
GOOD GOVERNMENT IMPLEMENTATION: A STUDY OF THE AUTHORITY OF STATE INSTITUTIONS

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Abstract

The implementation of public administration in many respects is a public authority in utilizing its powers that have been regulated by laws and regulations that are not in accordance with what is generally expected. Several elements of state legislation in realizing good governance are really needed, such as standardization capabilities, instrumental capabilities, and legal guarantee work, all three of which are essential for the implementation of clean government, according to law and order standards. State laws and regulations in realizing the implementation of good governance and state administration arrangements seek to organize good governance. The examination technique used is a subjective exploration.

Keywords: State Administrative Law, Governance, Good Government.

INTRODUCTION

Pancasila as a philosophy is basically a valuable order of the Indonesian state. This value framework is seen from philosophical studies that have generally been examined in the governance of the state and produced by imperialism, which are then applied to the nation's wards as moral, legal and political aids in the existence of society and the state. and country. The administration of governance is inseparable from the idea of state regulation. Under regulatory conditions, every move made by residents and directors depends on regulation. Here the law is part of every state and state organization. Remembering Article 1 paragraph (3) of the 1945 Constitution, it is explained that Indonesia is a state of regulation. Furthermore, there is a reciprocal relationship between government organizations that should be founded on regulations and countries that depend on regulations. The two ideas cannot be separated because both of them discuss the government as well as the state, and vice versa. Indonesia's regulatory environment can be likened to a house project, where it has to be built, then maintained, and then given to a replacement. Self-disclosure or personality is needed in its development. Viewed from a verifiable perspective, Indonesia has followed the way of *rechtsstaat* or joint regulation, since Indonesia was colonized by the Dutch for a very significant period of time. Indonesia which relies on Pancasila and the 1945 Constitution, it is also fitting that the purpose of administering the country rests on and is stipulated in Pancasila and the 1945 Constitution where in its introduction it is stated that the Indonesian state expects to safeguard the entire Indonesian State, teach state life, recognize civil rights, promote success. public and take part in efforts for world harmony.¹

State Administrative Law is an inseparable part of good governance. The orderliness of Government Regulation Number 30 of 2014 concerning the Administration of Government is a leap forward in perfecting state administration regulations. One of the reasons for the issuance of Government Regulation Number 30 of 2014 concerning Administration is that administrative authorities have the option to make decisions and obtain legal certainty in carrying out their obligations. The ongoing condition of public authorities is faced with the corona virus pandemic which is still endemic throughout the world, including Indonesia. Public authorities are asked by the general public to have the option to take appropriate and swift arrangements to manage the Coronavirus pandemic turmoil. Clear, Precautionary strategies are solutions to locally occurring problems. The purpose of this prudence is 1) Removing government organizations; 2) Fix legal flaws; 3) Provide legal certainty; and 4) Defeat government stagnation under certain conditions for the benefit and public interest.²

State administrative law (HAN) as part of science, especially in land regulation space, has only recently emerged. First, particularly in the Netherlands, state administration regulations turned out to be a fundamental part of the existing regulations. Then again, the regulatory capabilities of the state in making large and definitive administrations are absolutely necessary. One of the plans for public progress is to establish a clean and definitive administration. The plan is an attempt to recognize excellent administration, including: transparency, responsibility, adequacy and productivity, maintaining law and order, and opening up open investments that can ensure smooth, agreed and combined tasks and elements of administration and improvement. As a result, As a result, it is important to make strategic moves aimed at changing the institutional and executive framework, the nature of HR, the mechanical assembly, and the proper review and inspection framework.

¹ Syahrul Ibad, Authority of the City Development Planning Agency (BAPPEKO) Malang in Planning, Coordination and Control of City Spatial Planning. *Dialectics: Journal of Economics and Social Sciences*, 2018, 1(2), 23–48.

² Hadjon, Philip M., *Introduction to Indonesian Administrative Law*. Yogyakarta: Gajah Mada University Press, 1993.

RESEARCH METHODE

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LITERATURE REVIEW

A. Administrative Law Enforcement

The term policing is often used to mean policing. This is the progress of efforts, cycles and exercises to ensure the lawful implementation of the law. According to Jimmy Ashiddiqie, policing is work to authorize or approve legal principles that guide traffic behavior or legal relations in the existence of society and the state. Authoritative policing or also known as maintained policing corrective policing. Preventive implementation is a series of activities intended to prevent violations or deviations from customs-based regulations. Preventive policing is examined by providing understanding and attention to the general public and partners related to licensing issues to understand legal expectations. Meanwhile, harsh rules are applied to ignore the law.³

B. Violation

Offenses under the Criminal Code. CIVIL LAW AND ADMINISTRATION Unlike civil law violations, cases of criminal law violations are handled immediately by the criminal court without the need for stakeholder reports. The court will not take action until the complaint is received from the parties concerned. Administrative violation is a violation of a statutory provision. Monitor the behavior of government officials or government agencies that violate the general principles of good governance and work for the benefit of the nation and the public interest.

RESULT AND DISCUSSION

A. Legal Remedies for State Administration in Implementing Good Government

For a voice-based state, state laws and regulations turn into tools for state authorities and individuals who have an equal situation in government. Vote-based systems will thrive, where laws for majority countries rule as a political development complementing its capabilities as a way of enforcing governmental assistance to citizens. In different legal states, each government issues executives must be based on the relevant regulations. That is, as a country that adheres to decentralization, this implies that administrative matters consist of central government affairs and provincial government affairs. This is actually intended so that there are central government officials and local government officials, who are given the freedom,

These components of law and order are generally traced to the constitution. Thus, the existence of a constitution in regulatory conditions is an undeniable necessity. According to Sri Soemantri, surely there is no country on earth that does not have a constitution or a constitution. The state and the constitution are two institutions that cannot be separated from one another.⁴

If we analyze the 1945 Constitution, we will explore the parts of the rule of law in it, specifically the following; first, prominent power norms (article 1 paragraph 2), second, government based on the constitution (explanation of the 1945 Constitution), third,

³ Ridwan HR., State Administrative Law, seventh printing, Jakarta: PT Raja Grafindo Persada, 2011

⁴Soemantri, Sri, Anthology of Indonesian Constitutional Law, Bandung: Alumni, 1992

guaranteeing shared opportunities (articles 27, 28, 29, 31), fourth, sharing of power (articles 2, 4, 16, 19), fifth, legal management (article 24), 6, occupant cooperation (article 28), seventh, monetary structure (article 33). The substance of the stipulated administrative conditions is the guarantee of shared opportunities.⁵

Therefore, the focus in each constitution can be described as follows, the state is a force of solidarity in the perspective of individual strength, so that this power is not wild, must be limited by being collected, divided and limited, and coordinated by a free managerial organization. also, independently as well as by its inhabitants. society, with the aim of preventing violations of aggregate opportunity. If the guarantee of shared opportunities is removed from the constitution, then the arrangement, division, limitation and supervision of state power is not needed because there is nothing else to guarantee and protect. Since the substance of every constitution is a guarantee of normal opportunity, it requires the equality of every individual under a consistent legal examination. The absence of correspondence will cheer one party over the other, thereby pushing the greater party's power over to the lesser one. Under such circumstances, it is this reason for increased vigilance that normal opportunities are ignored, showing that the security of fundamental opportunities exemplified in every constitution are either wasted or lose their significance.⁶

In carrying out its duties, public authorities carry out two kinds of movements, namely substantial activity and legitimacy activity. Genuine activities are activities that have no legal importance and consequently do not produce legal results. While the government's legal steps are activities carried out by Organizations or State Officials in order to complete government affairs. Under regulatory conditions, every administrative activity must be based on regulations, bearing in mind that in a country there are *wetmatigheid van bestuur* standards or legitimacy rules. This standard stipulates that without the essential powers conferred by appropriate legal guidelines, government authorities will not be in a position to influence or significantly change the state or the lawful place of its residents. legitimacy Guidelines,⁷ implies an attempt to create two vital parts of harmony as one between the understanding of law and order and the understanding of individual power which is basically constitutive. This can work, in certain circumstances, especially when public authorities must act quickly to deal with substantial issues in the public arena, regulations and guidelines are not yet accessible.⁸

In such circumstances, public authorities are given the opportunity to act, especially through *Ermessen's freies*, which is characterized as one of the implications that can provide development for state authorities or regulatory agencies to move without being completely limited by public authorities. law. *Ermessen* has suggestions in the area of regulation for public authorities, in particular the introduction of the right of an actuator to make rules and guidelines which are equivalent to legislation without the approval of the DPR, the right of an agent to make guidelines which fall under a law and the ability to *droit* or the power to spell out principles true principles. Decide what hasn't been said. According to Bagir Manan, the position of public authority to frame regulations and guidelines is considering several factors, in particular; First, the notion of division of powers underscores the difference in capacity compared to the separation of organs, in this way the ability to form guidelines need not be separated from the ability to oversee the government; Second, in express government assistance, public authorities need a legal instrument to sort out open government assistance; Third, to help accelerate cultural change, urge state organizations to take a greater part in the

⁵Manan, Bagir, *The Role of Legislation in the Development of National Law*. Bandung: Armico, 1987

⁶Manan, Bagir and Kuntana Magnar, *Several Indonesian Constitutional Law Issues*, Bandung: Alumni, 1997.

⁷Basah, Sjachran, *Existence and Benchmarks of the State Administrative Court*. Bandung: Alumni, 1985.

⁸Siagian, Sondang P., *Administrative Philosophy*, Jakarta: Gunung Agung, 1986.

development of regulations and guidelines.⁹

In addition to the main foundation of law and order, in particular the guidelines for legality (*legaliteitsbeginsel* or *het beginsel van wetmatigheid van bestuur*), based on this standard it is recommended that administrative authority originate from regulations and guidelines, which implies that the source of experts for public authorities is regulation.¹⁰

Hypothetically, power driven by public authority comes from 3 things, attribution, appointment and mandate. Attribution is the transfer of power by the actual legislator to administrative organs, both existing and new. An attribution refers to the first expert based on a predetermined arrangement of rules. Attribution is the power to decide casually (*besluit*) which is obtained directly from the law from a material perspective. Another assessment says that attribution is a type of power which is an approved organ seen from legal guidelines.¹¹

From the explanation of the elements of the Legislation, it can be said that by implementing the elements of the State Management Regulations, a clean government will be created, in accordance with law and order standards. Public authorities complete the exercise according to the relevant guidelines or based on the rules of legality, and when using the free *Ermessen*, the public authorities focus on the overall rules that apply so very well that they can be represented ethically and legally. When public authorities make and use juridical instruments, then by following formal and material arrangements, the use of these instruments will not harm the local area. That way, security guarantees for residents can be guaranteed properly.¹²

B. Legal Remedies for State Administration (HAN) in Improving the Implementation of Good Government

In setting state regulation, public authority has two positions, namely: first, the place of public authority in open regulation, especially in the perspective of open regulation, the state can be considered as an association position. Government exercises must be based on and in accordance with existing guidelines and regulations. Second, the place of government in secrecy arrangements is said to be that the lawful subjects are all those who can obtain the privileges and commitments of the law. People who can obtain freedom and commitment are only people or people or things that can be compared to people who in many cases are known as legal substances. Legitimate substance runs as a unit in a legitimate rush hour jam like an individual.¹³

With such an administrative position, government organizations are generally not fully committed to current guidelines. In fact, the administration of this government often results in individual misfortune, both due to abuse of power (*detournement de pouvoir*) and inconsistent activities (*willekeur*). Erratic government activities occur with the assumption that the components are met; first, the ruler who acts legally has the power to act (there are essential guidelines); also, taking into account matters relating to the choices made by public

⁹Miles, MB, Huberman and Saldana, *Qualitative Data Analysis, A Methods Sourcebook*. ed. 3, USA: Sage Publication, 2014.

¹⁰Muchsan, *Some Notes on State Administrative Law and State Administrative Courts in Indonesia*, Liberty, Yogyakarta, 1981.

¹¹Purbopnoto, Kuntjoro, *Some Records of Governance Law and State Administrative Court*, Bandung: Alumni, 1975

¹²Marbun, F. and Moh. Mahfud, *Fundamentals of State Administrative Law*. Yogyakarta: Liberty, 1987.

¹³ Iskратinah, "Implementation of State Administrative Legal Functions", 2007 paper

authorities, the components of the public premium are not considered; third, these activities cause substantial losses to certain parties. One more impact of governance like this is progress that is not as expected and guidelines and administration to the regions are not carried out as expected. The current situation shows that running a government is still not going well. So efforts should be made to understand government much better, in particular through: oversight from within public specialist organizations and outside management of specialist public organizations.¹⁴

CONCLUSION

From the several things that have been discussed above that every administrative activity, both in coaching and in providing assistance, must be based on legal guidelines and legitimacy. Likewise, the ability to regulate the administration of the state recognizes the size of administration, including: first, the ability to standardize, to specifically direct and decide on the administration of government to adapt to the possibility of order. Second, the instrumental ability to hand over power to public authorities to make different juridical instruments in accordance with legislation, namely as a method in the smooth running of government organizations. While the state's authoritative regulations are in carrying out large administration, there are different controls regulated in the regulations to run them, more specifically: first, namely internal supervision of public specialist cooperatives such as supervision by direct superiors, supervision by utilitarian bosses. Second, external supervision of the implementation of public administration includes management by the regions, supervision by the establishment of an Ombudsman and management by the legislature.

¹⁴Indroharto, Government Actions According to Public Law and Civil Law, Lecture Materials in the Legal Studies Advanced Education Program in the PTUN Field. Jakarta: University of Indonesia, 1992.

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