

Public Services Reform in Indonesia

Indonesia is now growing rapidly to be an economic power in Southeast Asia, through various agendas of reform programs. Indonesia state administration improved after the amendment of 1945 Constitution, which is continuously changing in between years 1999 to 2002. The Indonesia reformation program at the transition era is perceived to be able to perform the new state system in better condition. One of a good result now is Indonesia most likely known as a most democratic country in the world.

The various changes area in law and regulation of the state are the birth of external agencies which has the jurisdiction to oversee, monitoring and evaluate the government. As a consequence of those changes, Indonesia is now having of many 'Independent Commission (independent regulatory agencies) and other non-structural state institutions, such as the executive committee (executive branch agencies)'. The establishment of those state agencies are dedicated to improve the quality of accountability, transparency and competency. This three of desirable outcome would like to be generated public trust to the state institutions.

The reform agenda enforced the change of government system based on a democratic philosophy and the rule of law. Before the reform, the state executives and legislative tend to possess the practices of corruption, collusion and nepotism (KKN) of its performance. These conditions then become the main cause of public distrust to the Government apparatus. Therefore, to improve the performance of the Government, it is necessary to have good and clean governance through principles of good governance and the rule of law.

Since 2004, Indonesia had been known as the most democratic country, with President election system directly by the people on the basis of one man one vote. That also used the same system for the election of members of the House of Representative of Republic Indonesia and Local House of Representative. This system of one people one vote is also applied regarding to the election of the Governor, Regent and Mayor of Local Government.

The reform was also marked by decentralization system began in 1999. This system then generates various improvement of local government performance to support the growth of Indonesia macro economy. The result of the decentralization era is making the heads of the Local Government able to lead their region with their own innovation breakthroughs public service which would generate economic growth in the area. Those good results are not for free lunch, but it takes some consequences. There are several problems following, including example:

1. Corruption, collusion and nepotism were also spread flowering to the regions.
2. Then, the improvement of public services at local level was performed not as expected.

3. There are no system applied 'based on law and regulation' for Indonesia Government to punish the head of local government for their poor performance in making the quality improvement of public services,

Then how would be the development agenda of the reform program could take impact to the local government?

The main problem

An agenda of state reformation must be followed with reforming of the executives bodies of government. This is an important part to realize the vision of Indonesia. But the changes of democratic systems are observed to be unparallel to the capacity of the Government bureaucracy.

It can be seen from the bureaucratic capabilities that are resulting less improvement in public service sectors. Obviously it will be the obstacle to accelerate the national welfare development. The phenomenon of poor quality in public services showed that the bureaucratic reform does not affect to the fundamental rights of the community, that is justice. A variety of opinions showed the existence of the four causes:

1. Firstly, there is a problem on the input of the public service in Indonesia. The state government of manpower at the range of education and training to deliver the quality of public services. This can be seen from the large number of practices of corruption, collusion, and nepotism at the planning of public policy which seemed abuse the importance of interests of society at large.
2. Secondly, the working culture of the bureaucracy known as maladministration such as delayed job, undiscipline, unfriendly to the business, abuse of authority, incompetent, illegal charges, and many others.
3. Thirdly, public participation in planning and monitoring to the government is still at low level, and then the society do not have courage to claim their rights for having proper public service.
4. Fourthly, the supervision and prevention against maladministration practice have not been adequate.

Solution

In order to realise good governance and efforts to improve public services for the society requires the presence of a watchdog state agency that is capable and effectively have the right base on law and regulation to assist people and community stand up from their weak positions when they facing bureaucracy- maladministration. Internal supervision body placed at bureaucracy are assessed improper expectations of the society in terms of the objectivity and accountability perspective.

It needs an external supervisory body of institution in order to have effective supervisory mechanism to pull and push the bureaucracy more accountable and responsive to the needs of the society.

At the year of 2008, the Parliament stipulates the Act No. 37 Year 2008 on Ombudsman of the Republic of Indonesia. Another authority given to the Ombudsman RI is the stipulation of Act Number 25 Year 2009 on Public Services. Those two Acts remarked Ombudsman RI role to improve the quality of public services.

The strategic role of the Ombudsman of Republic Indonesia

To strengthen Ombudsman of Republic Indonesia in watching the bureaucratic reform program needs to be optimally supported. The existence of this state watchdog body is expected to be along the lines with other state institution such as the Corruption Eradication Commission (KPK-Komisi Pemberantasan Korupsi). The practices of corruption, collusion and nepotism that occurred could have been prevented as much as possible by the Ombudsman and against the corruption handled by the KPK. The main role of the Ombudsman of Republic Indonesia is to ensure that the government provides proper public services and reducing maladministration practices.

The society is now able to lodge the complaint regarding their dissatisfaction in receiving public services, that is free of charge, faster and no need to use such services of a lawyer.

Ombudsman of the Republic Indonesia has become an alternative way to resolve their dispute over the public service rather than through judicial process that is known as expensive, time consuming, and difficult access of information.

Ombudsman of the Republic Indonesia with its jurisdiction has the authority to issue a 'legally binding recommendation' or 'improvement suggestion' to the state institutions or state apparatus that are assessed maladministration. Ombudsman of the Republic Indonesia also has jurisdiction to *bring by force* (subpoena power) with the help of police of RI to examine state officials who refuse to attend the Ombudsman instruction. With the various jurisdiction of the Ombudsman of the Republic of Indonesia by Act No. 37 of 2008 and a Act No. 25 of 2009, the President then issued a Presidential Instruction No.9 in 2011 on the Prevention of Corruption Issues. The stipulation of Presidential Instruction forces any other government bodies to make some synergic actions with Ombudsman of the Republic Indonesia in range of prevention programs. Ombudsman of the Republic of Indonesia now is expected to become an independent State institution that is powerful, prestigious, and fully supported by the community. Expectations from the society to the Ombudsman of the Republic of Indonesia are continuously strengthened in this year of 2011. We will need to increase public trust in a way of improving public services.

Nevertheless, the Ombudsman of the Republic of Indonesia still needs to learn from other countries that already have Ombudsman as part of the life of the State. Having legal based stipulated in the Act, the Ombudsman of the Republic of Indonesia is now becoming Parliamentary Ombudsman similar to Finland, Sweden, and Norway. This relates to the

inauguration of the Ombudsman who are elected and appointed by the Parliament and that's why they are powerful in implementing their jurisdiction.

The establishment of the institution of Ombudsman of Republic Indonesia based on several considerations, namely, firstly, that service to the community and law enforcement that is performed in the framework of implementation of State and Government is an inseparable part of an effort to create a good, clean, and efficient way to enhance the welfare and the justice and legal certainty for all citizens.

Secondly, public services delivered by the State Officials and by the Government apparatus at any level from centre to local government is important element to create good, clean, and efficient and also to the implementation of the principle of democracy that needs to be developed and applied to prevent the practices of the abuse of power.

Thirdly, as part of society empowerment the Ombudsman of Republic Indonesia has to be involved actively within the society to supervise the Government apparatus to assure that the public service performance are accountable, clean, transparent, free of corruption, collusion and nepotism. Empowerment the community is the implementation of democratization in order to prevent and reduce the abuse of power by State apparatus.

The society now have felt the benefit of the existence of the Ombudsman of Republic Indonesia that could help them resolving the dispute of public services through variation authority of Ombudsman Republic Indonesia such as of investigation, clarification, mediation, reconciliation, adjudication, suggestions and recommendations.

The Ombudsman of Republic Indonesia now lead by 9 Ombudsman, including the Chairman and Vice Chairman, starting this year 2011 to 2016. Those new leaders are conducted numerous changes such as:

1. Re-engineering management (capacity building and enhancing team and personal skill).
2. Mass media involvement.
3. Renewing handling complaint procedure and own motion investigation.
4. Gaining public awareness to empower society's rights to receive proper public services.
5. Strategic collaboration with the Police and the judiciary body
6. Focusing program of important public services sectors i.e. education, health, employment, environment, economic competitiveness and administrative residency.
7. Strategic collaboration with other institutions including Governments, the Parliament, Local Parliament, Education, NGO's and the society.

Closing Remarks

Our high expectation is that the quality of public services in Indonesia will better in the near future. Providing good quality public service of the state apparatus is an obligation that should be fulfilled by the State at all level, from center to local government.

This is the way the Ombudsman of Republic Indonesia build in a strategic role at all level of government, to reduce corruption collusion and nepotism is to improve public service with a different approach and perspective with other state bodies.

Thank you

Danang Girindrawardana

Chief Ombudsman of Republic Indonesia