

THE APPLICATION AND IMPLEMENTATION OF GOOD GOVERNANCE IN THE GOVERNMENT OF JAKARTA SPECIAL CAPITAL REGION PROVINCE

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Abstract

The purpose of this study is to understand the implementation of the General Principles of Good Governance in the government of the Special Capital Region of Jakarta and to examine the factors hindering the implementation of these principles in the government of the Special Capital Region of Jakarta. This study is of a normative legal nature, with a legal approach. The collected data is analyzed descriptively and qualitatively. The study concludes that, firstly, the implementation of the General Principles of Good Governance in the government of the Special Capital Region of Jakarta has been carried out as a guideline in the formulation of licensing policies in the Special Capital Region of Jakarta, as evidenced by Regional Regulation No. 5 of 2014 on Transportation and Governor Regulation No. 52 of 2022 on Amendments to Governor Regulation No. 20 of 2019 on the Assignment to the Jakarta Transportation Corporation for the Development, Revitalization, Operation, and Maintenance of Stations and Supporting Facilities in the context of integrating public transportation. Secondly, the factors hindering the implementation of the General Principles of Good Governance in the government of the Special Capital Region of Jakarta are related to the quality of the human resources of the Civil Service, specifically the lack of understanding of technology.

Keywords: *General Principles of Governance; Policy Implementation; Special Capital Region of Jakarta Provincial Government*

I. INTRODUCTION

The Law Number 23 of 2014 on Regional Government grants regional governments the authority to manage and develop their own territories independently, with the administration of government based on autonomy and the duty of assistance. The welfare of the people is already enshrined in the 1945 Constitution of the Unitary State of the Republic of Indonesia. One of the objectives of the Unitary State of the Republic of Indonesia, as stated in the preamble of the 1945 Constitution (Kompas 2021). The government, in order to realize good, clean, and authoritative governance, is faced with the implementation of very broad and complex tasks in efforts to improve the welfare of the people.

The government's implementation of extensive regional autonomy through Law Number 22 of 1999 has sparked numerous debates and even entered controversial territory. Granting broad autonomy to regions is aimed at accelerating the realization of community welfare through improvements in transportation, education, technology, and culture sectors, accompanied by good service to the public. Fundamentally, governance carries three essential

functions: Service, Empowerment, and Development. Besides undertaking development, the government also provides public services. In issuing Regional Government Business Permits, the process should be facilitated as these permits not only serve as a source of Regional Original Income but also as a legal protection instrument for ownership or activity management. A permit is an approval from authorities based on laws or government regulations, allowing deviation from legal prohibitions under specific circumstances. When discussing regional autonomy issues, everyone talks about the readiness of both the government and the local community. "The region is not ready for autonomy, as human resources and especially financial resources are entirely inadequate." (H. Syaokani 2002) In a broad sense, "permission" means the approval of an authority based on laws and regulations to allow certain actions or deeds that are generally prohibited. On the other hand, bureaucracy or state administrators play a crucial role in the governance of the state to achieve the aspirations of the nation in realizing a just and prosperous society as enshrined in the Constitution of the Republic of Indonesia 1945.

The implementation of Law No. 23 of 2014 on Regional Government marks a new era for Indonesia in managing and developing regional governance with greater autonomy and independence. The authority granted to regional governments to manage and develop their regions independently is a significant step towards achieving the welfare of the people in accordance with the principles of democracy and autonomy as mandated by the 1945 Constitution.

The concept of people's welfare has become the primary focus in national development, as stated in the Preamble of the 1945 Constitution which emphasizes the state's goal to enhance the nation's quality of life. Therefore, the government has a significant responsibility to ensure that every citizen benefits from the implemented development.

The implementation of regional autonomy through Law Number 22 of 1999 has indeed sparked various debates and controversies. However, its main objective is to provide opportunities for regions to manage their local resources and potentials more effectively and efficiently, as well as to accelerate development in various sectors, including transportation, education, technology, and culture.

In this context, local government also plays a crucial role in providing good public services to the community. Governance must fulfill three fundamental functions, namely service, empowerment, and development. Business permits serve as a vital instrument in facilitating economic activities for the community and protecting their rights legally.

However, significant challenges arise in the implementation of regional autonomy, especially concerning the readiness of human and financial resources at the local level. Bureaucracy and state officials play a crucial role in carrying out their duties to achieve the nation's aspirations, which are to realize a just and prosperous society in accordance with the mandate of the 1945 Constitution of the Republic of Indonesia.

II. PROBLEM FORMULATION

ProblemBased on the background as previously described, the problem formulation in this research is as follows:

1. How is the Implementation of Good Governance Principles as a hindering factor in the government of the Special Capital Region of Jakarta?
2. How to examine the hindering factors in implementing the Principles of Good Governance in the government of the Special Capital Region of Jakarta?

III. RESEARCH METHODS

The research method employed in this writing is juridical normative and socio-legal research, which refers to research that is based on norms, principles, and legal principles found in legislation as well as national regulations and their impacts on implementation in the field. Normative juridical research is also defined as legal research conducted by examining literature or secondary data as the basis for research by conducting searches of regulations and literature related to the issues under study. (Prof. Dr. Soerjono Soekanto 2015). The type of data required is qualitative data sourced from primary and secondary data. (Peter Mahmud Marzuki 2013) Therefore, the primary instrument for obtaining and gathering research data is the researcher themselves. (Sudarwan Danim 2002) The data obtained from literature research are analyzed qualitatively descriptively, enabling them to address all existing issues. The data collected in this study may have weaknesses. To overcome this, ensuring the validity of the data is necessary. Objectivity and its challenges are addressed through triangulation examination techniques.

IV. RESULTS AND DISCUSSIONS

1. Implementation of the Principles of Good Governance in the Provincial Government of DKI Jakarta

In the 1945 Constitution, Article 18, paragraph 1 states that the Unitary State of the Republic of Indonesia is divided into provinces and these provinces are further divided into districts and cities, each of which has its own local government, regulated in accordance with the law. Paragraph 2 states that the provincial, district, and city governments manage and develop their own government affairs according to the principle of autonomy. In Article 1, paragraph 2 of Law Number 23 of 2014 concerning Regional Governments, it is mentioned that regional government refers to the administration of government affairs by regional governments and Regional People's Representative Councils based on the principles of autonomy and delegated tasks with the broadest possible autonomy principles within the system and principles of the Unitary State of the Republic of Indonesia as referred to in the 1945 Constitution.

In the administration of the state, state officials perform executive, legislative, or judicial functions, and other officials whose functions and main duties are related to the provisions of prevailing laws and regulations. Meanwhile, in the role of the government as the organizer of the state in a welfare state, it is very central as it is tasked with ensuring the welfare of the people. Therefore, the government is given the authority to intervene in all aspects of societal life. With this obligation placed on the government's shoulders, it is required to actively engage in the dynamics of community life (Agustin Widjiastuti 2017). Establishing a state apparatus capable of carrying out its functions and duties earnestly and responsibly requires the existence of general principles of state administration to create good governance. A clean state apparatus adheres to these general principles and is free from corruption, collusion, and nepotism (KKN). When state officials act without being fully bound by the law, it opens up opportunities for the abuse of power. This abuse can lead to conflicts of interest between state officials and citizens who feel aggrieved by such abuses. State administration necessitates limitations on government or state power to protect individual rights. No state power should be left unchecked without restrictions and oversight. Various methods, procedures, principles, or systems are developed

within various constitutional systems to limit state power. Systems of power limitation, principles of legality, mechanisms for judicial review, or administrative court systems are examples of such methods. To assess whether government actions align with the principles of the rule of law, one can use the principles of good governance. The Principles of Good Governance (hereinafter referred to as PGG) arise from the practice of state and government administration, rather than being formal products of a state institution like laws. The principles of good governance can be understood as general principles used as a basis and procedure for proper governance, thus ensuring governance is good, decent, fair, and honorable, free from injustice, rule violations, abuses of power, and arbitrary actions. The Principles of Good Governance are ethical values that evolve within the framework of Administrative Law, serving as guidelines for state administrative officials in carrying out their functions, a tool for administrative judges to assess state administrative actions, and the basis for filing lawsuits by plaintiffs. Most of the Principles of Good Governance are unwritten, abstract principles that can be found in societal practices, while some have become written legal norms scattered across various positive legal regulations. The concept of the Principles of Good Governance includes: the principle of legal certainty, the principle of balance, the principle of careful action, the principle of motivation for every government decision, the principle of non-interference of authorities, the principle of equality in decision-making, the principle of fair play, the principle of justice or reasonableness, the principle of responding to reasonable expectations, the principle of nullifying the consequences of void decisions, and the principle of protection of personal worldviews. The application of the principles of good governance is a logical consequence for every region. The essence of regional government relates to the authority it holds in managing and regulating its governmental affairs. The authority of regional government is related to the pattern of power distribution in governance, which refers to the system of government of the Unitary State of the Republic of Indonesia. Provisions concerning regional government are accommodated in Article 18 of the 1945 Constitution along with its explanations, which recognize the diversity and indigenous rights that are part of Indonesia's long history.

According to the Law of the Republic of Indonesia Number 11 of 1990 concerning the Arrangement of the Special Capital Region Government of the Republic of Indonesia, Jakarta (Ministry of Law and Human Rights of the Republic of Indonesia 1990), Jakarta is a province with special region status based on the Indonesian administrative division system. Meanwhile, in a general sense, Jakarta is considered a metropolitan city. Jakarta is located on the northwest coast of Java Island. It was formerly known by several names including Sunda Kelapa, Jayakarta, and Batavia. The Special Capital Region Province of Jakarta is the capital of Indonesia, serving as a metropolitan city and now has become a business hub enriched with tourist attractions, both culinary and beach tourism, which need to be developed and preserved. Jakarta indeed possesses a wealth of tourist attractions, yet many tourist spots in the Thousand Islands area remain unknown to tourists residing outside Jakarta due to their island location.

As a center of business, politics, and culture, Jakarta is the home to the headquarters of state-owned enterprises, private companies, and foreign corporations. The city also serves as the

location for governmental institutions and the ASEAN secretariat office. Jakarta is served by two airports, namely Soekarno-Hatta Airport and Halim Perdanakusuma Airport, as well as three sea ports in Tanjung Priok, Sunda Kelapa, and Ancol. Therefore, the utilization of tourism information greatly assists tourists who wish to visit various tourist destinations located in the Jakarta area.

2. The inhibiting factors in implementing the Principles of Good Governance in the government of the DKI Jakarta Province

Since the fall of the New Order regime to the present era, the government is no longer centralized but decentralized, granting all regions the right to extensive regional autonomy. The existence of regional regulations in the form of local legal products becomes a central issue. In implementing regional autonomy, district/city heads are given broad authority and are the forefront in delivering public services. Therefore, regions are required to fulfill their duties and obligations well and professionally, so as not to disadvantage the communities they serve. This is because serving the community, including providing investment permits, is a fundamental task of the government in a modern legal state (welfare state). To fulfill their duties well and professionally, it is necessary to have instruments in the form of regional legal products that formulate and implement the principles of good governance. The idea of the need for the Principles of Good Governance has long been proposed by experts in Administrative Law. The development of the tasks and responsibilities of the government in modern states has led to the notion of the existence of general principles of good governance that must be observed by state administrative agencies, especially since they are also granted authority based on *Ermessen* (German), which is an action taken on one's own initiative to address urgent and sudden issues that are not regulated by written law and must be legally and morally accountable. (Kusdarini.2017)

In modern legal systems including that of Indonesia, the General Principles of Good Governance, initially ethical values developed within society, must be adhered to by both central and local government authorities. These principles are necessary to ensure that actions taken by state administrative bodies do not harm citizens. This can be avoided if state officials, represented by administrative officials, adhere to legal regulations and the General Principles of Good Governance in line with the principles of the rule of law and without violating citizens' rights. The General Principles of Good Governance are ethical values that have evolved within administrative law, serving to prevent conflicts of interest between state bodies or officials and are used as guidelines for issuing regulations/decisions by state bodies or officials.

The Governance Section is tasked with implementing the preparation of regional policy formulation, coordinating the implementation of Regional Apparatus tasks, monitoring and evaluating the implementation of regional policies, as well as fostering administration in the areas of government administration and cooperation, regional administration, and regional autonomy. Essentially, good governance relates to fulfilling three basic governmental tasks: ensuring the security of individuals and society, establishing an effective and responsible framework for the public sector, and supporting the economic and social goals of the country according to the expectations of the population.

General Principles of Good Governance, besides the principle of legality in the conduct of the State's affairs, must adhere to the principles applicable in the State Administrative Law to avoid government officials acting on their own in making policies in carrying out their functions as state administrators. (Ridwan HR 2016). In 2014, the Indonesian House of

Representatives (DPR-RI), as the legislative body, enacted Law Number 30 of 2014 concerning State Administration. Article 5 of this law stipulates that the General Principles of Good Governance are the principles of state administration. Furthermore, Articles 6 and 8 affirm that in carrying out their authority, government officials are guided by the General Principles of Good Governance. Article 7 reiterates that government officials are obliged to adhere to these principles and must govern the state in accordance with them. In detail, there are 8 principles included in Article 10 of Law Number 30 of 2014 concerning Government Administration (KemenKumHam RI 2014). (1) Legal certainty; (2) Utility; (3) Impartiality; (4) Precision; (5) Non-abuse of authority; (6) Transparency; (7) Public interest; and (8) Good service.

The State Administration Law remains open to other General Principles of Good Governance beyond those mentioned in Article 10 of Law Number 30 of 2014, provided that as long as the General Principles of Good Governance serve as the basis for judicial assessment and are embodied in legally binding court decisions. The implementation of the General Principles of Good Governance in the Jakarta Capital City Province. The implementation of the General Principles of Good Governance in local governments is carried out in all sectors, especially in the service sector. In the conduct of government affairs related to the General Principles of Good Governance, it can be seen in Article 58 of Law Number 23 of 2014 concerning Regional Governments, which stipulates: "in carrying out Regional Government, it is guided by the principles of state governance consisting of: a. legal certainty; b. orderliness of state administration; c. public interest; d. transparency; e. proportionality; f. professionalism; g. accountability; h. efficiency; i. effectiveness; and j. justice." (Arsip Perpusnas n.d.).

Good governance manifested in the General Principles of Good Governance is also necessary in the formulation of policies for investment licensing services in local government districts/cities in Indonesia, especially in the Province of DKI Jakarta. These principles are needed as guidelines and directions for the local government officials in DKI Jakarta to issue investment licenses in accordance with legal requirements. The regulation of investment licensing policies requiring the formulation and implementation of General Principles of Good Governance in the region, such as Industrial Business Permits, Trade Business Permits, Operational Permits (HO), Building Permits, and related licensing services, is necessary. However, it is suspected that there are not many local legal products, including in DKI Jakarta, that have formulated and implemented the General Principles of Good Governance within them. These General Principles of Good Governance initially constitute unwritten legal norms used as the basis/standard for administrative bodies combined with written law in exercising their authority (Kusdarini 2017).

Furthermore, these principles can also be utilized by citizens who wish to demand accountability if administrative actions harm them. The General Principles of Governance are also necessary in formulating investment licensing policies at the local level. If regulations in the form of local legal products such as regional regulations, regent/mayor regulations, regent/mayor decrees, and regional policy regulations in the field of investment licensing are not carried out carefully and wisely in accordance with the General Principles of Good Governance, it can be detrimental to the affected community due to the issuance of business permits not being done wisely and in accordance with the principles of caution and other good governance principles. Good Governance Principles are legal principles/policies; furthermore, they are also policy principles. Therefore, the formulation of investment licensing policies at the local level

must also implement good governance principles, considering that licensing is an important instrument for local governments to control activities in the region so as not to harm the local community. The development of this concept is related to the demand for good governance, which is not only implemented by the central government but must also be implemented by local government officials. Even at present, the implementation of good governance also involves the private sector. An example of the concept of Good Governance Principles that has been incorporated into regulations at the regional level is Regional Regulation No. 5 of 2014 concerning Transportation in DKI Jakarta. These good governance principles bind and serve as guidelines for government officials in the DKI Jakarta region in carrying out their duties to provide public services in their area. It has been mentioned above that the implementation of Good Governance Principles can be seen in the formulation of investment licensing service policies of district/city governments in Indonesia, especially in DKI Jakarta. These principles are needed as guidelines for regional government officials in DKI Jakarta in issuing investment permits in accordance with legal corridors. Policies on investment licensing that require formulation and implementation of Good Governance Principles at the regional level include Industrial Business Permits, Trading Business Permits, Disturbance Permits, Building Permits, and other related investment licensing services. However, it is suspected that there are not many local regulations, including in DKI Jakarta, that have formulated and implemented Good Governance Principles within them. Good Governance Principles initially were unwritten legal norms used as a basis/standard for administrative bodies combined with written laws in exercising their authority. Furthermore, these principles can also be utilized by citizens who wish to demand accountability if administrative actions harm them. Quoting Ten Berge's opinion, Tatiek Sri Djatmiati stated that the motivation behind the use of permit systems is: (a) the desire to direct (control) certain activities, such as building permits; (b) preventing environmental hazards (environmental permits); (c) the desire to protect specific objects (logging permits, demolition permits for monuments); (d) intending to distribute scarce items (residential permits to residents) and; (e) guidance by selecting individuals and activities (permits based on the *Drank-en Horecawet*, where administrators must meet certain requirements). These good governance principles bind and serve as guidelines for government officials in the DKI Jakarta government environment in carrying out their duties to provide public services in their area. So far, according to the author, the implementation of Good Governance Principles in DKI Jakarta has been quite good because in terms of services, especially in the process of obtaining permits, the DKI Jakarta government has applied all existing Good Governance Principles. This can be seen from the innovation carried out by the Jakarta Provincial Government, especially the Investment and One-Stop Integrated Service Agency of DKI Jakarta, which has implemented online services in the permit process. In addition to improving efficiency in processing, where citizens no longer need to queue for permits, citizens can also directly monitor the status of their applied permits. In this regard, online services directly or indirectly fulfill the principles of transparency and accountability within the Good Governance Principles. Factors Hindering the Implementation of Good Governance Principles in the DKI Jakarta Government Public administration agencies as providers of public administration and individuals or communities receiving public services. Law Number 30 of 2014 concerning Government Administration is greatly needed by Indonesia at present for several reasons mentioned below. Not exempting the DKI Jakarta government, as one of the local governments with significant authority. These written legal regulations must

exist and take precedence over administrative actions or deeds. Therefore, every administrative action must be based on rules and procedures.

The function of the general principles of good governance in the administration of government is to serve as guidelines or directions for the government or state administrative officials in promoting good governance. These principles are necessary to ensure that actions remain in line with the true legal objectives. General Principles of Governance can be likened to traffic signs and travel guides to facilitate government relations, namely between the government and the governed or the public. These Good Governance Principles are then used as the basis for assessment and administrative efforts, as well as unwritten legal norms for government actions. It is certainly not easy for the Jakarta Provincial Government to implement Good Governance Principles in its jurisdiction. In the implementation of Good Governance Principles, there are several factors that hinder the implementation. These factors include uneven solicitation of public aspirations, usually the elite are invited to participate in the solicitation of aspirations, lack of public awareness of their participation in policy making or programs. Then, in terms of transparency, the government often fails to provide the necessary information to the public, so the public is unaware of the policies or local regulations that the government will make. If the application of government accountability is also lacking in fulfilling its accountability to the public, this is marked by Accountability Reports directed to the Regional People's Representative Council (DPRD) sometimes not matching the programs that have been implemented. Referring to inhibiting and supporting factors in the implementation scope of Good Governance Principles related to public services shows that stating these factors is intended to make public services more accountable, transparent, clear in legal certainty, and fair. In the implementation of Good Governance Principles in the Jakarta Provincial Government itself, the Head of the Investment and One-Stop Integrated Service Agency of the Jakarta Provincial Government stated that there are inhibiting factors in realizing good governance, one of which is related to the human resources of Civil Servants (PNS), although they are very enthusiastic about the administration of government but in terms of quality, they are still low in that area. Furthermore, it is also related to the provision of facilities and the use of technology which are still inadequate in every office. This is certainly an inhibiting factor in the Administration of the Jakarta Provincial Government. Because currently, education and technology play a significant role in realizing development, whether at the national, regional, or village level. Therefore, improving human resources and technological literacy will greatly assist in efforts to achieve good local governance.

V. CONCLUSION

Based on the discussion as outlined previously, this study concludes that, firstly, the implementation of the General Principles of Good Governance in the administration of the Jakarta Special Capital Region (DKI Jakarta) has been carried out effectively, as it serves as a guideline in formulating licensing policies in DKI Jakarta. Secondly, the inhibiting factors in realizing good governance in the Regional Regulation Number 5 of 2014 concerning Transportation are, among others, related to the Human Resources of its Civil Servants, although they are very enthusiastic about the administration of governance, their quality is still low in that area. In addition, it is also related to the provision of facilities and the use of technology which are still inadequate in each office.

VI. BIBLIOGRAPHY

- Agustin Widjiastuti. 2017. "PERAN AAUPB DALAM MEWUJUDKAN." 22. Arsip Perpusnas. *UU Nomor 23 Tahun 2014*.
- H. Syauckani, Afan Gaffar, M. Ryaas Rasyid. 2002. *Otonomi Daerah - Dalam Negara Kesatuan*. Yogyakarta : Pustaka Pelajar.
- KemenKumHam RI. 1990. *UNDANG-UNDANG REPUBLIK INDONESIA Nomor 11 Tahun 1990*. Jakarta. www.bphn.go.id.
- . 2014. *UU No. 30 Tahun 2014*. www.bphn.go.id.
- Kompas. 2021. "Mencerdaskan Kehidupan Bangsa."
- Kusdarini, Eny. 2017. "ASAS-ASAS UMUM PEMERINTAHAN YANG BAIK PADA PRODUK HUKUM PERIZINAN INVESTASI PEMERINTAH DAERAH." *Jurnal Hukum Ius Quia Iustum* 24(4): 663–88.
- Peter Mahmud Marzuki. 2013. "Penelitian Hukum."
- Prof. Dr. Soerjono Soekanto, S.H., M.A., Sri Mamudji, S.H., M.L.L. 2015. *Penelitian Hukum Normatif _ Suatu Tinjauan Singkat*. Cetakan ke 17. Jakarta: Rajawali Pers, 2015 @ 1983.
- Ridwan HR. 2016. "Hukum Administrasi Negara."
- Sudarwan Danim. 2002. *Menjadi Peneliti Kualitatif_ Rancangan Metodologi, Presentasi, Dan Publikasi Hasil Penelitian Untuk Mahasiswa Dan Peneliti Pemula. Bidang Ilmu-Ilmu Sosial Pendidikan Dan ...* Pustaka Se