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### RESEARCH ARTICLE

## RECONSTRUCTION OF PUBLIC HEALTH SERVICE SUPERVISION BASED FROM JUSTICE VALUE.

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Reconstruction, Public health service, supervision, justice value.

#### Abstract

The purpose of this study was to find a reconstruction of the implementation of public health services supervision using justice-value. This research method is descriptive analytical, using primary and secondary data types with data collection method through field research or interview and literature study. The results of the study found that the implementation of public health services supervision using justice-value shows that the community has participate actively in improving the performance of public services in the field of health. Substantially, the Government and the House of Representatives are required to improve Article 4 and Article 39 of Law Number 25 Year 2009 on Public Service, Article 54 of Law of the Republic of Indonesia Number 36 Year 2009 on Health and Article 43 of Government Regulation No. 96 of 2012.

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#### Introduction:-

The 1945 Constitution of the State of the Republic of Indonesia has mandates that the State's obligation is to fulfill its basic rights and needs such as health, education and other basic rights in the framework of the provision of public services, as referred to in Article 28 H which reads "Every person shall have the right to live a prosperous life And inner, residing, and get a good living environment and healthy and entitled to health care"<sup>1</sup>

The right of citizen rights as mentioned above is inseparable from the State's efforts to create welfare for its citizens, in order to realize the general welfare that must be implemented by the Government and the State of Indonesia, as contained in paragraph IV of the Preamble of the 1945 Constitution of the Republic of Indonesia which reads " At that, to establish an Indonesian Government that protects the whole Indonesian nation and the entire blood of Indonesia, and to promote the common prosperity, to educate the life of the nation, and to carry out the world order based on freedom, eternal peace and social justice, In a Constitution of the Republic of Indonesia ".

In accordance with improving the quality of public services can then to at least use some indicators to assess the performance of the State apparatus, among others : <sup>2</sup>

<sup>1</sup> UUD 1945, second amandment 18 Agustus 2000.

<sup>2</sup> Yuddy Chrisnandi, , *Reformasi Birokrasi dan Revolusi mental Aparatur Sipil Negara* , Jakarta , 2015 , p.73 – 74.

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1. Accountability, is a measure that shows how much the level of conformity of service delivery with the values / external norms that exist in the community / owned by the stakeholders.
2. Responsiveness is the ability of the bureaucracy to recognize the needs of the community, compiling the needs and aspirations of the people, in short it can be said that this responsiveness measures the bureaucratic responsiveness to the expectations, desires and aspirations, and the demands of service users.
3. Orientation to the Service, pointing to how much bureaucratic energy is utilized for the delivery of public services, a good service delivery system can be seen from the size of human resources owned by the bureaucracy effectively utilized to serve the interests of service users.
4. Service efficiency, is the best comparison between input and output, ideally service will be efficient if service bureaucracy can provide service input such as cost and service time that lighten service user. On the output side of bureaucratic service ideally should be able to provide quality service products, especially from the aspect, cost and service time. Efficiency on the input side is used to see how easily public accessibility is offered. Public access to services is seen as efficient when the public has a guarantee or certainty of service charges..

In another section of Law Number 25 Year 2009 on Public Service, it also regulates the supervision of public service delivery and public participation in the provision of public services, as set forth in Article 25 paragraph (3) which reads as follows: monitoring by the public in the form of reports or complaints Community in the implementation of public services. While Article 39 paragraph (3), reads: (3) The public can establish public service supervisory institutions.

Whereas Law no. 36 of 2009 concerning Health has regulated the role of the public in the supervision of health services which is the responsibility of the government and regional government, as mentioned in Article 54 paragraph (3) which reads as follows: Supervision over the provision of health services as referred to paragraph (1) Government, local government and society.

However, reality found in the field shows that, there are still gaps in realizing the expectation on the quality of the performance of public services, especially the health services implemented in government institutions that provide public services such as Regional General Hospital and Puskesmas especially in terms of quality of service. Reports on public service complaints received by the Ombudsman of the Republic of Indonesia (ORI) Representatives of Central Java and the independent institution of Public Service Quality Improvement Unit in Batang District showed that the performance of public health services still dominates in the top 3 of health, education and road infrastructure. This shows that there is no consistency with the intention of the Law of Public Service Act to provide welfare to the community.

From the description above, it can be seen that there is a gap between expectations and reality and inconsistencies in the regulation and the enforceability of the Public Service Law, which is related to the external supervision system which is expected to realize the optimum performance of public services, especially the health field which is one of basic service in order to realize the welfare of society. In accordance with what the authors mentioned above so that the authors raised the issue of How the reconstruction of the implementation of public health services supervision using justice-value.

### **Method of Research:-**

Research Methods used in this research is empirical juridical by conducting an analysis of the problems of legal principles and referring to the legal norms contained in the law.<sup>3</sup> In this case the source was obtained and the result of interview to the officials related to the method of determining the research sample based on purposive non random sampling that is :

1. Batang Regency Governor or its representative
2. Head of Batang Regency Health Office
3. Head of Public Service Quality Improvement Unit of Batang Regency.
4. Community / Head of Puskesmas & Director of RSUD

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<sup>3</sup> Mukhtarudin, Gunarto, Jelly Leviza, Police discretion using restorative justice approach in peaceful settlement on traffic accidents, International Journal of Law ISSN: 2455-2194, RJIF 5.12 www.lawjournals.org Volume 3; Issue 4; July 2017; P. No. 18

Whereas library data is compiled using triangulation data<sup>4</sup> for better result. the data is analyzed in an analytical description, that is by collecting data describing or depicting facts, and data and analysis from the research result, which aims to get the picture to support the legal argument systematically and structured, based on normative jurisdiction.<sup>5</sup>

### Research Result and Discussion:-

The success of development in the countries of the World lies not only in the importance of administrative reforms, namely the renewal of the principles of public administration, institutional building (concept of the institution builder concept), the organization and the developing environment, and then the formulation of development policies, but It turns out that the more crucial is the implementation of a well-accounted development policy.<sup>6</sup> Government behavior in implementing development policies relies on ideal governance principles, including fulfilling public accountability correctly, not only fulfills administrative requirements, is what is called Good Governance. The paradigm is a concept that has attracted much attention among scientists and intellectuals in the United States since Thomas Kuhn in the early 1960s published his monumental book in the development of history and philosophy of science, entitled "The Structure of Scientific Revolution". The existence of paradigm shifts along with human civilization requires adjustment in the order of life. Paradigm as a fundamental "theory" or "worldview".<sup>7</sup>

An important lesson to be learned from this NPM is that bureaucratic development should pay attention to market mechanisms, encourage competition and contracts to achieve results, be more responsive to customer needs, should be more steering and self-directed (rowing) Deregulation, empowering executives to be more creative, and to emphasize a more flexible, innovative, entrepreneurial culture and achievement of results rather than a culture of principle, orientation to processes and inputs.<sup>8</sup>

It is not easy to abandon the rule of governing or to regulate the concept of the old administration, and to direct, appreciate the opinion as suggested by the NPS concept. Public servants do not deliver customer service; They deliver democracy (Bureaucrats do not work to serve customers, but to realize democratic values).<sup>9</sup>

New Public Service views the public as a "citizen" or citizen with the same public rights and obligations. Not only as a customer seen from the ability to buy or pay for products or services. Citizens are recipients and users of public services provided by the government and at the same time also subjects and various public obligations such as handing down legislation, paying taxes, defending the State, and so on. New Public Service sees the public as citizens who have rights and obligations in the wider community. The existence of the element of coercion in compliance with public obligations makes the state and public relations are not voluntary.

As to the second principle of Seeks the Public Interest, or prioritizing the public interest, Sri Yuliani argues that<sup>10</sup> : decentralization at present has become a principle of universally accepted governance with various forms of application in every country. The naming of decentralization as a principle in governance is due to the fact that not all government affairs can be carried out in a centralized manner, given the geographic conditions, the complexity of

<sup>4</sup> Wahyu Widodo, Sapto Budoyo and Maryanto, *Understanding The Concept Of Nationalism : Using Comparative Law For A Better Indonesian Immigration System In Handling The Illegal Immigrant*, International Journal of Humanities and Social Sciences. ISSN 2250-3226 Volume 7, Number 1 (2017), p. 23.

<sup>5</sup> Abdul Kholik. S. H. M.SI , Dedy Ismatullah. S. H. M.HUM & Widayati. S. H. M.H, *THE AUTHORITY DISPUTE OF STATE INSTITUTIONS IN THE IMPLEMENTATION OF BICAMERAL SYSTEM IN INDONESIA (Study on Disputes between the House of Representatives (Dewanperwakilan Rakyat)-Republic of Indonesia and the House of Representatives-Republic of Indonesia in the Implementation of Legislative Function)* International Journal of Political Science, Law and International Relations (IJPSLIR) ISSN (P): 2278-8832; ISSN (E): 2278-8840 Vol. 7, Issue 4, Aug 2017, P. 37.

<sup>6</sup> Tachjan. 2006. Implementasi Kebijakan Publik. Bandung: ATPI Bandung — Puslit KP2W Lemlit Unpad.

<sup>7</sup> Mustopadidjaja AR. 1985 lihat Mustopadidjaja AR, UI-Press 1985 dan LAN-2001 dan Pokok pokok pikiran dan tulisan ini pernah disampaikan papada Seminar "Prospektif Pemenintah Pasa Pemilu 2004" dalam rangka Dies Natalis ko-46 Umversitas 17 Agustus 1945-red

<sup>8</sup> Rosenbloom & Kravchuck, *Public Administration, Understanding Management, Politics, and Law in the Public Sector McGraw-Hill, 2005*

<sup>9</sup> Janet Denhardt dan Robert Denhardt, 2007. The New Public Service. Serving not Steering, ME Sharpe, dalam LGSP — Legislative Strengthening Team.

<sup>10</sup> The 1 st Accounting Conference Faculty of Economics Universitas Indonesia Depok, 7-9 November 2007 Bridging the Gap between Theory, Research, and Practice p.22.

the development of society, the plurality of local social and cultural structures as there is democratization demands in governance.<sup>11</sup>

The above view is in line with opinion and Rondirielli (1983) which presents five reasons for the decentralization of development and administration planning in Asia as follows :

1. Decentralization is implemented as a means of overcoming failure due to centralized planning and management as well as inflexible and unresponsive central bureaucracy.
2. Decentralization is implemented so that development programs are appropriate to local conditions, gaining support and involvement and administrators and local communities and are integrated with the number of services needed to stimulate rural economic development.
3. Decentralization is seen as important for improving the effectiveness of both the central government, as well as the ability of administrative units at the local level to deliver the services needed for development, particularly in poor and rural areas.
4. Decentralization is seen as an alternative way of coordinating activities at the provincial or local level to solve social, political or economic problems rapidly.
5. Decentralization as a desirable political objective to make the region self-reliant, participatory and accountable.

The implementation of decentralization in Indonesia occurred at the time of the enactment of Law no. 22 of 1999 on Regional Government which was later replaced by Law no. 32 of 2004 on Regional Government and finally replaced by Law no. 23 of 2014 on Regional Government. It is said to be phenomenal considering since its enactment, Law no. 22 of 1999 has created a very decentralized state structure and able to ignore the enormous euphoria of provincial and district autonomy.<sup>12</sup>

Implementation of decentralization through Law no. 22 of 1999 according to Prasojo (2003) is expected to provide some positive effects on the function of bureaucratic services in the Region for a number of reasons: first, through decentralization of the Central Bureaucratic to the Local bureaucracy becomes shorter; Second, the process of state debureaucracy through decentralization will strengthen the base of participatory democracy; Third, the debureaucratization of the state will increase competition among the Regions; Fourth, through competition will increase awareness and responsibility of bureaucracy in public service to accelerate development process in region; And decentralization will be a directive structure in the creation of local good governance, namely Regional Government based on transparency, accountability, participatory democracy and rule of law.<sup>13</sup> In other words, according to Prasojo (2003), the implementation of these elements and good governance can be done effectively if Decentralization units become the motor and catalyst for development and change in the Region.

The concept of Regional Autonomy pursuant to the provisions of Article 1 Sub-Article 6 of Law Number 23 Year 2014 on Regional Government is the Right, the authority and obligation of autonomous regions to regulate and self-governmental affairs and public interest and development in the system of the Unitary State of the Republic of Indonesia.<sup>14</sup> The purpose of granting regional autonomy to the regions to enable the relevant regions to manage and manage their own households to improve the usefulness and results of the implementation of government in the framework of service to the community and the implementation of development and to improve the fostering of political stability and national unity.<sup>15</sup>

The concept of governance by Stoker (1998) refers to the development and style of governance where the boundaries between and between the public and private sectors are blurred.<sup>16</sup> The blurring of these boundaries is in line with the need and the modern state to better engage the political mechanism and complaint about the importance of issues concerning empathy and feelings and the public to engage so as to provide opportunities for both social and

<sup>11</sup> Eko Prasojo, dkk. . *Desenralisasi & km Pemerintahan Daerah: Antara Model Demokrasi Lokal dan Efisiensi* StrukiuraL DIA FISIP UI. Jakarta, 2006

<sup>12</sup> Samodra Wibawa. . *Peluang Penerapan New Public Man Management Untuk Kabupaten* di Indonesia. UGM Press. Yogyakarta, 2005

<sup>13</sup> Eko Prasojo. 2003. *Agenda Pohhik dan Pemerintahan di Indonesia: Desenfralisaci Politik, ReformasE, Birokrasi dan Good Governance*. Bisnis & Birokrasi. Vol. XI , No.1, Januari

<sup>14</sup> Tim Visi Yusisia , *Undang Undang nomor 23 Tahun 2014 tentang Pemerintahan Daerah*, Visi Media , Jakarta , 2016 , p.23.

<sup>15</sup> Suyamto , *Cakrawala Otonomi Daerah* , Sinar Grafika , Jakarta , 1988 , hlm.18.

<sup>16</sup> Ewalt, Jop Ann G, 2001, "Theories of Governance and New Public Management : Links to Understanding Welfare Policy Implementation", paper prepared for presentation at the Annual Conference of the American Society for Public Administration, diakses dan: [http://unpan1.un.org/intradoc/groups/public/documents/ASPAI\\_UN\\_00563.pdf](http://unpan1.un.org/intradoc/groups/public/documents/ASPAI_UN_00563.pdf) date access 21 August 2016.

political mobilization. This then makes participation through the development of networks between government and society a very important aspect for the sustainability of a policy legitimacy.<sup>17</sup> The concept of governance then evolves into good governance as we know it today in order to differentiate its implementation between the "good" and the "bad".<sup>18</sup> Good governance according to Plumptre and Graham (1999), is a model of governance that leads to economic and social outcomes as sought by society.

Governance involves not only the state (government) but also the private sector and civil society. All of them are actors who have an important role in a government organization. The state (government) plays a role in creating a conducive political and legal situation, the private sector plays a role in creating employment and income; and civil society play a role in facilitating adequate social and political interaction for the mobilization of individuals or groups of people to participate in activities, economic, political and social.<sup>19</sup> Social means being selfless, but giving priority to the common good, not individualistic and egoistic, but acting for the common good.<sup>20</sup>

So in the 5th principle is contained the value of Justice is constituted by. The essence of human justice that is justice in human relation with himself, man with other human, human being with society, nation and country and human relationship with his God. Therefore humans are also said to be a creature of Monopurualism. Consequently the values of justice that must be realized in life together include:<sup>21</sup>

1. Distributive Justice, Aristotle argues that justice will be done when the same things are needed equally and things that are not the same are not necessarily the same. Distributive justice itself is a relationship of justice between the state against its citizens, in the sense that the state is obliged to meet justice in the form of distributing justice, in the form of welfare, assistance, subsidies and opportunities in life together based on rights and obligations.
2. Justice Legal (Justice Legal), which is a relationship of justice between citizens to the state and datam this matter the party of the citizens who must fulfill justice in the form of obey the rules of the applicable laws in the country. Plato argues that justice and law are the common spiritual substances and societies that make and become unity. In a just society everyone does the work according to his nature best suited him. Plato's opinion is called moral justice, while for others it is called legal justice.
3. Cumulative Justice, a relationship of justice between citizens with one another in mutual. This justice aims to maintain public order and general welfare. For Aristotle this sense of justice is the principle of relationship and order in society. All extreme-centered actions create injustice and will destroy or even destroy relationships in society.

Justice is the ideal condition of truth morally about something, whether it involves an object or a person. According to most theories, justice has a high degree of importance. John Rawls, the American philosopher who was considered one of the leading political philosophers of the twentieth century, declared that "Justice is the first virtue and social institution, as is the truth in the system of thinkers."<sup>22</sup> Most people believe that injustice must be resisted and punished, and many social and political movements around the world are fighting for justice. But the sheer number and variety of the theory of justice gives the idea that it is unclear what is demanded and justice and the reality of injustice, because the definition of whether justice itself is not clear is that its core is putting everything in its place. According to Rawls justice as fairness<sup>23</sup>, the most fundamental principle of justice is that everyone has

<sup>17</sup> Gerry Stoker, Vasudha Chhotray, 2009. Governance theory and practice a cross-disciplinary approach. Basingstoke, England New York: Palgrave Macmillan.

<sup>18</sup> "Lihat misalnya dalam Prasjojo, 2003. Agenda Polit 1k thin Pemerintahan di Indonesia: Desentralisasi Politik, Reformasi Birokrasi dan Good Governance. Bisnis & Birokrasi. Vol. XI, Nol, Januari

<sup>19</sup> Ofyar Z. Tainin., *Perencanaan dan Permodelan Transportasi*. ITB. Bandung , 2002.

<sup>20</sup> Arti dan Makna Sila Kelima Pancasila, Makalah, <http://tricklik.blogspot.com/2013/12/arti-dari-makna-sila-kelima-pancasila.html>, diposting pada hari Sabtu, tanggal 7 Desember 2016, date access 6 des 2016.

<sup>21</sup> *ibid*

<sup>22</sup> John Rawls . *A Theory of Justice (revised edn, Oxford: OUP, 1999)*, p. 3

<sup>23</sup> John Rawls, *A Theory of Justice* (London: Oxford University Press, 1971) First, Rawls argues that I volunteer all members of society to obey and obey the existing social provisions only if the society is well ordered in which justice as fairness is the basis for the principles of the institutional arrangements in it. Rawls's starting point in designing his theory of justice is his conception of the moral person who basically has two moral abilities: 1) the ability to understand and act on the sense of justice and thereby also be encouraged to seek a social cooperation; And 2) the ability to form revise, and rationally work out the concept of good. Rawls calls these abilities a sense of justice and a sense of the good. Secondly, Rawls sees that a fair deal can only be achieved by an impartial procedure. Only by an impartial procedure can the principles of justice be fair. Therefore, for Rawls, justice as fairness is "pure procedural justice". In this case, what is needed by those involved in the process of formulating the concept of justice is only a fair (impartial) procedure to ensure a fair outcome as well. Third, Rawls emphasizes the important position of a fair procedure for the sake of the birth of decisions that everyone can accept as fair. The fair proceedings can only be

equal rights from their natural positions.<sup>24</sup> Therefore, in order for justice to be achieved, the structure of the political, economic and regulatory constituencies on property rights must be the same for all.<sup>25</sup> Such situations are called "veil of ignorance", in which everyone must set aside the attributes that distinguish them from others, such as ability, wealth, social position, religious and philosophical views, as well as conceptions of value.

Rawls's theoretical theory is to overcome two things of utilitarianism and resolve the controversy about the dilemma between liberty (independence) and equality (equality) that had been considered impossible to put together.<sup>26</sup> Rawls explicitly positioned his theory for confronting utilitarianism, which since the mid-nineteenth century dominates the thought of normative political morality of liberalism. Associated with the philosophical values of Pancasila justice of moral values rooted in the culture of the Indonesian nation. The moral value of justice becomes the goal of every nation in which there are interests of various groups. In this case justice becomes an agreement among the broken elements of society who want a fair and prosperous state life.

Likewise with the nation of Indonesia, as embodied in the principle of the five Pancasila, namely "Social Justice for all Indonesian people". It has become the pledge of all the Indonesian people represented by Soekarno-Hatta on 17 August 1945 contained in the Preamble to the 1945 Constitution of the fourth alinea.

Democracy led by the wisdom policy of deliberation and representation and social justice for all the people of Indonesia.<sup>27</sup>

Well-organized social life is designed to improve the well-being of its members and is effectively governed by public conceptions of the principles of justice that is:<sup>28</sup>

1. Everyone has, accepts and knows that others share the same principle of justice (equal freedom).
2. Basic social institutions that are consistent with these principles, that is, there is no arbitrary distinction between insiders giving rights and duties and when rules determine equilibrium based on the right concept of justice when there are opposite differences for the benefit of social life.
3. The existence of a principle of equilibrium and worthiness in a social and economic inequality that can justify the same equality and freedom in the existing differences regarding the sharing of benefits in social life.
4. The subject of justice according to John Rawls, among others: Laws, institutions, social systems, certain acts, including decisions, judgments and accusations.
5. The main subjects of justice are the basic structure of society or the way in which the social institutions distribute fundamental rights and obligations and determine the sharing of benefits and social cooperation..

The higher-level legislation leaves aside the lower-level legislation, unless the substance of the higher legislation regulates matters which by law are stipulated to be of lower degree of legislation.<sup>29</sup>

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met if there is a contractual climate that allows the decision to be made with the ability to guarantee an adequate distribution of rights and obligations. Rawls asserted the importance of all parties, involved in the process of selecting the principles of justice, to be in an initial condition which he called the "original position". Here the primal position is a demand for justice in the sense of fairness can be obtained. This primal position also serves as a link between the concept of person moral on the one hand, with the principles of justice on the other. Fourthly, Rawls is convinced that moral persons who conduct deliberations in a primal position will surely choose the principles of justice he formulates as follows: 1. Everyone should have equal rights over the most leverage of flat freedom, as wide as equal freedom for all ; 2. Socio-economic inequality should be arranged in such a way that (a) is expected to benefit everyone, and (b) all positions and positions are open to all. Nevertheless, from Rawls's ideas on the theory of justice, there are at least four things that need to be addressed critically; 1) Rawls's view of abstract and atomistic subjects; 2) Rawls's method of formulating the principles of justice which tend to be trapped in monology in the mane of the principle of justice can be rationally constructed by a person or group of people abli while ignoring the deiberative dialogical spaces; 3) Rawls's view of the socio-economic differences allowed to the advantage of the most disadvantaged groups; And 4), the opportunity to apply progressive taxes in Rawls's theory of justice has made the lucky group in society a tool for the benefit of the disadvantaged.

<sup>24</sup> Christoph Stuekelberger. *Lingkungan dan Pembangunan*, Duta Wacana University Press, Yogyakarta, 1988., hlm 81

<sup>25</sup> Bur Rasuanto. . *Keadilan Sosial: Pandangan Deontologis Rawls dan Habermas*. Jakarta: Gramedia Pustaka Utama. 2005 ,hlm. 25,

<sup>26</sup> Samue1 Freeman. . "Rawls, John". In *The Cambridge Dictionary of Philosophy*. Robert Audi, ed. 774. London: Cambridge University Press.1999

<sup>27</sup> Amandemen Undang- Undang Dasar 1945, Pembukaan, alinea keempat

<sup>28</sup> Uzair Fauzan dan Heru Prasetyo. 2006. Teori Keadilan. Dasardasar Filsafat Politik untuk Mewujudkan Kesejahteraan Sosial dalam Negara, Yogyakarta: Pustaka Pelajar. Teijemahan dan Rawls, John. 1997. A Theory of Justice, Harvard University Press, Cambridge, Massachusetts. him. 65-72

<sup>29</sup> Bagir Manan, Hukum Positif Indonesia, Yogvakarta, 2004, hlm56. Perilcsa juga penjelasan Pasal 7 ayat (5) Undang-Undang Noinor 10 Tahun 2004 tentang Pembentukan Peraturan Penmdang-Undangangan sebagai berikut; "dalam ketentuan ini yang dimaksud dengan hierarki#\* adalah

On the other hand that the power run by a Government is often misused, sometimes ignoring the interests of society as the expression conveyed by Lord Acton that the Power Tends to Corrupt, the power (including public service) organized by the Government in Indonesia required control other than the Legislature, Others from the People, Civil Society, etc.<sup>30</sup>

Participation is intended to ensure that every policy taken reflects the aspirations of the community. According to Jeff and Shal (1998-67) Good Governance is used to view participation through the level of public trust, about the level of quality, quantity of critical input and suggestions.<sup>31</sup>

The importance of public participation in promoting the performance of public services, namely<sup>32</sup> :

1. Community participation will result in a government policy that is more oriented to the public interest;
2. Community participation will alleviate the duties of the government apparatus;
3. A participatory government policy will be more legitimate in the community.

Access to public complaints as part of the application of a good Oversight System.<sup>33</sup> Extensive understanding of the Supervision has been introduced and expressly expressed since the enactment of Law Number 32 Year 2004 on Regional Government, which among others explain to the importance of Community Monitoring seen from two ways of view State and Management. that is :<sup>34</sup>

1. Every citizen has the right to exercise oversight as a democratic country.
2. Modern Management Experts now advocate providing services to always pay attention to customer aspirations (Customer Centrie Management)
3. The Supervisory Door is determined by the System and Structure, ie :
4. The system is established by the Invite Legislature which opens and supports the active participation of the community in oversight;
5. Structure is a set of governmental and non-governmental tools that provide a path for the community to exercise oversight.

Community participation in various forms can participate in the process of planning, development and supervision will arise when there is public trust to the government as the providers of public services in various sectors including public health services organized by hospitals and local health centre.

Control of participation is interpreted as involving all stakeholders, even the public to participate actively in overseeing every stages in the public service in the field of health will make the community supervision in addition to effective which will encourage the performance of public health services in accordance with the expectations of society. As Musanef pointed out, decentralization refers to the process of delegation rather than responsibility to a portion of the state administration to the agency of an autonomous body (not to office) and not just about the authority of a particular matter.<sup>35</sup>

So, in essence, decentralization is the handover of government affairs from the central or the upper level to the regions that are the affairs of the household including here is the obligatory government affair and whose balans are regulated through the Law mandated to the Region by the formation of the Regional Regulation (Perda). On the other hand Prof.Dr.Selo sumardjan explained that the decentralization system is the most appropriate geographical and political system of government in Indonesia because: (1) .to alleviate the tasks and burdens of the central government, (2) .to level out responsibilities, (3) ) To mobilize the public's potential for public interest, and (4) to enhance effectiveness and efficiency in the management of regional interests.<sup>36</sup>

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penjenjangan setiap jenis peraturan perundang-undangan yang didasarkan pada asas bahwa peraturan perundang-undangan yang lebih rendah tidak boleh bertentangan dengan peraturan perundang-undangan yang lebih tinggi”.

<sup>30</sup> I Nyoman Sumaryadi , *Sosiologi Pemerintahan* ,Ghalia Indonesia , Bogor , 2013 , Hlm.134

<sup>31</sup> Abidin Rosidi , R Anggraeni Fajriani , *Reinventing Government* , Andi Yogyakarta ,2013 hlm.18

<sup>32</sup> Setiyono raharjo, *Masa Depan Hukum Progresif* , hlm 124

<sup>33</sup> *Ibid* , hlm. 77 – 78.

<sup>34</sup> Ade Cahyat & sigit Wibowo , *Governance Brief Centre For International Forestry Resdearch* , Des. 2005 N0.23.

<sup>35</sup> Musanef , *Sistem Pemerintahan di Indonesia* ,Gunung Agung , Jakarta , 1988 , hlm.21

<sup>36</sup> *Ibid* , hlm. 22.

Based on various opinions above, the implementation of supervision of public services in the region will be more effective if it is poured in the regional regulations in the form of Regional Regulations (Perda) which delegated mandated in the Act, because it is part of Public policy or public policy. Public policy is a set of actions that are prepared and implemented or not implemented by the Government which has a purpose / oriented to a particular purpose and the interests of the whole community.<sup>37</sup> The contents or contents of lower legislation should not deviate from or contradict higher laws or at least with the equivalent.

Reconstruction of the implementation of public oversight of the performance of public services in the field of health-based justice that the community participate actively in improving the performance of public health services. Substantially, the Government and the House of Representatives are required to improve Article 4 and Article 39 of the Law of the Republic of Indonesia Number 25 Year 2009 on Public Service, Article 54 of the Law of the Republic of Indonesia Number 36 Year 2009 on Health and Article 43 of Government Regulation No. 96 of 2012.

### Conclusion:-

The value of justice in the supervision of public services in the field of health based on the philosophy of the balance between rights and obligations is a fundamental problem to be implemented at the level of legislation by adopting the international wisdom and local wisdom that is the service of conscience and character of Pancasila, the supervision of public health services to the welfare and Fulfillment of basic needs include; A) Government's commitment / commitment prioritizes services to citizens who are comfortable, inexpensive, efficient, informative, responsive, accurate, accountable, fast and dedicated; B) Provision of 24-hour based services.

### References:-

#### Books

1. Abidin Rosidi , R Anggraeni Fajriani , *Reinventing Government* , Andi Yogyakarta ,2013
2. Bagir Manan, *Hukum Positif Indonesia*, Yogvakarta, 2004
3. Bur Rasuanto. . *Keadilan Sosial: Pandangan Deontologis Rawls dan Habermas*. Jakarta: Gramedia Pustaka Utama. 2005
4. Christoph Stuekelberger. *Lingkungan dan Pembangunan* , Duta Wacana University Press, Yogyakarta , 1988
5. Eko Prasajo, dkk. . *Desentralisasi km Pemerintahan Daerah: Antara Model Demokrasi Lokal dan Efisiensi* StrukiuraL DIA FISIP UI. Jakarta, 2006
6. Ewalt, Jop Ann G, , “Theories of Governance and New Public Management : Links to Understanding Welfare Policy Implementation”, paper prepared for presentation at the Annual Conference of the American Society for Public Administration, diakses dan: [http://unpanl.un.org/intradoc/groups/public/documents/ASPAI\\_UN00563.pdf](http://unpanl.un.org/intradoc/groups/public/documents/ASPAI_UN00563.pdf) pada 2001
7. Gerry Stoker, Vasudha Chhotray,. *Governance theory and practice a cras-thscipThiaiy approach*. Basingstoke, England New York: Paigrave Macmillan. 2009
8. I Nyoman Sumaryadi , *Sosiologi Pemerintahan* ,Ghalia Indonesia , Bogor , 2013
9. Janet Denhardt dan Robert Denhardt,. *The New Public Service. Serving not Steering*, ME Sharpe, dalam LGSP — Legislative Strengthening Team. 2007
10. John Rawls . *A Theory of Justice (revised edn)*, Oxford: OUP, 1999
11. M.Irfan Islamy , *Prinsip prinsip Perumusan Kebijakan Negara* , Bumi Aksara Ofsset, jakarta , 2004
12. Musanef , *Sistem Pemerintahan di Indonesia* ,Gunung Agung , Jakarta , 1988
13. Rosenbloom & Kravchuck, *Public Administration, Understanding Management, Politics, and Law in the Public Sector McGraw-Hill*, 2005
14. Samuel Freeman. . “Rawls, John”. *In The Cambridge Dictionary of Philosophy*. Robert Audi, ed. 774. London: Cambridge University Press.1999
15. Samodra Wibawa. . *Peluang Penerapan New Public Man Management Untuk Kabupaten di Indonesia*. UGM Press. Yogyakarta, 2005
16. Suyamto , *Cakrawala Otonomi Daerah* , Sinar Grafika , Jakarta , 1988
17. Tachjan. *Implementasi Kebijakan Publik*. Bandung: ATPI Bandung — Puslit KP2W Lemlit Unpad. 2006
18. Tim Visi Yusisia , *Undang Undang nomor 23 Tahun 2014 tentang Pemerintahan Daerah*, Visi Media , Jakarta , 2016
19. Uzair Fauzan dan Heru Prasetyo. 2006. *Teori Keadilan. Dasardasar Filsafat Politik untuk Mewujudkan Kesejahteraan Sosial dalam Negara*, Yogvakarta: Pustaka Pelajar. Teijemahan dan Rawls, John. 1997

<sup>37</sup> M.Irfan Islamy , *Prinsip prinsip Perumusan Kebijakan Negara* , Bumi Aksara Ofsset, jakarta , 2004 , hlm.30



20. Yuddy Chrisnandi, , *Reformasi Birokrasi dan Revolusi mental Aparatur*
21. *Sipil Negara* , Jakarta , 2015

#### Laws

1. Amandemen Undang- Undang Dasar 1945, Pembukaan, alinea keempat
2. UUD 1945, perubahan kedua disahkan 18 Agustus 2000

#### Journals

1. Abdul Kholik. S. H. M.SI , Deddy Ismatullah. S. H. M.HUM & Widayati. S. H. M.H, *THE AUTHORITY DISPUTE OF STATE INSTITUTIONS IN THE IMPLEMENTATION OF BICAMERAL SYSTEM IN INDONESIA (Study on Disputes between the House of Representatives (Dewanperwakilan Rakyat)-Republic of Indonesia and the House of Representatives-Republic of Indonesia in the Implementation of Legislative Function)* International Journal of Political Science, Law and International Relations (IJPSLIR) ISSN (P): 2278-8832; ISSN (E): 2278-8840 Vol. 7, Issue 4, Aug 2017, Page. 37-58
2. *Bisnis & Birokrasi Reformasi Birokrasi dan Good Governance*. Vol. XI, Nol, Januari
3. Ade Cahyat & sigit Wibowo , *Governance Brief Centre For International Forestry Resdearch* , Des. 2005 N0.23
4. Eko Prasojo. 2003. *Agenda Pohhik dan Pemerintahan di Indonesia: Desenfralisaci Politik, ReformasE, Birokrasi dan Good Governance*. *Bisnis & Birokrasi*. Vol. XI , No.1, Januari
5. Mukhtarudin, Gunarto, Jelly Leviza, *Police discretion using restorative justice approach in peaceful settlement on traffic accidents*, International Journal of Law ISSN: 2455-2194, RJIF 5.12 [www.lawjournals.org](http://www.lawjournals.org) Volume 3; Issue 4; July 2017; Page No. 18-23
6. Wahyu Widodo, Sapto Budoyo and Maryanto, *Understanding The Concept Of Nationalism : Using Comparative Law For A Better Indonesian Immigration System In Handling The Illegal Immigrant*, International Journal of Humanities and Social Sciences. ISSN 2250-3226 Volume 7, Number 1 (2017), pp. 23-33.