administrative Reform and Bureaucracy Reform on Guidelines for Performance Evaluation of Public Service Provider Unit, 2017).

*Third*, Regulation of the Ministry of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia Number 15 the Year 2014 on Standard Service Guidelines. In this regulation, there are several principles that must be used in the preparation and setting of public service standards, including the principles of participation. So, in the preparation and stipulation of public services standards, it must involve the community and related parties to discuss together and get alignment on the

basis of commitment to the the results. (Regulation of the Minister of Administrative Reform and Bureaucratic Reform on Standards of Service Guidelines, 2014).

*Fourth*, Regulation of the Ministry of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia Number 24 the Year 2014 on Guidelines for the Implementation of National Public Service Complaint Management. The regulation ensure that public complaints are important and adequately managed for the improvement of the public services quality (Regulation of the Minister of Administrative Reform and Bureaucracy Reform on Guidelines for the Implementation of National Public Complaints Management Complaint, 2014).

*Fifth*, Regulation of the Ministry of Administrative Reform and Bureaucratic Reform of the Republic of Indonesia Number 16 the Year 2017 on Guidelines for the Implementation of Public Consultation Forum in the Public Service Provider Unit. In this regulation, every public service provider is required to have a media consultation for the public to discuss their idea, aspiration, need and their problems (Regulation of the Minister of Administrative Reform and Bureaucratic Reform on Guidelines for the Implementation of Public Consultation Forum in the Public Service Provider Unit, 2017).

At the level of local government, community involvement is also regulated in Law Number 23 the Year 2014 on Regional Government. Article 354 mandates that local governments should encourage community participation in drafting local regulations, regional policies and in the delivery of public services (Law on Regional Government., 2014). As a follow up of the Law on the Regional Government, the Government Regulation Number 45 the Year 2017 on Community Participation in Local Government Implementation. In article 16 reaffirmed that public participation in the delivery of public services encompasses the whole process of public service delivery in the administration of local government (Government Regulation of the Republic of Indonesia on Community Participation in Local Government Implementation, 2017).

To ensure the public's right to public services, including the right to participate, under Law Number 37 the Year 2008 there is a state institution called Ombudsman (Law on the Ombudsman, 2008). The Ombudsman has the authority to oversee the delivery of public services, whether administered by state and government entities (those held by State-Owned Enterprises, Regional Government

Enterprises, and State-Owned Legal Entities) or private entities assigned. The function is to carry out certain public services which their funds are sourced from the state revenue and expenditure budget and/or local budget

#### **4 IMPLEMENTATION OF PUBLIC INVOLVEMENT POLICY IN LICENSING SERVICE IN SOUTH TANGERANG CITY**

The substance of the policy of public involvement in public service is to build the quality of public service is prime and world-class. It can be understood because the essence of quality public services is the presence of customer or community satisfaction. Satisfaction of the society is the form if the service received, in accordance or even exceed the expectations and needs of the community. To that end, the community must participate in conveying their aspirations related to the expectations and diverse needs. Thus, the organizers and implementers, really know and can provide services following the community' expectation and needs.

##### **4.1 Public Involvement in Licensing Policy Formulation**

Public involvement in the formulation of licensing policies at the local level can be observed from the process of drafting local regulations (Perda). Under Law Number 23 the Year 2014 on Regional Government Article 354 that local governments should encourage community participation in the drafting of local regulations and regional policies that regulate and burden communities in the form of public consultation. In the context of South Tangerang City, the licensing policy is regulated in Perda Number 4 the Year 2014 on the Implementation of Licensing and Registration of Industry and Trade (Regional Regulation on the Implementation of Licensing and Registration of Industry and Trade, 2014). Of course, ideally, the drafting of the local regulation should involve the public at large, so that the public can provide input and criticism so that the regulation is obtained following the conditions and needs of the community. However, the results of the field review and interviews with the Chairman of Commission II of DPRD Tangerang Selatan City showed that the

procedures for determining the law in the form of public discussion and extensive socialization to the public are constrained by the limited budget so that only a few involved parties explicitly involved invited.

Although the public is not widely involved in the formulation of the licensing regulation, as mandated by Law Number 25 the Year 2009 on Public Services Article 39 that community participation can also be started from the preparation of service standards to evaluation and award. In the preparation of these service standards, there is room for the community and business actors to be involved in an intense and severe deliberation in the stipulation of service standards. However, in the field, until now in South Tangerang City there has been no process of preparing the participatory service standards. Where the terms and procedures of licensing services currently applicable and displayed in the online licensing of SIMPONIE v2.3 DPMPTSP South Tangerang City 2018, still refers to the Decree of the Head of Integrated Licensing Services Agency Number 503 / 335.a-BP2T / 2012 on Standard Operating Procedures ( SOP) Licensing. The SOP is prepared unilaterally by a licensing service provider, without involving the community.

Whereas the existence of public service standards viewed as a more applicable solution in involving the community to improve the quality of public services. Because with this service standard can be seen legal basis, service requirement, service procedure, service time, cost and process of complaint so that service officer understand what they should do in giving service. The community as a service user can also know with certainty the rights and obligations to get service. Service standards can also help improve the transparency and performance accountability of a service unit. Thus, the community can be helped in making a complaint or demand if not get services under predetermined standards.

From the overall information indicates that the intensity of community involvement in the formulation of licensing policy in the low category. The condition is the results of observation, that the businessman of micro, small, medium and large companies in general in every day is always busy from morning until the afternoon and even there until night. These conditions, it is difficult for them to participate directly unless there is a request from the party who has authority.

## 4.2 Community Involvement in Overseeing Licensing Services

Law Number 25 the Year 2009 on Public Services Article 18 regulates the rights of the public in public services such as the right to supervise the implementation of service standards and submit complaints. The right of the public in supervising the licensing service in South Tangerang City, it seems that until now it has not been appropriately implemented. Even the right to submit a complaint, which can be submitted online in practice many people are reluctant to deliver. The organizers especially those who handle complaints, always say "we are open to the public who want to submit complaints: directly come to the office meet us, send a letter, by phone, send an email to <http://dpmptsp.tangerangselatankota.go.id>. The important thing is the ones who complain and their addresses are clear so it will ease us".

Formal complaints to the organizers are certainly demanding the courage of the complainant because it must include the name and full address. Of course, people will be worried, if known to complain later someday take care of permission again, will be complicated. For that reason, there should be a forum where people who have complaints can freely convey to an independent party, such as the ombudsman. However, generally, the community has not been aware of the existence of the ombudsman. Thus, the description indicates that public involvement in monitoring public service standards and submitting complaints on licensing services are very low.

## 5 CONCLUSIONS

Based on the above description it is clear that the policy of public involvement in public services, especially licensing services in South Tangerang City has not been appropriately implemented. It is evident from the lack of public involvement in the formulation of licensing services policy, especially in the preparation of licensing service standards. Besides, the community is also not many involved in supervising the implementation of licensing services, including in delivering complaints. Public services, especially licensing services, both in the formulation of policies and the preparation of service standards, as well as in supervision and complaints.

Therefore, in order for the public involvement policy in public services to run well, there must be a

firm commitment from the service provider as the party having the authority and the resources to implement the government policy consistently. Besides, a strong commitment must also be owned by the policymakers to conduct supervision, guidance, facilitation, as well as giving rewards and punishments for the policies that have been taken implemented adequately in the field

## REFERENCES

- Alidona, M. 2016, November 30. *Ombudsman: 78,41 Persen dari 2.000 Layanan Publik Tidak Libatkan Masyarakat*. Dipetik July 11, 2018, dari Tribun Kaltim: <http://kaltim.tribunnews.com/2016/11/30/ombudsman-7841-persen-dari-2000-layanan-publik-tidak-libatkan-masyarakat>
- Bevir, M. 2011. *The SAGE Handbook of Governance*. London: SAGE Publications.
- Government Regulation of the Republic of Indonesia on Community Participation in Local Government Implementation, Number 45 (2017).
- Government Regulation on the Implementation of Law Number 25 the Year 2009 on Public Service, Number 96 (2012).
- Law on Public Service, Number 25 (2009).
- Law on Regional Government, Number 23 (2014).
- Law on the Ombudsman, Number 37 (2008).
- Regional Regulation on the Implementation of Licensing and Registration of Industry and Trade, Number 4 (2014).
- Regulation of the Minister of Administrative Reform and Bureaucracy Reform Number 16 the Year 2014 on Guidelines for Public Satisfaction Surveys on Public Service Delivery, Number 14 (2017).
- Regulation of the Minister of Administrative Reform and Bureaucracy Reform on Guidelines for Performance Evaluation of Public Service Provider Unit, Number 17 (2017).
- Regulation of the Minister of Administrative Reform and Bureaucracy Reform on Guidelines for the Implementation of National Public Complaints Management Complaint, Number 24 (2014).
- Regulation of the Minister of Administrative Reform and Bureaucratic Reform on Guidelines for the Implementation of Public Consultation Forum in the Public Service Provider Unit, Number 16 (2017).
- Regulation of the Minister of Administrative Reform and Bureaucratic Reform on Standards of Service Guidelines, Number 15 (2014).
- RES Fobia. 2016, December 5. *Pelayanan Publik Tanpa Libatkan Masyarakat Matikan Demokrasi Substansial*. Dipetik July 9, 2018, dari Berita Satu: <http://www.beritasatu.com/hukum/402937-pelayanan-publik-tanpa-libatkan-masyarakat-matikan-demokrasi-substansial.html>

- United Nations. 2007. *Civic Engagement in Public Policies: A Toolkit*. New York: United Nations.
- United Nations Development Program. 1997. *Governance for Sustainable Human Development*. New York: UNDP.
- Vilkišienė, E. S. 2010. *Citizen Participation in the Local Public Service Provision and Quality Improvement*. Vilnius: Romeris University.
- Zeithaml, V. A., Parasuraman, A., & Berry, L. L. 1990. *Delivering Quality Service: Balancing Customer Perceptions and Expectations*. New York: The Free Press.

