



Reconstruction of public service regulations by marine education and training institutions based on the value of justice

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Abstract

The purpose of this study is to analyze and find new things, weaknesses and reconstruct the Regulation of Public Services by Maritime Education and Training Institutions which are still lacking in application based on the value of justice. This study uses a postpositivism paradigm research method, namely research as a series of steps that are logically connected, believes in diversity, perspectives from the participants rather than a single reality and supports precise and thorough data collection and analysis methods. In this case the researcher uses various levels of data analysis for accuracy and precision, uses various programs to support computer analysis, to encourage validity approaches, and this research also uses a sociological juridical approach. The data used in the form of primary data, secondary data and tertiary data.

The results of the study found that (1) the implementation of public services with regulations or rules that are used is still lacking in terms of justice and oversight in its implementation, so that referring to Law No 25 Tahun 2009 concerning Public Services it is necessary to add the principles of justice and oversight principles, of course intends that the implementation of services to the community can be balanced between the rights and obligations of service providers and service users. (2) The weaknesses found lie in the philosophical studies and legal system that underlies them, not only are they still simplistic, unfair, lack of public oversight, sometimes slow and biased and but also results in performance that is still lacking, namely the aspects of substance, structure and culture. (3) Reconstruction of the values of justice based on the basic principles of justice contained in Pancasila which are consistent with the mandate of the founders of this nation as contained in the Constitutional Law 1945 of the Republic of Indonesia so as to actualize the concept of good governance from national wisdom and international civilization values (wisdom international). that based on public services, the culture of modern society that upholds the values of justice.

Keywords: Post positivism, public service, marine education, justice value

Introduction

The phenomenon of problems in the world of education, especially in maritime education and training institutions and which needs to get proper attention is the problem of marine education and training services, the first specifically in the Formation Training service. From the ongoing process there are incidents of violence in the world of education in Indonesia it seems almost inseparable from the history of education in the country. Another phenomenon that the author has observed and observed in the field is that seafarers on board want instant things, meaning that if training can be carried out without sitting or still on the ship, they can carry out training and will be given more services so that this creates an inaccurate will on the part of the ship. service providers, especially here is in the registration section, which incidentally finds many things that are contradictory to the normal mechanism according to the SOP or registration flow so that uncontrolled opportunities, namely manual or online jockeying by irresponsible persons because they see a loophole - gaps in the implementation of education and training registration or improvement training and training training, then there is a delay in the process of printing certificates both proficiency certificates and competency certificates, there is treatment that is less favorable regarding education and training services, the loss of two-wheeled vehicles or other circumstances in the parking lot, the teacher's treatment of students who are less favorable and less precise in the learning process, and others regarding maritime education and training services. Another

phenomenon in the services of formation training, improvement training and training training is in the services of organizing seafarers' skills exams, health services, facility rental services and other services such as library services, professional certification agency services and Marine services. English Test. In this case, service users feel that things are still lacking, namely delays in exam implementation schedules, waiting room comfort, friendliness of service by officers, waiting room areas, and so on. Moral or ethical violations in public service are difficult to trace and prove, because the habit of the people who consider it taboo in "opening disgrace", including in matters of public service. The other side, Indonesia faces increasingly difficult challenges because the standard of service ethics assessment continues to change according to the changing times and its paradigm. Substantively, it is not easy to achieve maturity and ethical autonomy, because it is likely that moral or ethical violations in public services in Indonesia will continue to occur. As a result, the government's performance as a public servant has been in the spotlight, especially since the post-reform era when a more democratic climate began to emerge in Indonesia. Communities are starting to question the value and quality they get for public services performed by government agencies. All of these problems do not need to occur drastically and dramatically, if the government and government apparatus have credibility and authority that is respected by the people. A government that has high ethics and morality in carrying out its governmental authority

certainly has high accountability and respect for the demands, aspirations and interests of the people it serves. Such a government can create a climate of openness, active participation and community empowerment, as a manifestation of ideas that are currently being developed, namely the application of ethics in public service. Seeing how complex the problems that occur in the practice of public service delivery, efforts to apply public service ethics in Indonesia require a thorough understanding and socialization, and touch all dimensions of the problems faced by the service bureaucracy. The problem now is how far is the understanding and application of public service ethics by the Indonesian government bureaucracy? This problem needs critical and in-depth study, because various bad practices in public service delivery, such as service uncertainty, extortion, and neglect of the rights and dignity of service user citizens, are still easily found in almost every public service unit.

Therefore, In this study, the authors wish to further examine public service regulations in maritime education and training institutions with the title "Reconstruction of Public Service Regulations by Marine Education and Training Institutions Based on the Value of Justice".

In a modern rule of law state, the main task of the state lies not only in implementing the law, but also in achieving social justice for all the people. As a rule of law oriented towards a welfare state, the intensity of state interference in people's lives is growing, so that the role of state administrative law is increasingly dominant and important. Therefore, the need for legal protection for the community for government actions is increasingly needed. Besides that, state administrative law as a fundamental norm can provide direction and signs for the state apparatus towards good governance through the general principles of proper governance. With the enactment of Law No. 25 of 2009 concerning Public Services, marine education and training institutions must be standardized in their services. Based on this, the problems in this study are as follows:

Why is the current regulation of public services by maritime education and training institutions not based on the value of justice?

1. What are the current weaknesses in the regulation of public services by marine education and training institutions in Indonesia?
2. How is the reconstruction of public service regulations by marine education and training institutions based on the value of justice?

Research method

This study uses the post positivism paradigm research method, namely research as a series of steps that are connected logically, believes in the diversity, perspectives of the participants rather than a single reality and supports precise and thorough data collection and analysis methods. In this case the researcher uses various levels of data analysis for accuracy and thoroughness, uses various programs to support computer analysis, to encourage validity approaches, and this study also uses a sociological juridical approach. The approach method used in this study is a sociological juridical approach. The sociological juridical approach, in other words, is a type of sociological legal research and can also be called field research. (Arikunto, 2002) Or in other words, that is a research carried out on the actual situation or real situation that

occurs in society with the intention of knowing and finding the facts and data needed, after the required data is collected then leads to solving the problem. (Bambang, 2002) The sociological juridical approach is a legal approach that is used to look at legal aspects of social interactions in society (Rizqa, 2021) ^[8], and serves as a support to identify and clarify findings of non-legal materials for the purposes of research or legal writing. (Zainudin, 2014) Because this research is related to the norms contained in the Al-Qur'an and Hadith, the regulations governing public services. The data used are primary data, secondary data and tertiary data as follows:

1. Primary data are data obtained directly from the first source related to the problem to be discussed. Namely the source of data through interviews with the management section, the general section, the academic administration section, the internal inspection unit section and the quality assurance unit section as well as the Marine Education and Training Institution, especially here is PIP Semarang. (Amirudin, 2006)
2. Secondary data are data obtained from books as complementary data to primary data sources. The secondary data source for this research is legal data obtained by conducting literature reviews such as scientific books, research results and so on. Secondary data includes tangible documents, books, research results lapangan, dan so on.

Research results and discussion

1. Elements of weaknesses - Weaknesses in legal substance of public service regulations in Marine Education and Training Institutions

Weaknesses in the substance of public service regulation at Marine Education and Training Institutions can basically be seen from several elements, namely, The first element, is the public service organization, the second element, is the service recipient (customer), namely the person or community or organization concerned, and the element third, is the satisfaction given and/or received by service recipients (customers).

The first element is every state administration institution, corporation, independent institution formed under the law for public service activities, and other legal entities formed solely for public service activities. The second element, is that people, communities or organizations who have an interest in or need services (service recipients), basically do not have bargaining power or are not in an equal position to receive services, so they do not have access to good services. It is this position that encourages two-way communication to carry out KKN and worsens the image of the service with the outbreak of extortion, and ironically it is considered mutually beneficial. The third element, is customer satisfaction in receiving services, the element of customer satisfaction is the concern of service providers (Government), to determine the direction of public service policies that are customer-satisfying oriented, and is carried out through efforts to improve the performance of government management.

The level of community satisfaction in accessing public services is an indicator of whether public services are improving or not. Increasing good public services is one of the proofs of government performance, thereby building public trust in the government in order to improve people's welfare.

Provision of quality services spurs socio-economic potential. Meanwhile, inappropriate behavior is a weakness of executors who are not responsible for their duties and obligations as executors of public services.

Society actually also has the right to participate in the preparation of public services. In Law Number 25 of 2009 Article 39 it is stated that the participation of the community in the implementation of public services starts from the preparation of service standards to evaluation and awarding. Community participation as referred to in paragraph (1) manifested in the form of cooperation, fulfilling the rights and obligations of the community, as well as an active role in formulating public service policies. Communities can form public service oversight institutions. Procedures for community participation in the administration of public services are further regulated in government regulations.

Article 40 also states that the public has the right to complain about the implementation of public services to the organizers, the Ombudsman and/or the People's Representative Council, the Provincial Regional People's Representative Council, and the Regency/City Regional People's Representative Council. Communities who make complaints as referred to in paragraph (1) are guaranteed their rights by statutory regulations. service standards.

Communities must be proactive to help improve good public services by participating in supervising the running of public services. If they find public services that are bad or not in accordance with one of the implementing behaviors, the public can warn the implementation of public services that are not suitable for the agencies that provide these public services. If the community has done this but the executors are indifferent to the warning, as supervisors of public services, the community can report complaints to the Ombudsman. Maybe this behavior is only carried out by a handful of officers who carry it out but have a bad effect on all of them. The community must always be actively involved in supervising the running of public services for an agency. This is because good public service can reflect the spirit of democracy and restore the initial values of a government, which exists and is formed to serve Indonesian citizens with heart and prudence.

Service standard is a benchmark that is used as a guideline for service delivery and a reference for assessing service quality as an obligation and promise of administrators to the community in the framework of quality, fast, easy, affordable and regular services. The existence of Law Number 25 of 2009 concerning Public Services certainly provides direction to all service providers both state administrators, namely here researchers at Marine Education and Training Institutions, BUMN, BUMD, BHMN to the private sector and individuals carry out standardized services by fulfilling service standard components. Every public service provider is obliged to fulfill 14 service standard components which include:

- a. Legal basis, statutory regulations which are the basis for the provision of services;
- b. Requirements, requirements that must be met in managing a type of service, both technical and administrative requirements;
- c. Systems, mechanisms and procedures, standardized service procedures for service providers and recipients, including complaints;

- d. Completion period, the period of time needed to complete the entire service process of each type of service;
- e. Fees/tariffs, fees charged to service recipients in managing and/or obtaining services from the operator, the amount of which is determined based on an agreement between the administrator and the community;
- f. Service products, the results of services provided and received in accordance with predetermined conditions;
- g. Facilities, infrastructure and/or facilities, equipment and facilities needed in the delivery of services, including equipment and facilities for vulnerable groups;
- h. Executor competence, the ability that must be owned by the executor includes knowledge, expertise, skills, and experience;
- i. Internal supervision, control carried out by the head of the work unit or the executor's direct supervisor;
- j. Complaint handling and follow-up;
- k. The number of executors, the availability of executors in accordance with the workload;
- l. Service guarantees that provide service certainty are carried out in accordance with service standards;
- m. Guarantee of service security and safety in the form of a commitment to provide a sense of security, free from danger and risk of doubt; and
- n. Evaluation of implementation performance, assessment to find out how far the implementation of activities according to service standards.

This component of public service standards is designed to provide the widest possible access to information to the public so that it is easier for the public to reach basic services that lead to people's welfare. In addition, by fulfilling these service standards, maladministration actions can be minimized such as extortion, procedural deviations, protracted delays and so on which are loopholes for acts of corruption. The existence of public service standards provides open access to information to the public so that in a good service requirements, procedures, costs and timeframes can be measured and known to the public without experiencing confusion and demanding public oversight in its implementation. With the fulfillment of these public service standards, the only hope is to turn Indonesia into a welfare state that can meet basic needs as a form of equity mechanism against existing inequalities.

In line with this, the law also regulates 9 rights of the community/users of public services. One of them, the community has the right to supervise the implementation of public services. This right is the provision for the community to oversee and control the implementation of public services. Even without regulation of this right, in fact the oversight function of public services has become attached to the community. This is because the source of financing for public services organized by the government is the result of taxes deposited by the public so that the community automatically has a stake and a role in administering public services. Weaknesses of Public Service Regulations at Marine Education and Training Institutions are caused by several problems at the PIP Semarang Institution, namely, irresponsive.

Conditions like this occur in almost all levels of service elements, starting from the level of service officers to the level of person in charge of an agency. Responses to various

complaints, aspirations, and hopes are often late and even somewhat neglected.

Various information that should have been received or reached the community sometimes did not reach the community, or it was too late or less accessible.

Various service units provided by the government are located far from the reach of the community, making it difficult for the community to obtain the services needed, such as for health services, education and so on, because health and education are very vital in the future sustainability of society. Maybe for urban areas it is not a problem, but most of our people live in rural areas, and besides that there are also problems related to infrastructure such as roads, bridges and lighting. And there are service units that are close to urban areas, close and easy to access.

Will be able to hinder the smoothness, accuracy and regularity of various activities/programs carried out between government units for the community. As a result, there is often overlapping or conflicting policies between one service agency and other related service agencies to be less bureaucratic

The services provided by the bureaucracy, especially regarding licensing services, are generally carried out through a process consisting of several tables that must be passed, so that the completion requires quite a long time. If there is a problem in the field during the service process, the serving staff does not have the authority to solve the problem, meanwhile the community has difficulty meeting the person in charge of the service. As a result, various service problems take a long time to be resolved. It is not a secret that the length of the bureaucratic desk in terms of service provides opportunities for service sellers to play their role, so that various forms of legalized illegal levies will occur. Conditions like this raise high service costs that must be incurred by the community, the impact is still on the Bureaucracy level which is not yet professional in providing services to the community as service users inefficient

It often happens that the services provided in licensing are not relevant to the level of service provided by field officials.

In terms of human resources, the main weaknesses are related to professionalism, competence, empathy and ethics. The work pattern used by most of the existing apparatus is still influenced by the classic bureaucratic model, namely a structured/hierarchical, formal legalistic, and closed system way of working. In addition, several opinions consider that the weakness of the human resources of government officials in providing services is caused by a low and inappropriate compensation system. Weaknesses in the implementation of other public services can be seen on the institutional side. The main weakness lies in the organizational design that is not specifically designed in the context of providing services to the community, full of hierarchies that make services convoluted (bureaucratic), and uncoordinated. The tendency to carry out two functions at once, the regulatory function and the administrative function, is still very much carried out by the government, which also causes public services to become inefficient.

2. Reconstruction of public service regulations by Marine Education and Training Institutions based on the value of justice

In reconstructing public service regulations based on the value of justice as the ultimate goal in this research, namely by analyzing the application of laws or regulations that have been implemented and complied with and guided as legal ideals (*rechtsidee*) by public service providers and service users, which has been carried out properly and fairly, and in this research the researchers identified and analyzed the weaknesses in the implementation of public services at Marine Education and Training Institutions in substance, structure and culture which gave birth to public service regulations at value-based Marine Education and Training Institutions justice in order to realize and continue and develop the noble ideals of the nation in educating the nation's life, promoting general welfare and social justice for all Indonesian people. By basing it on the basic principles of justice contained in Pancasila which are consistent with the mandate of the founders of this nation as contained in the 1945 Constitution of the Republic of Indonesia so as to actualize the concept of good governance from national wisdom and international civilization values (*wisdom international*) which underlie public service, culture modern society that upholds the values of justice as follows:

- a. The principles in Law Number 25 of 2009 concerning Public Services (Justice Principles, Supervision Principles)
- b. Principles in PM 19 of 2017 concerning Guidelines for Service Standards in the Ministry of Transportation Environment in Chapter II, B The added principle "*Supervision*" means here to participate in supervising or monitoring, watching and paying attention.
- c. Government Regulation Number 7 of 2000 concerning Marine Affairs, in Chapter IV part One; Article 9; paragraph 3 a is replaced by 8 (eight) Education Standards, paragraph 3 b is added to education staff, and 3 c is a quality management system in accordance with national regulations.
- d. Government Regulation Number 23 of 2017 Concerning Service Standards at the Semarang Shipping Polytechnic in Article 1 added regarding the appropriate principles contained in Law No. 25 of 2009 and the addition of input from researchers, namely the principle of justice and the principle of supervision.

Conclusion

The explanations that the researcher has put forth certainly hope that there will be an answer to the problems raised in the results of the research that the author made. The following is a summary description:

1. That the regulation of public services by maritime education and training institutions is currently not optimal in its application so that many things are found internally and in the field that deviate from the provisions that have been set, so that compliance and awareness in carrying out their duties and functions in terms of service sometimes collide with things that are outside the corridor so that their implementation has an impact on justice in services that are unequal or not based on the value of justice, namely: less responsive, less informative, less accessible, less coordinated,

- bureaucratic, less willing to listen to people's complaints/aspirations and inefficient.
2. Whereas the weaknesses in regulations that occur in terms of public services are still weak, in other words, namely humans or human beings are the main thing, in fact humans or human beings when compared with anything, namely compliance with rules, for example, humans or human beings are also not completely perfect in carrying it out. So that humans are the source element that weakens whatever it has been determined. And it should be noted that this element of care is the cause of the weak service culture.
 3. The reconstruction of public service regulations has not been completely reconstructed because of weaknesses in the implementation of public service regulations by marine education and training institutions, which are still relevant in their application, but there are also some that are irrelevant which need to be reconstructed due to the demands of the times which have undergone many changes.

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