

38. DISCRETION OF FULFILLMENT OF COMMUNITY RIGHTS IN LICENSING SERVICES

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Discretion of Fulfillment of Community Rights in Licensing Services in Sidoarjo Regency Environmental Government

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ABSTRACT

The implementation of regional government affairs since decentralization politics is felt to be a big responsibility for the regions in creating welfare for their people. In the performance of functions that are the regions' responsibility, not all of them can be carried out by the Regent himself. Therefore, part of the Regent's authority duties, especially public service duties, need to be delegated to regional apparatus, one of which is the sub-district. The delegation of part of the Regent's authority to the sub-district head was administrative. The regional instrument in this sub-district was unable to provide optimal public services to the community. This condition's impact is that the community as citizens will not receive the benefits they are entitled to. This research is intended to look at the delegation of part of the Sidoarjo Regent's authority and the potential for the discretion of regional apparatus in the sub-district in administering public services. This research was conducted in Waru District and Sedati District, Sidoarjo Regency. Data collection was carried out using observation techniques and in-depth interviews (in-depth-interview) with key informants. The research results were analyzed qualitatively. The results of this study indicate that: a) The Head of District (Camat) discretion to exercise part of the Regent's authority in administering licensing services cannot be exercised. b) Implementation of licensing services runs as is; c) Community rights in obtaining service products are still stagnant.

Keywords: Discretion, policy implementation, public service, community rights as citizen

Introduction

The role of bureaucrats as executors of public services often faces a dilemma. As is known in the delivery of public services in general, it is related to various aspects such as the number and variety of community groups served and the reaction of target groups who are done so quickly. Meanwhile, on the other hand, in general, front-line bureaucrats feel that the available resources are not able to meet the needs of the demands addressed to them (Weatherley & Lipski, 1977).

The Camat is the leader and coordinator of government administration in the sub-district working area, which is carrying out its duties receives the delegation of governmental authority from the Regent to handle parts of regional autonomy and general government tasks. Based on this definition the sub-district head is the vanguard in the sub-district who carries out community service tasks. In other words, this sub-district head is a Street-Level Bureaucracy with substantial discretion to execute policies whose decisions have direct implications for the community as citizens. In carrying out policy execution in general, Street-Level Bureaucracy is relatively autonomous from the administrative authority in making decisions regarding policy execution. Also, it has discretionary authority, namely the flexibility to carry out policy execution. When discretion is applied in providing public services, various adjustments can be made so that the existing rules can still respond to society's demands, aspirations, and dynamics. However, this discretion must

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fulfill the requirements; namely, that discretion is carried out always in the corridor of the vision, mission, and goals to be achieved by the government, preference is carried out for the public interest, discretion is carried out within the boundaries of its jurisdiction. It does not violate the general principles of government good.

An easy example is a discretion by the police. If the traffic light is red, according to the rules, all vehicles must stop. However, with discretionary powers, a police officer can ignore this rule by allowing all cars to continue running even though the traffic light is still red. This was done with various considerations, for example, to reduce a traffic jam. Thus, the police's discretion is essential with multiple creativity to make traffic run safe and orderly. By giving authority to Street-Level Bureaucracy, the right and fast decisions can be taken to solve problems. This approach also makes bureaucratic officials at lower levels, such as the sub-district, more creative, brave enough to take risks, and trained to solve problems.

And of course, the rules are still used as guidelines, but they are always carried out flexibly according to the community's context and demands. The bureaucracy, especially in the Street-Level Bureaucracy, is not confined by the procedural, technical orientation in providing services to the public. The rules are not understood rigidly so that they are able to take the initiative and translate the rules according to the conditions and situations in the field for maximum service to the community.

This study analyzes the extent to which the discretionary power possessed by the sub-district head in administering public services, especially licensing services in the sub-districts in the Sidoarjo regency administration, is used.

Material and Methods

This research was conducted in Waru District and Sedati District, Sidoarjo Regency. The focus of this research is on the discretionary practice used by the Camat in providing public services. Meanwhile, this study's informants were the sub-district head and section heads, especially those responsible for providing licensing services. Furthermore, the types and sources of data used in this study are primary data and secondary data. This data is obtained from the results of observations, interviews, and the best documents.

Results and Discussion

The Camat's discretionary practice in implementing public service policies in Waru District and Sidoarjo Regency. The bureaucracy is a large organization with broad functions and officials (employees) at every level (level). The holders of essential positions are at a high level (high), while those who are always dealing directly with the community in terms of services are usually lower (low). The people at the lower level are commonly referred to as the 'bureaucracy at the street level' level. In the context of this research, the Camat is included in this category because the Camat is a regional career position that is at the forefront of administering licensing services in the sub-district area.

Street-level as the front line of service and dealing directly with the public, is the first party to meet and meet the public face to face. Thus, all complaints, responses, responses, and actions taken by the public are reflected in the individual stories they are directly faced with. This situation is indeed their job, but sometimes the bureaucracy is at the 'street level' level.

I cannot complete all the service tasks assigned to him, especially studies related to society's needs as citizens. As citizens, the community has the right to get service products without taking the initiative to get them. The service products that are the citizens' rights should be provided even though not at the same time or the current year. But they can do this by providing services to fulfill the community's requests gradually adjust to their resources. But this seems not to be done. This is reflected in several informants' statements below regarding licensing, a delegation

task from the Regent, namely approving IUMK (Micro, Small Business Permit) and Building Construction Permit (IMB). One more license was only delegated per September 2020, namely the Incidental Billboard Permit, which has not been implemented. Of the three licensing services, only IMB permits are planning their service activities by setting targets. The rest of the other licensing services, especially non-licensing services, do not intend to implement their services. This is as implied by Mrs. Herwin's statement: "Last year, how took many IUMK 50s cares of ... it didn't come to 60, but for that target we never set it. Even if the target has to be set, we don't dare to set it high, at least following the previous year. If we set the target high and the realization is low, it will affect performance. But if we target it like the past years and the realization exceeds it, it's okay to consider it an achievement. So, from the potential that there are 3000s, there are still many who do not have permission and how in the expectation they want to take care of licenses". (interview, September 7, 2020)

In line with the above informant, Mr. Yani, the Head of the Development Section of Waru District, said that:

"These planned targets are only intended for licensing with retribution such as IMB; while for other licenses that are not subject to retribution fees, yes, there are no planning targets such as the MK. But suppose this incidental billboard license has added value in the form of income. In that case, the consequence is that you have to make planning targets, but because this authority is still relatively new, given as of September 1, 2020, the targets for this year's billboard permit have not yet been set. For all licenses where there is no stipulation of fees, there are also no revenue targets from the set retribution rates. So, if there is no retribution, then there is no target setting. The district government's direction is that there is a levy like this IMB that targets those that don't exist, yes, no targets. There is an incidental billboard with a target because this is still a new authority; the lecture's implementation still has no target." (Interview, September 7, 2020)

Furthermore, for the determination of the target retribution from the IMB permit, unlike before Covid, there was a decrease. This was further said by Mr. Yani, that:

"Our target last year from this IMB levy before Covid was 45 million rupiahs. At present, we reduce it to 30 million rupiahs. Lowering this target is because people have to stay at home to affect their economy. Therefore, the target for this year is 30 million. That's why we sent a letter to the District's revenue and assets department regarding the decrease in the target of 30 million from last year's 45 million. Until now, that total. In the past, it was only 200, the level of development was 400 bl, so per September 1, 400 with two floors". (Interview, September 7, 2020) Not much different from what was conveyed by an informant from Waru sub-district, Mr. Toni from Sedati District regarding target planning from IUMK said that:

"For this year and before, we did not set the target for this IUMK permit, but we are ready to serve each of these permit applications. There are quite many potential micro-businesses in Sedati district, but there are still only a few that apply for IUMK permits". (interview, September 7, 2020).

What was conveyed by Mr. Toni d above was different from what was said by Mrs. Lilis regarding the planned targets of the IMB permit, which were as follows:

The planning for services in Sedati District, yes, following the existing provisions stipulated in the Regent Regulation, we have to carry out. We do not dare to change because it is not our authority. For a permit like this IMB, the planning is the retribution target. In us, Sedati District is the target for this IMB who knows Bp Su'udin (Interview, September 7, 2020)

Furthermore, on different occasions, Mr. Su'din said that:

"The planning target of this year's IMB permit is around 170 objects, while so far there have only been 77 applicants. If the target is in rupiah terms this year, the target is 66 million rupiahs, and the achievements to date are almost 70% for the target of this licensing sector, which makes as far as I know, from the IMB permit, the. Yes, other permits, yes, maybe there is an incidental billboard permit. However, this year it is still not because this is an assignment

that has only been implemented on Seer 1, 2020, so that retribution targets have not been set. But if someone takes care of the permit, will serve them". (interview, September 7, 2020).

Based on the informants' information above, it can be understood that not all types of public services provided in the sub-districts can generate local revenue through user fees charged to public services. Only the IMB permit makes plans by setting retribution targets. ³

In this section the researcher presents the research results about discretion. The delegation of a portion of the Regent's authority to the Head of District related to administering licensing services such as the IUMK and IMB contains potential discretion. It can be said that every policy issued, certainly in its implementation, includes the potential for preference for the implementing officials. ³

The case of the delegation of a part of the Regent's authority to the Head of District in administering licensing can be seen in how the service policy provided to the Head of District can be understood by the community as citizens who have the right to the licensing product. In this case, no follow-up was found to guide the officials who received the delegation on what to behave and do so that the public stood icy. Policy condition requires the sensitivity, creativity, and responsibility of Street Level Burocrat in taking strategic steps so that licensing services can be optimal. This discretion can be seen in the socialization activities carried out by the person in charge of each licensing service to reach out to the community. This socialization is one of the ways carried out by the bureaucrats in the sub-district so that the policy for the transfer of services to the sub-district head can be known and then followed up by the community.

Bureaucracy is closely related to public services. Street Level Bureaucra⁷ is a lower level bureaucracy that deals directly with the community, especially in services to the community. In this area, of course, bureaucrats must be able to maintain professionalism to serve the community. There is undoubtedly a term known as discretion in the concept of street-level bureaucracy (Lipsky, 1980). Preference can be defined as an innovation made by lower-class bureaucrats to formulate officials or political elites' policies with good intentions. This is the same as making laws and regulations.

The discretion that is not carried out but is very potential for improving public service quality, especially licensing services, is the bureaucracy's proactive action in the sub-district to set number targets each year. Even if the target is made, it doesn't encourage the enthusiasm to achieve it. All licensing services are provided as simple. Especially in the current pandemic condition, it is felt that there has been a decline in products in the implementation of licensing services.

The condition of the bureaucracy at each level requires performance measuring indicators. According to Dwiyanto (2005), the needles used are as follows: (a) Efficiency; success in getting profit, utilizing production factors, and economic rationality. More objectively include; liquidity, solvency, and profitability; ⁵ Effectiveness; The achievement of the objectives of establishing a public service organization. Closely related to technical rationality, values, mission, organizational goals, and the function of development agents; ⁵ Justice; questioning the distribution and allocation of services provided by the organization, is closely related to the concept of adequacy and appropriateness what can fulfill needs and values in society. The issue of equitable development, services to the poor, etc. can be answered with this criterion; (d) Capability; part of the state/government's capture power of the community's vital needs. Another expert, Salim & Woodward (Thoha, 2003), sees performance based on (a) economic considerations; interpreted as a strategy to use the minimum possible resources in the process of implementing public service activities; (b) Efficiency; refers to the condition for achieving a balance between service inputs and outputs; (c) Effectiveness; see the achievement of the objectives and service targets that have been set; (d) service equality; justice in the form of public services.

The pathology of bureaucracy arises because the norms and values that become the reference for bureaucratic action are more upward-oriented, namely political power interests, not the public.

Christensen (1995) argues that the essential element in seeing the local political environment's dynamics is society's socio-economic characteristics. Several critical variables in shaping regional political settings include; population size, density, population heterogeneity, the community's socio-psychological character, and variations in the local economy. The deviation from one variable to another locality variable will explain the differences in local politics between regions. Such as differences in government structures, community political participation levels, and various activities of interest groups in society.

One of the contributing factors is paternalistic culture and feudalism. The paternalistic and feudal culture that has been embedded since the kingdom era influences the Indonesian bureaucracy today. The characteristics of the royal bureaucracy, according to Suwarno (1994), are as follows: (1) The authorities consider and use public administration as a private matter; (2) Administration is the expansion of the court household; (3) The duty of service is assigned to the person of the king; (4) The king's salary to the royal servants was a gift which could also be requested at will; (5) Royal officials can act at will towards the people, just as the king did.

Paternalistic relationships are more informal, very personal, and have old habits developed in the bureaucratic structure (Blau & Richard, 1987). The relationship style is influenced by feudalism, usually built on asymmetrical relationships, exclusivity due to differences in age, position, role, position, and status. In paternalistic culture, the apparatus can provide different services from one society to another.

According to Mas (1994), cultural factors also reinforce this condition and encourage corruption, such as the value/tradition of giving gifts to officials. According to the European and American communities, consider this corrupt action behavior, while the Asian community, including Indonesia, was not. Indonesian society's cultural roots that are nepotism provide an impetus for corruption, emphasizing family ties and parochial loyalty. This bureaucratic culture model, which has long been ingrained in Indonesia, is challenging to change. The era of regional autonomy has made local rulers flourish and tend to ignore the central government to cultivate these KKN practices. Once again that, according to the author, the role of our society's culture and also influences our bureaucratic culture, which causes this condition.

The services provided by the bureaucracy to service users (society in general) are not maximum due to various things, including low improvisation, an initiative to solve problems as soon as possible. Shifting of duties and responsibilities also often occurs. Everything is due to bureaucratic ignorance about work and assignment assignments that do not follow their respective abilities and expertise.

McGregor (1960) suggests an effective leadership strategy using the concept of participatory management. A well-known idea using the assumptions of human nature. Theory X and Theory Y are human motivation theories used to manage human resources, organizational behavior, organizational communication, and organizational development. He describes two conflicting models of workforce motivation.

If it is related to the practice of bureaucratic discretion in the two sub-districts concerning efforts to improve the quality of licensing services, officers who are always waiting for orders from their superiors are included in theory X Douglas McGregor explained that the work tool must be continuously monitored, threatened and directed so that they can work according to what the organization wants.

However, the field's reality shows that some employees have their initiative without waiting for orders from their superiors. If it is related to Douglas McGregor's theory, this condition is included in Theory Y, where workers can use creativity, imagination, intelligence, and understand responsibility and achievement. For the accomplishment of work goals.

Conclusion

Based on the description above, we can conclude that the results of this study are as follows:

1. The application of the practice of employee discretion at the Street Level Bureaucracy in the implementation of the policy of devolving part of the Regent's authority to the District, in this case, Waru and Sedati, has not been optimal.
2. The implementation of licensing services in the sub-districts runs as it has not spurred a significant increase in licensing services.
3. The community's rights as citizens have not been given optimally by the District in administering public services.

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