

THE INTERNATIONAL JOURNAL OF HUMANITIES & SOCIAL STUDIES

Public Service in a Clean Government (Good Governance)

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Abstract:

Public services (community) is an all forms of public sector services performed government officials in the form of goods or services, in accordance with the needs of society and the provisions of legislation. Public Service can also be interpreted as an obligation given by the constitution or laws to the government to meet the basic rights of citizens or residents on a service (public). Society as recipients of services must be seen as a subject that can determine the type, the process and the quality of service they will receive. Public participation in determining the type, process and service quality can be met with through the manufacture of a charter of citizens. Charter Citizen (Citizen Charter) is a service contract made by the delivery of services to the community / society component of the type, process, quality of service, time of service, cost of service, rights and obligations of recipients and service providers, the complaint mechanism, sanctions and dispute resolution mechanisms. On the other hand, through financing citizens charter can be arranged in such a way so as to ensure accessibility for vulnerable groups to the public service. In addition to the charter of citizens, the valve should be opened for public participation in the determination of the quality of service standards. Determination Service Standard should not only unilaterally by the organizers alone but also involves community members to decide. Service Standards will be used as a reference for the region to create a Citizens Charter. Guarantee transparency in the process of information access local services should be stipulated in the charter of citizens and minimum service standards. In addition, it is necessary also guarantee the availability of accelerating the provision of basic local services that can be accessed by the poor. And for the remote indigenous community of local services should uphold and adjust the values, norms, customs and local culture.

Keywords: Public Service, Good Governance

1. Introduction

Constitution (Constitution) in 1945 according to the constituent contains commands that require government / state officials to maintain the character of humanity and uphold lofty moral ideals are noble people. The serenity as a consequence of the main ideas contained in the preamble of the Constitution, the state is based on the principle of Almighty God according to the basis of just and civilized humanity. Since the enactment of the 1945 Constitution until the reform movement there has been some MPR decrees and legislations otherwise be regarded as rules of implementation of the constitutional provision that, like the legislation General Crime, Law on Corruption, TAP MPR on Guidelines appreciation and Pancasila, Basic Law on Employment, Government Regulation on Disciplinary Servants and others, remains the implementation does not reach the target optimally, instead of corruption and abuse of power continues to expand so that finally raised the people's movement in the form of a total reform hitherto early 2000 unfinished. Public services (community) is an all forms of public sector services performed government officials in the form of goods or services, in accordance with the needs of society and the provisions of legislation. Public Service can also be interpreted as an obligation given by the constitution or laws to the government to meet the basic rights of citizens or residents on a service (public). One of the functions of governance carried out by government officials is a public service. Indonesian legislation has provided a foundation for the provision of public services based on Principles of Good Governance. Article 3 of Law 28 of 1999 on State Implementation of Net of Corruption, Collusion and Nepotism mention these principles, namely: the principle of legal certainty, the principle of orderly organization of the State, the principle of public interest, the principle of openness, the principle of proportionality, the principle of professionalism and the principle of accountability. These principles form the basis for public service. Decree of the Minister for Administrative Reform 81 states 1993 on Guidelines and Procedures for Public Service Presidential Instruction No.1 of 1995 on Quality Improvement of Administrative Services Administration Community are guidelines that can be used by government officials in providing public services. Later, Presidential Decree 7 of 1999 on Performance Accountability of Public Authorities has instructed government agencies to submit reports on the performance of agency accountability to the President. The third instrument is the Government guidelines to improve the performance of institutions, especially institutions or public service agencies.

2. Public Service

2.1. Forms of Public Service

Public services can be divided into two, namely:

a. General public services, which is given to anyone who needs the services provided by public agencies authorized to it, which include the following:

- 1) the public service to obtain personal documents include documents about the identity or status of a person and a document proving ownership of fixed objects and moving objects.
 - 2) Public services regarding the granting of licensing for private economic activities or groups.
- b. public services that are specifically arising from the existence of a legal relationship between the specific nature of certain public institutions with certain public.

Administration and public services is a right of people, which is basically:

- a. obtain handling its affairs impartially, fairly and within a reasonable time,
- b. the right to be heard before any individual measure which would harm himself decided,
- c. the right to access to file personal property while respecting the legitimate interests of confidentiality and professionalism of confidentiality,
- d. the duty of the state administration to provide the reasons underlying the decision,
- e. obtain damages incurred by agencies or government officials in performing their duties.

2.2. Public Service Administrative Reform

Public services are not only fully relied on the existence of a legislation that became the legal basis, but it should be carried out administrative reforms that lead to the improvement of bureaucracy. Administration reform include: first, the administrative reform aimed at the improvement of bureaucracy. Secondly, reform of the bureaucracy associated with innovation. Third, improvement of the efficiency and effectiveness of public services is the goal of the administrative reform. Fourth, the urgency of reform is justified by the need to cope with uncertainty and change in the organizational environment. Bureaucracy in providing public services is also a major concern in improving service performance. Important principle is accountability and transparency in the implementation of these functions.

Some of the requirements to support these reforms are:

- a. based on the sovereignty of the people, where there is a space for people to be able to participate in political decision-making processes are oriented towards a consensus of the people.
- b. the establishment of appropriate institutional needs, the potential, the objective conditions, and social, economic and cultural character of the people.
- c. the balance of power in the relationship between institutions that can perform a check and balance.
- d. a clear division of authority between the areas of governance in accordance with the duties and its function, but has synergy with one another.
- e. management functions of government that is based on rationality, objectivity, effectiveness, efficiency and transparency.
- f. the legislature that could improve its ability to conduct case control functions, legislation and government policy formulation.
- g. the ability of the legislature to execute control functions of the executive and legislative functions are always based on the understanding and recognition of the heterogeneity and aspirations of the people.
- h. vision, mission and clear objectives in setting development policy strategy of the government that is responsive to changes in the people.
- i. application of the principle of accountability in governance.

2.3. Problems Public services in Indonesia if examined has some fundamental problems.

First, poor quality of service products. It cannot be denied again the quality of basic public services quality product unfit for use by the public. Although ultimately the people continue to use these products because of a lack of alternatives other public services. Low quality can be seen in some basic public services such as water, a healthy environment, health, education and transportation. The availability of water for the community is a vital necessity that sustains human life.

Second, poor quality of service delivery. If studied, it caused a paradigm that does not position the community as well as the purpose of the subject in the public service. Society is treated as a party that does not have bargaining power. Procedures are complicated, expensive, lack of service standards is a common feature of public service delivery in Indonesia. The civil rights of citizens are often violated in the process to obtain the identity of the population such as ID cards and PASSPORT. The new ID card that is supposed to be easy, complicated by the number of tables and a series of procedures to be followed. Bureaucratization in the health sector bore the stories that are not less painful, a patient who is already in a critical state must wait for the clarity of the administrative process before getting a proper treatment from the hospital. Complaints like these that often emerge from the public in the administration of public services, especially of the poor quality of public service delivery.

Third, lack of access to vulnerable groups, the disabled and remote indigenous communities. The third problem is often the basis of the problems in the administration of public services in Indonesia. As illustrated in the field of health, changes in social functioning

hospitals and clinics into a corporate body health resulting in loss of human values in addition to the cost of the more expensive, whereas public hospitals into the last goal of vulnerable groups to seek treatment. Many medical personnel and hospitals asking clarity who will be responsible for the care of patients before treating patients. Many patients have become victims due to negligence of medical personnel in hospitals caused by the poor quality of the performance of medics and paramedics. Accessibility of public services for disabled groups was minimal. Almost all public facilities and infrastructure, such as roads, buildings, public toilets, pedestrian bridges, terminals, public transport, etc., do not have facilities for the disabled. It is a process of dehumanization and marginalization for the disabled to become dependent on others, which should be done independently. Fourth, the absence of complaints and dispute settlement mechanisms. Society is not positioned as a subject in the public service, the public complaints are not considered essential. During this stop public complaints in vague suggestion box would end up in the hands of anyone. Lucky when a complaint had stopped in the table officials before moving into the hands of trash waster officer. Not only in the handling of complaints, disputes between communities as recipients of services to organizers often ended with the defeat of the community or the legal process to languish in the courts.

Fifth, the lack of public participation in the provision of services. Public participation aims to put people as subjects. Reinstatement of the community as a subject in the public service needs to be done as a process of revision of the public service who had only done unilaterally by the government without involving the community in any process.

As the executing agency of public service, the problems which have been encountered are: a. Lack of investment in infrastructure, b. Financial crisis due to weak macro-economic stability, the stability of the company's succession to c. Needs huge investments for exploration of nature.

The above conditions arise due to the following reasons: a. Increasingly large proportion of domestic investors, b. Diversification of foreign investment needs to be done, due to the increasingly competitive hunt for overseas investment capital, c. The emergence of a variety of desire on the part of foreign and domestic private sector to various risks, financial expenses and loan facilities d. Various private companies want the government shares, but often do not receive and more profitable through the provision of services contracts. The dominant factor and determinant of the success of public service operations that operate a maximum of more viscous, such as: a. Goods and social services such as street lights, roads, defense and law will not be produced when released to the market mechanism. b. Health care and education cannot be implemented at a decent price. c. Some services and manufactured goods will be excessive if not arranged integrally. d. Some goods and services are produced deliberately not enough due to the monopoly market strategies. In general, the public actually recognizes the functions of government as a provider of public goods; providers of public facilities such as health, education and housing; government expenditure corresponding to revenue; and general economic services. Politically and economically, the public expenditure can be classified into: a. Social investment projects and services that improve the productivity of labor, b. Social consumption-projects and services that degrades the reproduction costs of labor, c. Social spending projects and services that are not required to ensure social stability. So that government's role can be interpreted as policy makers about: a. Scale-universal services or segmentation b. Methods provisions by the state or private companies through contracts, c. Regulation is needed d. Intervention on the local and regional economy, specific industries and specific companies e. Financial source-types and levels of the company and individual taxes.

2.4. Professional Ethics

There are several reasons for changing the orientation of public services: a. Some private organizations are considered more efficient than public sector organizations b. Market forces and competition will increase choice and reduce the cost of services, while it demands the development of quality becomes greater. c. Competitive sectors and markets more responsive to consumer preferences and changes in demand and supply conditions d. The government is too big and wasteful, so the government better role as a regulator. e. Reduce dependence on the government to increase public participation through the mechanism of the market and individual initiative.

Accounting profession ethics enforcement inspectors today become a matter of urgency. The possibility of prosecution through legal channels must be set, so that the accountability process can be divided to the profession and society. During this time, limited by the demands of the profession, in terms of all the rules complied with the accounting profession considered to have fulfilled the obligation both professional and social. It has been judged to be fair, so that society demands, particularly related to the liquidation of banks, so that the examiner accountant can be sued in the law. Professionalism profession in this case related to expertise and personal honesty have demanded to be taken as the profession's credibility in the eyes of the public legal procedures. So demanded is actually just a change of public morality into legal reality.

One characteristic of the reform movement is the demand for good governance. Accountant as a profession are required to be actively involved, associated with the implementation of economic transparency. The general public understand the expertise preparation of the financial system is an accounting competence. Therefore, the accounting is expected to move not only oriented to the capital market but also to public accountability. Or in other words, the development of public sector accounting is the demand of the people in achieving clean governance. Public sector accounting to expect here more emphasis on systems and accounting checks. Public accounting system which has been developed to serve the characteristics of private competition. The work done so far is the 'benchmark' in total to the government. This is certainly a big mistake because the characters and evaluation of public performance is very different from those in the private sector. Examination of public sector accounting cannot be equated with the private sector. Measurement and recognition of performance public very different. Because it takes a special standard public sector accountant examination. So the benchmark process that occurs in the accounting system was not repeated in the public sector accountant examination.

In times of economic crisis, people become very sensitive to the fulfillment of well-being, especially the problems of education, health and food. Related to this, the central government's programs began to be developed in these sectors. These programs generally face the problem of calculating the unit cost per program, such as the unit cost of a hospital. Practices which are valid for ad-hoc system, which means calculating unit costs conducted for a time and, if any changes should be conducted costing more. This practice is certainly far from the accuracy and efficiency. Look at the background, the demands of the people Welfare services actually attached to the demands of the elimination of high cost. High economic costs have long been haunting the public sector, such as health, education, telecommunications, electricity, water, transportation, government and others. This condition can be interpreted accounting needs of public sector management. This field should be developed as an Independent, because the experience of benchmark accounting system must always be taken into account. Performance measurement and performance of the public sector is the focus of the development of public sector management accounting. This emphasis on financial efficiency and effectiveness of management will be the two sides of the starting point of the development focus areas of public sector management accounting. So that the demands of society towards the development of the role of accounting in the public sector into a to be answered. These conditions indicate Indonesia accounting role has evolved into three dimensions: the dimension entity that is a function of accounting in accountability; organizational dimensions that reflect the decision support functions; and social dimensions that reflect social service support functions. From an understanding of the changing demands of public accounting, accounting for public service role is a derivative of the third-accounting charges for public welfare programs. Resource management focus changed from input to output. So that the basic concept of financial management of expenditure input to output cost. The funding process will be more funding outcomes. At the moment the government to contribute by way of population weighting, weighting the number of students in the school and the weight of the number of patients. As a result, institutions that fail will get more funds, because the amount of weight they are. At the same time, information about the success of an organization is difficult to obtain. In these circumstances, the role will become more political, because political prefer the perceptions and ideology. Reduction of political intervention began to be prosecuted. People are starting to refuse to pay taxes. They were getting frustrated because they never know what they get from the payment of taxes. So that the word 'accountability', 'achievement' and 'outcome' is the key communication between the community and the government, as the organizer needs.

Changes in accounting policy is intended to make the organization more reliable and attractive. More reliable for all users of financial reporting, while attractive to investors and creditors. This means the government will direct the accounting policy to be closer to the market. The process of debt restructuring and losses need to be done so that the organization can begin with a condition conducive. This condition is necessary to enter the market mechanism. Increased state and venture capital investment is the key to developing the public sector. By getting a source of capital from abroad, the organization will get an injection to speed up the process of program development and capacity. This means, accounting products should be explored to ensure the usefulness of appropriate investment funds investment objectives, and improve the credibility of the organization as the recipient of the investment. Note demand public service and achievement system similar to the two sides of a coin. A service request details of the activities to be carried out, while the achievement of compliance with the request would be recorded as management achievement. This means, alignment between internal and external to the organization will be achieved through the process of accounting. Looking magnitude of the change in accounting benefit public services in Indonesia, the authors propose that the development of accounting as a public sector organization's infrastructure accelerated. The successful development of accounting will create a smooth communication process between the various parties in the public sector. This means that accounting can be a key to the success of the transition process sentralisaisi to decentralization and from New Order to Reform Order.

2.5. Decentralization

There are several objectives that are expected in the implementation of decentralization, such as increased service bureaucracy at the local level through debirokratitasion center to the regions. Decentralization is expected to shorten the bureaucratic, state bureaucratization through decentralization is expected to strengthen the base of participatory democracy, increase competition between regions, raise awareness and responsibility in the public service, supports the creation of good governance at the local level. So much hope is unfortunately not implemented properly and optimally. Application of new public management that implements private values do not reflect on the ethics of public service. Ethics of public service which should promote public interest above personal and group interests.

Currently, the implementation of a shared encounter obstacles. Not only in the area of financial problems and ability, but also the commitment of the bureaucrats who still do not understand the concept of a leader in services and public administration. Implementation of the concept of the private to the public sector has been exaggerated so forget about the real essence of the public service itself. The concept of public services does not promote profit, but social justice. The application of the concept of private that puts profits seen in some sectors. For example, in public health services, poor patient refused hospital so that only patients who can afford to pay that to get good health care. Phenomena like that should not happen given the role that should be borne by public service providers.

There are four characteristics to put governance "good", namely: first, in terms of acceptance of the legitimacy of public power authority, including all the rules, processes and procedures. Second, public accountability of the authority and legitimacy by taking into account the power holders and the procedures of policymaking. Third, the effective management of the technical dimension. Effectiveness becomes important with reference to the public bureaucracy powerful and efficient, in determining the priority and

public resources. Fourth, the availability of information among all lines including civil society groups and the government to assess the effectiveness of power and bureaucracy.

There are ten principles of good governance which is a reference for local governments in Indonesia:

- First, participation; encourage the whole society to express their rights and views in policy-making processes, especially with regard to public interest, directly or indirectly.
- Second, the rule of law; aware of law enforcement where honesty and fairness for all, without exception, with respect for the fundamental rights of human beings and values in society.
- Thirdly, transparent; build trust between the government and the public to gain access to information as possible to guarantee accurate information.
- Fourth, the similarity; provide equality of opportunity to all members of the community to improve their welfare. Fifth, responsive; increase the sensitivity of the apparatus of government to public aspirations.
- Sixth, vision; develop the area based on a clear vision and strategy with the involvement of community participation in all processes development so they have a sense of ownership and responsibility towards the progress of the region.
- Seventh, accountability; improve the accountability of decision makers, involving all aspects of the public interest. Eighth, supervision; increase in operational support of government supervision and implementation of development by involving the private sector and the general public.
- Ninth, efficiency and effectiveness; guarantees public services by utilizing all available resources to optimally and responsibility. Tenth, professional; increase the capacity and the moral character of government officials so that they can provide and provide a service that is easy, fast and accurate.

3. Public Service in Good Governance

In the context of good governance of public services require readiness of human resources and other resources to support the readiness of a more excellent ministry. Because in the context of good governance, public services have to put the public as users of the service who have served well and satisfactorily.

Community participation in all policy-making which will provide direct and indirect effects of the fundamental demands of the democratization process. Therefore, the participation channels inevitably have always opened in the making, implementation and monitoring and evaluation processes of public policy. As with any public policy, public services as one of its elements should also open up channels for the involvement of both the public directly and community components. In the public service, community involvement should be interpreted as a whole in the overall process, from the planning, implementation, monitoring and evaluation public service.

The core public service is returned to the community and not the reverse delivery of the service that has been happening. Service providers re-positioned as a service provider for the public rather than vice versa communities as recipients of services must fulfill the obligations set by the delivery of services as long as this occurs. Public participation can be divided into three service delivery process. First, participation in the planning process of public service delivery. secondly, the participation in the implementation process of public service delivery in relation to supervision. Thirdly, participation in the evaluation of public service delivery.

First, community participation in the planning of public service delivery. Communities in the public service must be seen as a subject as well as the goal of public service. So that the community participation in planning is the first step that must be passed. Community participation begins the process of setting standards of public service, which is still done at the central level and determined unilaterally by the service providers in this case the government apparatus. In determining the standard of care that will be used as a reference for the implementation of public services in the areas of public participation through involvement of community members is a must. Community participation in planning will include the determination of the quality of the type of services provided, determining the service delivery mechanism, the determination of the cost of the service, determining the rights and obligations of the delivery and service users, as well as maknisme complaints and dispute settlement. Determination of the things mentioned above should not unilaterally by the organizers alone but must also seek approval from the public.

Organizers in the planning process should involve the community to determine those things mentioned above. Agreement made between the organizers along with the public will be included in a document called a charter of citizens. Citizens Charter will become a milestone in the implementation of public service. Charter residents provide guarantees for the rights of the public to obtain services in accordance with a mutual agreement between the organizers and the community as a receiver. On the other hand, citizens charter also gives a guarantee to the right to be received by the organizers on public services that it provides. Monitoring mechanism in the public service will now start from this point.

Secondly, the space community participation in service delivery should be open, especially in the supervision of its implementation. Based on citizen charter has been created together with the organizers, the public has the right to supervise public service. One way to open up space for public participation in monitoring the provision of grievance mechanisms and dispute resolution either by the organizer or by an independent institution which has authority over it. Clarity grievance mechanisms and dispute resolution can boost service quality and provide encouragement for people to conduct surveillance. while on the other hand provide a guarantee for the fulfillment of the rights and basic needs of the community through public service.

Third, community involvement in the evaluation of service delivery. Society as recipients of services must be involved in the process of assessment and evaluation of services for the community is the goal of public service delivery. Public opinion on the

implementation of public service is a major component of the evaluation of public services. Evaluation mechanism is offered through community satisfaction index survey to provide public services that are conducted regularly by independent institutions that have the capacity to undertake the survey.

Public service is a means of fulfilling the basic needs of society for social welfare. So the need to pay attention to the values, belief systems, religion, local knowledge and community involvement. Attention to some aspects of this guarantees that the public services are carried out is an expression of people's social needs. In that context, there is no guarantee that the public services provided will help improve the welfare of society. In addition, the public will feel they have a public service so that its implementation is accepted and supported by the community.

Philosophically public services are one of the reasons and the purpose of the establishment of the state, thus the country as a mandate from the people responsible for organizing the public service as a business fulfillment of the basic rights of the people. In this case, the position of the state is as a servant of the people (public servant) and service providers. Meanwhile, the people have a right to public service state because it has fulfilled its obligations as a citizen, like paying taxes (direct and indirect) and is involved in the supervision and participation in public service delivery.

Space community participation merely expressed in article 38 on public participation are realized in cooperation, fulfillment of obligations and supervision. The bill does not provide public space involved in planning public services and public watchdog. Some devices in the provision of services such as service standards, edict Services, Institutions Supervision also does not provide opportunities for community involvement.

Relating to the public service if there is a violation penalized and sanctions may include administrative sanctions, criminal or civil. Indicators of giving sanctions not only based on the breach of an obligation and a prohibition of the operation of public services, no other indicators, especially the organizers for example on the quantity and quality of the handling of complaints that are not resolved. In other words, the performance of public service which can be measured by public satisfaction indicators are not the basis for imposing sanctions. Sanction is not only understood as a form of punishment but also preventive measures for the organizers to commit the offense. If performance can be used as the basis for imposing sanctions will encourage the organizers and executors improve the performance of public services.

4. Law as Public Policy

Law comes from the state, but according to the daily experience, that the law came from the ruling in the country, namely the government. Government regulates the life of the community through politics. In this regard through its political government be a source of law.

In connection with this case Huijbers Theo argued that:

1. The law is not the same as power. The reasons put forward are as follows:

a. Legal lose meaning when equated with power. For the law intends create a rule just society, based on human rights that is true. This objective can only be achieved if the government lives under norms of justice and realize a fair rule through legislation. Means that the law is located on top of the government. The government must act as a servant of the law. With the establishment of the state, people surrender certain rights to state governments for example the right to vigilantism, but every human being has a genuine freedom that certain basic rights that can never be released.

b. Law not only restricts freedom individual against another individual freedom but also freedom of ruling the country. The law against the use of power by arbitrary means in a country there is a higher power than the government, the power of the people.

2. The law is not against the state government, on the contrary require, in order to organize life together. The law must be linked with the state governments, especially in modern times, which is a very complex social life, can be explained as follows:

a. In that vast community, conflicts that arise can only be solved properly, when there is an agency that stay above the interests of individuals can be very different. It is the government agency that represents people formed to justice.

b. Security in life together is only guaranteed when there is a government. Indeed, the purpose of the law is to regulate in a fair society. But the setting was less significant, if there is no order in the state, only the government has the power to discipline people who will not obey the regulations.

Law is power, but power is not always legal, or other expressions that law always requires power, vice versa, the power is sometimes accompanied by law but rule it is not the law but the law is the rule because, under the circumstances and conditions are ideal (das sollen), regulate life in society should not be based on power that often lead to arbitrary actions. Law is a rule for justice, not power that is the law. If the rule is the law, then all actions taken by the ruling it was considering any action it is the manifestation of any power that is legal. In such circumstances there will be no justice, because they can be implemented arbitrarily rule ruler. But it is undeniable and inevitable that the law itself requires the existence of power because, without authority of law, is a chimera. Talk about the system components application of the legal system includes three (3) main components, namely components law to be applied, the institutions that will apply, and personal than institutional providers, generally include institutions of administrative and judicial institutions, such as police, prosecutors, judges and institutions that function organized administrative law in the executive ranks.

Law is a norm that directs people to achieve goals and circumstances by not ignore the reality world. The law primarily made with full awareness by the state and used to achieve a certain goal. People say that the rule of law applies in a factual or effective, if the citizens, for whom rule applicable, comply with the rule. Factual enforceability may be established by means empirical research on the behavior of citizens. People can also say that it is an effective legal norm. The establishment of law as a means to an end, because technically, the law can give or do things as follows: Law is a means to ensure certainty and provide predictability in public life; Law

is a means of the government to impose sanctions; The law is often used by governments as a means to protect against criticism; Law can be used as a means to distribute resources. If the development is seen as the ongoing process of change and legal change as a means that can be used to make changes in society. Law is a set of tools to realize the government policy. The use of law as a means of this is because the law has some advantages, the law is rational, integrative, legitimacy, supported by the implementation mechanisms and have sanctions. Source transition from repressive law to the autonomous law is the interest of the government to gain legitimacy. The main strategy is an autonomous legal legitimacy to the legal separation of politics that has two (2) aspects of politics are subject to the law, because the law instituting the principle of restrictions on the use of power; stressed the non-political judicial function.

While the characteristics centered on the rule of law based on the autonomous rule is a powerful resource to legitimize power; discretion is narrowed; orientation on the rules tend to limit the responsibility of the legal system. In relation to power, the form of systematic repressive law has characteristics that legal institutions are directly supplied to the power of politics, law identified by the state and subject to the interests of the State; preservation of power is firmly of law enforcement; the institutionalization of class justice.

Speaking about the role of law in development, legal experts put forward two concepts, namely the role of law in development not simply as "as a tool of social control" in the sense of acting as a tool to maintain the stability of society. If the law really had the opportunity to play a role in the process of development, no doubt will be fulfilled in human development. Development as a political process is essentially a mechanism for designing and planning for the future, then the future of a more humane form and pattern. In discussing the role of law in development should give attention to the legal position in the old sense. Law should contribute directly into the Development directly, either to act as a pedestal base, as well as a means of regulation. However, of course, the legal conditions in Indonesia today is apparently not sufficient to be able to act like it, but at least "political will" Already that puts the law can play a role in development, as asserted in the MPR decree No. II / MPR / 1988 on the guidelines specify that legal certainty and order cored justice and truth needs to be improved, so that the law really capable of being a public protector, giving a sense of security, creating an environment and a climate that encourages excitement and participation in development. In that case, the law is expected to contribute positively to the creation of a new legal institutions that expedite and encourage development; the development of the so-called justice to development; the use of the law to make reforms-overhaul; the role of law in the settlement of disputes; setting power of government

Law is not only used to establish patterns of behavior found in the community, but also to lead to the goals aspired namely by creating a pattern of behavior that is new in order to support development programs are carried out consciously to achieve a goal certain. Law here is associated with the government's national development program that calls for and as a control to achieve certain goals that have been established and implemented by the government. Basically law is a fixture of society to ensure that the needs of society are met on a regular basis. This is because the characteristics inherent in the law that give rise to a legal presence stability and regularity in human effort; provide a social framework to the needs of society.

At such circumstances, the law is more presenting itself as a means (instrument of accession). Instrumental function of the law which in turn will be used as a means to make changes in society.

In the law stipulated signs as follows: 1. Respect for the rights and freedoms of others (respect for the rights and freedom of others); 2. Respect the moral rules that are recognized by the public (Generally accepted the moral code); 3. Respecting public order (order public); 4. Respect the general welfare (general welfare); 5. Respect for public security (public safety); 6. Respect national security and public security (national and social security); 7. Respect the general health (public health); 8. Avoid the abuse of rights (abuse of rights); 9. Respect for the principles of democracy; 10. Respect positive law. The role of law in a nation free society (The Rule of Law in free society) is that: 1. the community and individuals are free from oppression, either outside or suppression of other nations as well as the suppression of the repression by the authorities and also among members of society, 2. people are not treated authoritarian rulers should not be a tool of power (instrument of power), the authorities should not be transformed or personify themselves as law, the freedom and independence of individuals should not be determined by the will or desire of the ruling, 3. the presence and position of the ruling by the rules legal or "Rule of Law", the law became pickets and fundamental power and authority of the ruler (under the authority of law), the authorities should not be beyond the limits of the powers and functions given by law to him, act like it was against the law (against the law) and can be qualified "detoernement de pouvoir", 4. characteristics of the most essential role of law in a free society, the law should guarantee security and take into custody rights and interests of community members (to safe guarded and to protect Reviews their right) in developing a personal life and the pursuit of happiness and spiritual and material welfare, should any individual have to obey and comply with the law and is not allowed to act according to the heart's content (arbitrary wills).

Indonesian republic state based on law (rechtsstaat), not based on sheer power (machtsstaat). Government and institutions of other countries in taking any action based upon the laws must be legally defensible. Pressure on the meaning of the law here confronted as opposed to the sense of power. State laws according to the contents of the soul preamble 45 is not just a state of law in the formal sense, the more so as the country is not a traffic policeman or a night watchman, which is only to guard against the violations and prosecute offenders. Definition of a state of law according to the Constitution 45 is a state of law in the broadest sense is a state of law material.

Therefore, the purpose and function other than to protect the whole Indonesian nation and the entire homeland of Indonesia, should also promote the general welfare and intellectual life of the nation. Attempt to educate the nation is grateful bounty the Supreme Lord who has given the homeland with all the wealth that should be kept maintained and be treated effectively with the knowledge and skills to be very beneficial for the people throughout the country all the time. With foundation and spirit of the law in the sense of

material that any state action should consider two interests or foundation, is its usefulness and its legal basis. So every action of the state (government) that must always meet two interests or the foundation.

Is an art in itself to make the right decision if there is a conflict of interests or one interest or the runway was not fulfilled. Law on which the State Organizer act rooted in the basic law that is not absolutism but on a constitution. This shows that the way the government control is limited by provisions constitution by itself as well as by provisions and other laws as constitutional products such as MPR, Law and others. To implement and enforce the rule of law-the law required certain institution have recognized power. Therefore, the power and the laws have reciprocal relationships on the one hand, the law gives the limits on power and on the other hand is a guarantee for the rule applies or the rule of law.

Through a system of law, the rights and obligations stipulated for the citizens who occupy certain positions. The rights and obligations that have the nature of reciprocity; means the right of a person creates obligations on the part of the other and vice versa. Correspondingly, the freedom given to other groups accompanied responsibility. However, in fact the law is a tool of the ruling elite are few in number is used to maintain or even add power. In a democracy power is derived from the people, so maintaining the people's mandate.

Sociologically elite was a small group in the community that have a high or topnotch. But because then ature and essence of the power to be useful should be determined the scope, direction and boundaries. Limit the use of power including the State Administrative Law. The nit is necessary for the law laid down by the authorities themselves above the authority that belongs to him who should be held firmly.

5. Conclusion

1. The community as recipients of services must be seen as a subject that can determine the type, the process and the quality of service they will receive. Public participation in determining the type, process and service quality can be met with through the manufacture of a charter of citizens. Charter Citizen (Citizen Charter) is a service contract made by the delivery of services to the community / society component of the type, process, quality of service, time of service, cost of service, rights and obligations of recipients and service providers, the complaint mechanism, sanctions and dispute resolution mechanisms. On the other hand, through financing citizens charter can be arranged in such a way so as to ensure accessibility for vulnerable groups to the public service.
2. In addition to the charter of citizens, the valve should be opened for public participation in the determination of the quality of service standards. Determination Service Standard should not only unilaterally by the organizers alone but also involves community members to decide. Service Standards will be used as a reference for the region to create a Citizens Charter. Guarantee access to information transparency in the process of public service must be stipulated in the charter of citizens and minimum service standards. In addition, it is necessary also guarantee the availability of accelerating the provision of basic public services that are accessible to the poor. And for the remote indigenous communities must uphold the public service and adjust the values, norms, customs and local culture.

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