

GOOD REGIONAL GOVERNMENT IN THE PERSPECTIVE OF INDEPENDENT INTERNAL SUPERVISION

Achmad Fauzi

ABSTRACT

Good regional governance requires good coordination and integrity, professionalism, work ethic and high morale. The principles of good governance include: legal certainty, proportionality, professionalism, and accountability. The success or failure of good regional governance depends on the executors. In addition, in the regional government, there must be a good internal control system. Internal supervision (Inspectorate) is established in order to carry out the tasks of regional government run by all regional officers to be able to be well-implemented, effective, efficient and targeted. Therefore, the Inspectorate's role in supervising all regional apparatus organization is very important so that the authority given to Regional Government and the entire Regional Apparatus Organizations can be executed properly. Nevertheless, the performance of Inspectorate in conducting supervision is considered less than optimal. The irregularities that often trapped Regional Heads, Regional Secretary, Heads of Regional Apparatus Organization, Heads of Sub-districts to Villages still often happened because the position of Inspectorate is still within the scope of regional government. Therefore, it is important to strengthen the position of Inspectorate in order to perform its duties properly, transparently, accountably and independently.

Keywords : Good Regional Government, Internal Supervision, Independent.

Introduction

The implementation of regional autonomy experiences fundamental changes since the enactment of Act No. 22 of 1999 which has been replaced by Act No. 32 of 2004 and lastly Act No. 23 of 2014 on Regional Government. The principle used in the law is the principle of the broad autonomy in the sense of getting the authority to manage and arrange for all administrative matters out of the government affairs.

The granting of broad autonomy to regions is directed to accelerate the realization of public welfare by improving services, empowerment, and participation of the community. In addition, through a broad autonomy in the strategic environment of globalization, Regions are expected to improve their competitiveness by considering the principles of democracy, equality, justice, privilege and specificity, and the potential and diversity of the regions in the Unitary State of the Republic of Indonesia. (the explanation of point 1 of Act No.23 of 2014).

The new paradigm in Act Number 23 of 2014 on Regional Government still requires equal relations between Parliament and Regional Government. The parallel relationship indicates that the position of Parliament and regional government is equally strong. It is necessary in order to realize good governance which is offset by an effective and efficient supervision system through the mechanism of *checks and balances*

The high level of corruption lately has brought into a highly alarming situation. Although law enforcement officers look so busy at work, the situation in the law enforcement process has not changed. Law has not been able to become a commander which can provide justice in the life of the society. The rule of law that has been echoed is only a meaningless sign. Corruptors still do a lot of dirty practices and freely without being touched at all. Various corruption cases are common at all levels of bureaucracy and judiciary institutions involving all actors of law enforcement, from the police, prosecutors, judges, clerks, lawyers, and people seeking justice. On the other hand, the internal supervisory institutions of the government are is not able to work optimally.

The other issue is the performance of government officials, especially regional governments, which is still below standard. The impact is that their service to the community is not optimal. It is also spurred by the development of human resources (HR) which is not organized and planned well. Therefore, it is necessary to do managerial and organizational arrangement in all regional government agencies in order to have the ability to synthesize conceptually and comprehensively in responding to problems in society, to design scientific study programs to address the issues in the community, to draw up policy scenarios to be applied to the efforts to solve the problems, to master the relevant research methods for the study of sciences, to communicate the results of scientific studies to the public (scientists), and to work in teams to understand and solve the problems.

In addition, bureaucratic officers are also expected to examine critically and have the ability to apply organizational theory to explain the phenomenon of organization in their institutions as well as to utilize it in organizational life, to be able to perform the design of policy, to able to find the problem *analytically*, to be able to analyze policy strategy, to be able to understand the concept of Human Resource Planning and Development, to be able to understand the financial and budgetary management of the government, to be able to understand the concept of regional autonomy and the implementation of decentralization principle in Indonesia.

Bureaucracy reform in the administration of government activities and public services are aimed at creating a professional and accountable bureaucracy performance. Bureaucracy, in performing various activities of service improvements, are expected to be more oriented to the satisfaction of public service users. The change in the paradigm of public services is directed to the realization of excellent quality service to the public through the service instruments with faster, better, and cheaper orientation services, but they are still not realized well.

Weak control system or bureaucracy internal supervision causes various irregularities committed by regional government bureaucracy continues. Actually, corruption which is rampant in regions, the bad behavior of the bureaucracy, and low discipline of bureaucracy employees of regional governments to perform their duties and obligations can be prevented if the institutional supervisory functions in regions either internal or functional supervisory institutions functions work well.

The existence of internal supervisory agency (Inspectorate) has not shown optimal performance since the position of the Inspectorate is a part of the Regional Officer Organizations (OPD) which is automatically under the Regional Head and the Regional Secretary. It makes the system of internal control or supervision of regional government bureaucracy is weak.

Therefore, in an effort to create good local governance, it is necessary to have proper and efficient management to the internal supervisory institutions (Inspectorate) so that the institutions are able to work well and to be independent, accountable, free from intervention and separated organizationally from regional governments.

From the background of the problems above, the issue discussed in this paper was: How is the performance of the regional internal supervisory institutions (Inspectorate) in performing supervisions to realize good regional governance?

Discussion

Regional Government

In article 18 paragraph 1 of the 1945 Constitution, it states that the Republic of Indonesia is divided into the provinces and the provinces are divided into districts and municipalities in which each province, district, and city has regional governments regulated by Laws. Furthermore, in its second paragraph, it states that provincial, district, and city governments set up and manage their own affairs according to the principle of autonomy and assistance duties.

Furthermore, in article 1 paragraph 2 of Act No. 23 of 2014 on Regional Government, it states that the definition of regional government is the implementation of government affairs by regional government and the Regional House of Representatives according to the principles of autonomy and assistance duties with the principle of broad autonomy in the system and principle of the Unitary State of the Republic of Indonesia as referred to in the 1945 Constitution. Then, regional government is the regional head as the executive element of regional government who leads the implementation of government affairs which are the authority of the autonomous region.¹

The granting of the rights and powers of making law and government to the autonomy agencies of province, district or city makes the agencies on their own initiative take care of their households by making regional regulations that must not conflict with the Constitution or higher laws and capable of implementing public interests.

The enactment of Act No. 22 of 1999 on Regional Government repealed by Act No. 32 of 2004 and amended by Act No. 12 of 2008 and lastly amended by Act No. 23 of 2014 shows that there has been a fundamental change in the setting of Regional Government in Indonesia. The logical consequence is the need to restructure various elements related to regional government as a manifestation of regional autonomy.

According to Marsono, regional government sometimes means the organization of the affairs of regional governments and Regional House of Representative in accordance with the principle of decentralization and deconcentration. The term of regional government above means the process or activity.² In regional government administration, regional heads have an important and prominent position at a local governance structure. Regional head is the first and foremost in coordinating the aspects of representation on regional government.³ Regional head is a political title and public office who is in charge of leading the bureaucracy, and moving the wheels of government. Regional government functions are divided into protection, public services and development. Regional head runs the policy making function to the three functions of government. In the context of power

¹. Article 1 paragraph 12 of Act No. 23 of 2014 on Regional Autonomy states that region is a unity of legal community with territorial borders having the authorities to manage and arrange for government affairs and local public interests according to their own initiatives based on public participation in the system of the Unitary State of the Republic of Indonesia. In addition, Regional Autonomy is defined as the rights, authorities, and obligations of autonomous regions to manage and arrange for their own government affairs and local public interests in the system of the Unitary State of the Republic of Indonesia

². Marsono, 2005, *Kepala Daerah Pilihan Rakyat (Regional Head of People's Choice)*, CV.Eka Jaya, Jakarta, p, 85

³. Sarundajang, 2002, *Pemerintahan Daerah Di Berbagai Negara (Regional Heads in Various Countries)*, Pustaka Sinar Harapan, Jakarta, p, 126.

structure, regional head is the chief executive in a region.⁴ Meanwhile, according to Hanif Nurcholis, regional head is the leader of an organization that executes the law. In its concrete form, the executive institution of regional policy is a government organization in the region. Head of province is called governor, heads of district is called regents, and head of city is called mayor.⁵

In the context of the implementation of regional autonomy, a regional head in implementing his leadership pattern is not oriented to the demand to receive greatest authority regardless of the significance of regional autonomy derived from the need for greater efficiency and effectiveness in the management of governance aimed at providing services to community.⁶

Therefore, a good and smart regional head must have good managerial abilities in managing his own government optimally, effectively, and efficiently not demanding too much authority. With the provision of broadest autonomy, regional governments should be able to optimize their regional potencies.

Decentralization and Regional Autonomy

a. Decentralization

Basically, decentralization means the transfer of government affairs by the central government to autonomous regions based on the principles of autonomy. (Article 1 point 8 of Act Number 23 of 2014 on Regional Government).

Decentralization is a symbol of trust from central to regional government. It is in accordance with the mission of regional autonomy proclaimed by Act Number 23 of 2014 on Regional Government, namely the strengthening of local community in order to improve democracy, either at national or local level. The returns of local community's dignity and self-esteem that have long been marginalized and even denied by the central government. It has destroyed the hegemonic foundation of the Central Government divided to regions. The division of authority as well as the availability of adequate space to interpret the authority given to the lower governmental units (regional government) is the most important difference between the concept of decentralization and centralization. However, the clear distinction becomes unclear when applied in the real dynamics of government.⁷

According to Henry Maddick, decentralization includes deconcentration and devolution processes, and it is a legitimate transfer of power to carry out specific and residual functions under the jurisdiction of regional governments⁸. Among Indonesian legal experts, decentralization is defined in various ways. According to RDH Koesoemaharmadja, literally decentralization is derived from two Latin words: *de* means release, *centrum* means center. The literal meaning of decentralization is to break away from the center. in the sense of constitutionalization, and decentralization is the transfer of government power from center to regions. Decentralization is a *staatkundige decentralisatie* (decentralization of state administration), or more often referred to as political decentralization, not *ambtelijke decentralisatie*, as is the case with deconcentration.⁹

Amrah Muslimin differentiates decentralization into political, functional, and cultural decentralizations. Political decentralization is a delegation of central government's authority, which gives rise to the right to take care of the household's own interests for the political bodies in regions voted by the people in particular areas.

Functional decentralization is the granting of rights and authority to groups to take care of a kind or group of interest in the community, whether bound or not bound to a particular region, such as the irrigation stakeholders for farmers in one or more

⁴. Joko Prihatmoko, 2005, *Pemilihan Kepala Daerah Langsung, Filosofi, Sistem, dan Prolema Penerapan Di Indonesia (Direct Vote for Regional Heads, the Philosophy, System, and Application Problems in Indonesia)*, Pustaka Pelajar, Yogyakarta, p. 203.

⁵. Hanif Nurcholis, 2005, *Teori Dan Praktek Pemerintahan Dan Otonomi Daerah (Theory and Practice of Regional Autonomy and Government)*, PT. Grasindo, Jakarta, p. 118.

⁶. J.Kaloh, 2003, *Kepala Daerah, Pola Kegiatan, Kekuasaan Dan Perilaku Kepala Daerah Dalam Pelaksanaan Otonomi Daerah (Regional Head, Activity Pattern, Power, and Behavior of Regional Head in the Implementation of Regional Autonomy)*, Gramedia Pustaka Utama, Jakarta, p. 15.

⁷. Riswanda Imawan, 2004, *Desentralisasi, Demokratisasi, dan Pembentukan Good Governance (Decentralization, Democratization, and the Formation of Good Governance)*, in Syamsuddin Haris (Editor), *Desentralisasi dan Otonomi Daerah Naskah Akademik dan RUU Usulan LIPI (Decentralization and Regional Autonomy, an Academic Paper and the Draft of Law by LIPI)*, The Center for Politics Research of LIPI 2003, in cooperation with the Partnership for Governance Reform in Indonesia (PGRI), Cetakan Press, Jakarta, p. 40.

⁸. Henry Muddick, 1966, *Democracy, Decentralization an Development, Reprinted London, Asia Publishing House*, p. 23. Translated freely with the title of, *Desentralisasi dalam Praktek (Decentralization in Practice)*, First Printing, Pustaka Kendi, Yogyakarta, 2004, p. 34.

⁹. RDH. Koesoemaharmadja, 1979, *Pengantar Kearah Sistem Pemerintahan Daerah di Indonesia (Introduction to Regional Governance System in Indonesia)*, Binacipta, Bandung. Quoted by M. Laica Marzuki in *Berjalan-jalan di Ranah Hukum (Walking through the Field of Law)*, First Book, Revision edition to the second printing, the Secretariate General and Clerk of the Constitutional Court of the Republic of Indonesia, Jakarta, 2006, p. 151

particular regions (waterschap, Subak Bali). Cultural decentralization (*culturele deconsentralisatie*) gives the right to small groups in society (minorities) to organize their own culture (governing education, religion etc.).¹⁰

Decentralization is a strategy of democratizing political system and harmonizing the achievement of sustainable development which is an issue that always exists in the practice of public administration. Contrary to the centralization in which the power and decision-making concentrates on central or upper echelons, decentralization permits lower levels of governmental power in determining the number of issues they directly notice. In the view of Rondinelli, a centralized government with regularly elected officials is clearly more democratic than a decentralized government but tightly controlled by an authoritarian political party. The view is part of Rondinelli's focus on administrative decentralization rather than political decentralization.

b. Regional Autonomy

Regional autonomy is the essence of decentralized governance. The term autonomy derives from the Greek of two words; *autos* that means alone and *monos* that means law. Autonomy means making own law (*zelfwetgeving*). However, in its development, the conception of regional autonomy, in addition to the meaning of *zelfwetgeving* (making regional regulations), mainly also covers *zelfbestuur* (self-government). Van Der Pot understands the concept of regional autonomy as *eigen huishouding* (running own household).¹¹

In autonomy, the authority relationship between center and regions is related to the ways of dividing administration affairs or determining regional affairs. How to determine the matters this reflect a form of limited autonomy or broad autonomy. It can be classified as limited autonomy if: first, regional household affairs are determined in categories and the development is governed in certain ways as well. Second, the control and supervision systems are conducted in such a way so that regions lose their independence to determine the management and arrangement of their regional households. Third, the financial relation system between center and regions that cause the matters such as the limitation of regional original financial capability that limits the running space of regional autonomy.¹²

Decentralization as a policy of government administration system is closely related to regional autonomy. The politic of autonomy in Indonesia undergoes a fundamental change by the amendment of the 1945 Constitution, particularly to the redaction of Article 18 of the 1945 Constitution, which now substantively and structurally turns into Article 18, Article 18 A and Article 18 B. Through the change, the centralized politic of autonomy turns into the decentralized one. It is the constitutional basis of the politic of autonomy hereinafter described in Act No. 22 of 1999. It was replaced by Act No. 32 of 2004 and lastly it was replaced by Act No. 23 of 2014 on Regional Government.

If decentralization is an action of delegating authority from central government to regional government, regional autonomy, according to Article 1 paragraph 6 of Act No. 23 of 2014 on Regional Government is: "rights, authorities, and duties of autonomous regions to set up and manage their own affairs and interests of local communities in the system of the Republic of Indonesia".

Delegation of authority from central government to regional government is carried out by taking into account the capacity and ability of Regional Government in the implementation of arrangement and management of the interests of local community.

The roles of central government in the context of decentralization are to supervise, monitor, supervise, and evaluate the implementation of regional autonomy. They are not easy, and the purpose is not to burden regions excessively. Therefore, in the framework of regional autonomy, an effective combination of clear vision and strong leadership of the central government is required, with the freedom to have the initiative and creativity of regional governments.¹³

Regional autonomy should be defined as an autonomy for the people of the regions and not autonomous "regions" in the sense of specific area/ territory at local level. Even if the implementation of regional autonomy is directed as wider regional authority, the authority must be managed in a fair, honest and democratic way. Referring to the matter, Regional Heads should be able to manage the authority received effectively and efficiently for the development and empowerment of regional communities. Such perspective is appropriate to clarify the relationship between Regional Head and regional autonomy.¹⁴ However, the implementation of regional autonomy still have two problems: first, due to the procurement of

¹⁰. Amrah Muslimin, 1986, *Aspek-Aspek Hukum Otonomi Daerah (Aspects of Regional Autonomy Law)*, Alumni, Bandung, p. 5

¹¹. M. Laica Marzuki, 2006, *Berjalan-jalan di Ranah Hukum (Walking Through in the Field of Law)*, First Book, Second Edition, the Secretariate General and Clerk of the Constitutional Court of the Republic of Indonesia, Jakarta, p. 161.

¹². Ni'matul Huda, 2010, *Hukum Pemerintahan Daerah (Regional Government Law)*, Second Printing, Nusa Media, Bandung, p. 83.

¹³. Syaukani, HR dkk.2004, *Otonomi Daerah Dalam Negara Kesatuan (Regional Autonomy in the Unitary State)*, Pustaka Pelajar Offset. Yogyakarta, p. 173.

¹⁴. J. Kaloh, 2009, *Kepemimpinan Kepala Daerah, Pola Kegiatan, Kekuasaan, dan Perilaku Kepala Daerah Dalam Pelaksanaan Otonomi Daerah (Regional Head, Activity Pattern, Power, and Behavior of Regional Head in the Implementation of Regional Autonomy)*. Sinar Grafika. Jakarta, p. 15.

financial resources considered beyond region's ability to implement it. Secondly, it is the readiness of regional officers in dealing with autonomy which is felt not insufficient.¹⁵

Good Governance

Governance, by Karl W. Deutch, is defined as the activities of state administration to provide services and protection to all citizens, to make arrangements, to mobilize necessary resources, and to build relationships with both in-state environment and other countries.¹⁶ Governance, in the broad sense, is related to power and authority in legislative, executive, and judicial field. The executives are only government activities in narrow sense.

The term governance is derived from English which means "the act, fact, and manner of governing". The term good governance has been widely known since the reform era. Good governance is the best practice in the process of implementing the state power in the provision of public goods and service.¹⁷ To have a good governance to be a reality and running as it should be, it requires the commitment and involvement of all parties; government and society. Effective good governance demands the presence of good and integrated, professional and work ethic, and high morale alignment (coordination). The principles of good governance include: legal certainty, proportionality, professionalism, and accountability. The implementation of good governance is the main prerequisite for realizing the aspirations of the community in achieving the goals and ideals of the nation and the State.

According to Thomas Jefferson, good governance is determined by how a government realizes objective legitimacy. According to him, good governance is one of very effective tools to protect the rights of residents and the award for their efforts in which, of the two, happiness and expectation will be obtained. Briefly, he said: "the protection of life and happiness of society is the only sign of an objective legitimacy of good governance rather than damage in the community. (Thomas Jefferson in Maryland Republicans, 1809 ME 16: 359).¹⁸

Principles on the Implementation of Good Governance

Good Governance is one of very effective tools to protect the rights of residents and the award for their efforts from which happiness and the fulfillment of their expectations will be obtained. Briefly, Thomas Jefferson said: "the protection of life and happiness of society are the only objective sign of good government legitimation rather than damage in the community.

Good government is the best practice in the process of state power in providing services and protection to its people. It is a part of the development and application of appropriate, clear and evident accountability systems in governance process and the efficient, effective, clean development and free from the practice of corruption, collusion and nepotism (KKN).

Accountability is defined as an embodiment of obligation to account for the success or failure of the implementation of organization's mission in achieving the goals and objectives that have been established through the medium of accountability carried out periodically.

Thus, it can be understood that good governance is a governance which is run based on the norms or laws that govern them consistently and responsibly in order to achieve the goal of the state based on transparent, accountable, clean, honest and trustworthy principles.

General Principles of Good Governance

In State Administration Law, the General Principles of Good Governance is commonly known for the creation of good governance. Governance is the practices of power and authority by the government in general and economic development in specific.¹⁹ There are 4 (four) main elements of good governance, i.e.: accountability, ruleoflaw, transparency and openness.²⁰

The principles of regional administration are stipulated in Act No. 23 of 2014 article 58 which consists of:

- a. The principle of legal certainty;
- b. The principle of state organization order;

¹⁵. Afan Gafar, 2002, *Otonomi Daerah Dalam Negara Kesatuan (Regional Autonomy in the Unitary State)*, Pustaka Pelajar, Yogyakarta, p.27.

¹⁶. Pranarka, 1996, *Pemberdayaan BUMN (Empowerment of State Owned Company)*, Erisco, Jakarta, p. 232.

¹⁷. Pranarka, *Ibid*, p.12.

¹⁸ http://en.wikipedia.org/wiki/Good_government accessed on 15 December 2012

¹⁹. Paulus Efendi Lotulung, 2010, *Tata Pemerintahan Yang Baik (Good Governance) Dalam Korelasinya Dengan Hukum Administrasi Dalam Buku Administrasi dan Good Governance (Good Governance in the Correlation with Administration Law in the Book of Administration and Good Governance)*, Universitas Trisakti, Jakarta, p. 37.

²⁰. Ahmad Sukarya, 2012, *Hukum Tata Negara dan Hukum Administrasi Negara dalam Perspektif Fiqih Siyasah (Constitutional Law and State Administration Law in the Perspective of Fiqih Siyasah)*, Sinar Grafika, Jakarta, p. 241.

- c. The principle of public interest;
- d. The principle of openness;
- e. The principle of proportionality;
- f. The principle of professionalism;
- g. The principle of accountability;
- h. The principle of efficiency;
- i. The principle of effectiveness, and;
- j. The principle of justice.

Supervision in General

The word "supervision" is derived from the word "watch" means "guard". The term monitoring is recognized in management science with the science of administration, that is, as one element in management activities.²¹ In the exercise of supervision, the stages of management function are interrelated. The integration of the functions, requires the coordination of the functions, and the professional demands over the quality of supervision also require quality control program and system of the implementation process of supervisory duties.

When connected with the supervision to government, it appears that the general sense of supervision is still relevant with the reasons of: first, in general, the objective the supervision to government is the maintenance or care so that the welfare state can work well and also bring the power of government as an organizer of public welfare to good practice and remains within the limits of its powers; second, the criterion is the law that regulates and limits the powers and actions of government in the form of material and formal laws (*rechtmatigheid*), and its benefits for people's welfare (*doelmatigheid*); third, the appropriateness between actions and criterion which have been set; fourth, when there are signs of irregularities against its criterion for prevention; fifth, when there is an appropriateness showing that there has been a deviation from the benchmark, and then correction is held through a cancellation action, as the recovery against the impact and disciplining the perpetrators of the mistake.²²

In general, it can be said that the supervision to all activities of regional government including Regional Government Decrees and Regulations is an absolute consequence of unitary state. In unitary state, we do not recognize the part that is detached from or parallel to the state, nor is there may be a state within a state.²³

Meanwhile, in relation to state financial supervision, it is intended to prevent "corruption, manipulation, and waste of state budget that focuses on personnel or civil servants". With the exercise of the supervision and accountability of management, it is expected that the state budget is capable of running as planned.²⁴

In general it can be said that the supervision of all activities of regional government including Regional Government Decrees and Regulations is an absolute consequence of unitary state. In unitary state, we do not know the part that is detached from or parallel to the state, nor is there may be a state within a state.²⁵ In fact, it can be said that no autonomous government is unattended, whereas, between supervision and decentralization, it will allow the emergence of spanning.²⁶

Supervision is essentially an action of assessing/ testing whether something has been going according to the plan that has been determined. With supervision, mistakes will be found that ultimately improvement will be pursued, most importantly do not let mistakes recur.

One cause of the rampant corruption and poor performance of regional government officials is due to weak supervision of regional government, both the function of supervision performed by the central government (Ministry of Domestic Affairs/ Inspectorate General) and the internal control performed by the Regional Inspectorate (provincial, district/ City) in accordance with the functions and authority. The supervision carried out by Regional Inspectorates is not optimal. Early warning system that should be conducted by the Inspectorates at provinces and districts/ cities is not going well although their task is to become the eyes and ears of regional heads. (Kompas Wednesday, June 21, 2017).

²¹. Anton M. Moeliono, dkk, 1995, *Kamus Umum Bahasa Indonesia (Indonesian General Dictionary)*, Balai Pustaka, Jakarta, p. 68

²². Irfan Fachruddin, 2004, *Pengawasan Peradilan Administrasi terhadap Tindakan Pemerintah (Administration Court Supervision Against Government Actions)*, Alumni, Bandung, p. 90-91.

²³. Ni'matul Huda, 2010, *Hukum Pemerintahan Daerah (Regional Government Law)*, Nusa Media, Bandung, p.105.

²⁴. Ahmad Fikri Hadin, 2013, *Eksistensi Badan Pengawasan Keuangan dan Pembangunan di Era Otonomi Daerah (Existence of Financial and Development Supervision Body in Regional Autonomy Era)*, Genta Press, Yogyakarta, p. 22

²⁵. Irawan Soejito, 1983, *Pengawasan terhadap Peraturan Daerah dan Keputusan Kepala Daerah (Supervision to Regional Regulations and Regional Head Decrees)*, Bina Aksara, Jakarta, p. 9.

²⁶. Bagir Manan, 1993, *Perjalanan Historis Pasal 18 UUD 1945 (Historical Journey of Article 18 of the 1945 Constitution)*, UNSIKA, Karawang, p. 3.

Actually if reviewed, the range of duties and authorities of Regional Inspectorates in carrying out supervisory duties, is wide enough. It is regulated in Article 11 paragraph 3 and 4 of the Government Regulation no. 79 of 2005:

1. Provincial Inspectorate shall supervise:
 - a. Implementation of guidance on the implementation of Regency / Municipal Government;
 - b. Implementation of government affairs in the provinces; and
 - c. Implementation of government affairs in districts/ cities.
2. Regency / Municipal Inspectorate shall supervise:
 - a. Implementation of government affairs in districts/ municipalities;
 - b. Implementation of the guidance on the administration of village government; and
 - c. Implementation of village government affairs.

Thus, it can be said that supervision is a measure to assess whether an activity has been running in accordance with the predetermined plans or not. In the field of government, it can be interpreted that government supervision is a measure to assess whether an implementation of government activities has been run in accordance with the laws governing it or not.

Internal and External Supervisions

Internal supervision is a supervision conducted by the officers in an organization.²⁷ It is more commonly known as functional supervision. Functional supervision is a supervision to the government including regional governments held by the institution established to perform functional supervision. The regional supervisory institutions established due to the implementation of functional supervisory duties are the Inspectorates of Provinces, Districts/ Cities, . Meanwhile, internal supervision is a supervision performed by the officers out of organization, such as the Supreme Audit Agency (BPK)..

Internal Supervision is the whole process of audit, review, evaluation, and monitoring activities, and other supervision activities on organization's duties and functions in order to provide reasonable assurance that the activities carried out in accordance with the criterion that have been established effectively and efficiently for the sake of leaders and realizing good governance (Article 1 paragraph (3) of the Government Regulation Number 60 of 2008 on Government Internal Control System). In other words, it can also be said that internal supervision is a measure to assess whether the implementation of regional government has been running in accordance with the objectives of regional governance as measured by the indicators of:

1. Planning;
2. Control / implementation;
3. Effectiveness;
4. Efficiency; and
5. Evaluation.

In an effort to improve the performance of local government supervisory institutions (Inspectorate), it is necessary to rearrange the position of local government oversight institutions, through changes in rules or regulations and central government policies. By repositioning the present Inspectorate of the region as part of the Organization of Regional Apparatus, it becomes an independent local government independent which is free from the influence of local government powers or incorporated into the Financial and State Development Audit Agency as part of the Government Internal Supervisory Authority. Thus the Inspectorate in carrying out the duties and supervisory functions terhadap local government can run well without any burden of fear of the party being supervised.

Conclusion

The implementation of regional government as regulated by Act Number 23 of 2014 contains three functions, i.e.: first, the planning of regional government tasks represented by the Regional Development Planning Agency (Bappeda); second, the implementation of regional government tasks represented and implemented by the Regional Officer Organization (OPD) in regional governments; third, the supervision of the implementation of regional governments implemented by the Regional Inspectorates as the internal supervisor of regional governments.

Good local governance is if carried out consistently in accordance with the laws and regulations governing it. It is therefore necessary to have good coordination and integrity, professional and work ethic and high morale. The principles of good governance include: the principle of legal certainty, the principle of proportionality, the principle of professionalism and the principle of accountability. The success or failure of good local governance depends on the executors. In addition, in the local government itself there must be a good internal controls system.

²⁷. Viktor M. Situmorang dan Jusu Juhir, 1994, *Aspek Hukum Pengawasan Melekat Dalam Lingkungan Aparatur Pemerintah (Legal Aspect of Tight Supervision in the Environment of Government Apparatus)*, Rineka Cipta, Jakarta, p. 28

The broad organization of regional apparatus is covered by the internal supervisory bodies (Inspectorate) of regions. It is a separated issue for the internal supervision institution because the capability of human resources and other supporting facilities as a supporting means of performance is very limited. The other constraint is the limited ability and courage of the inspectors and auditors in the environment of the Regional Inspectorate to conduct supervision to their own superiors (Regional Secretary) considering their status is the Regional Civil Servant whose position is under regional heads and secretaries. The inspectors and internal auditors are appointed to the post by regional heads. Meanwhile, the technical guidance in carrying out the duties is conducted by regional secretaries because the internal supervision agency (Inspectorate) is one part of the Organization of Regional Apparatus (OPD).

This makes the regional Inspectorate unable to perform the supervisory duties optimally. Therefore, it is necessary to reorganize the position of the Inspectorate currently under local government through regulation changes and central government policy to become an independent internal supervisory agency or merged into the Financial and State Development Audit Agency as part of the Government Internal Supervisory Apparatus, in order that the Inspectorate in carrying out its duties and functions can work well in clear, firm, efficient, effective, transparent, accountable and independent working systems and mechanisms so that good local governance can be realized.

REFERENCES

- Ahmad Fikri Hadin, 2013, *Eksistensi Badan Pengawasan Keuangan dan Pembangunan di Era Otonomi Daerah*, Genta Press, Yogyakarta.
- Ahmad Sukarya, 2012, *Hukum Tata Negara dan Hukum Administrasi Negara dalam Perspektif Fiqih Siyash*, Sinar Grafika, Jakarta.
- Afan Gafar, 2002, *Otonomi Daerah Dalam Negara Kesatuan*, Pustaka Pelajar, Yogyakarta.
- Amrah Muslimin, 1986, *Aspek-Aspek Hukum Otonomi Daerah*, Alumni, Bandung.
- Anton M. Moeliono, dkk, 1995, *Kamus Umum Bahasa Indonesia, Balai Pustaka*, Jakarta.
- Bagir Manan, 1993, *Perjalanan Historis Pasal 18 UUD 1945*, UNSIKA, Karawang.
- Hanif Nurcholih, 2005, *Teori Dan Praktek Pemerintahan Dan Otonomi Daerah*, PT. Grasindo, Jakarta.
- Henry Muddick, 1966, *Democracy, Decentralization an Development, Reprinted London, Asia Publishing House*, hlm 23. Diterjemahkan bebas dengan judul, *Desentralisasi dalam Praktek*, Cetakan I, Pustaka Kendi, Yogyakarta, 2004.
- Irawan Soejito, 1983, *Pengawasan terhadap Peraturan Daerah dan Keputusan Kepala Daerah*, Bina Aksara, Jakarta.
- Irfan Fachruddin, 2004, *Pengawasan Peradilan Administrasi terhadap Tindakan Pemerintah*, Alumni, Bandung.
- Joko Prihatmoko, 2005, *Pemilihan Kepala Daerah Langsung, Filosofi, Sistem, dan Prolema Penerapan Di Indonesia*, Pustaka Pelajar, Yogyakarta.
- J. Kaloh, 2003, *Kepala Daerah, Pola Kegiatan, Kekuasaan Dan Perilaku Kepala Daerah Dalam Pelaksanaan Otonomi Daerah*, Gramedia Pustaka Utama, Jakarta.
- J. Kaloh, 2009, *Kepemimpinan Kepala Daerah, Pola Kegiatan, Kekuasaan, dan Perilaku Kepala Daerah Dalam Pelaksanaan Otonomi Daerah*. Sinar Grafika. Jakarta.
- Kacung Marijan, 2006, *Demokratisasi Di Daerah: Pelajaran dari Pilkada Secara Langsung*, diterbitkan bersama Pustaka Eureka dan Studi Demokrasi dan HAM (PusDeHAM), Surabaya.
- M. Laica Marzuki, 2006, *Berjalan-jalan di Ranah Hukum*, Buku Kesatu, Edisi Revisi Cetakan Kedua, Sekretaris Jenderal dan Kepanitraan Mahkamah Konstitusi RI, Jakarta.
- Marsono, 2005, *Kepala Daerah Pilihan Rakyat*, CV. Eka Jaya, Jakarta.
- Ni'matul Huda, 2010, *Hukum Pemerintahan Daerah*, Cetakan Ke II, Nusa Media, Bandung.
- Paulus Effendi Lotulung, 2010, *Tata Pemerintahan Yang Baik (Good Governance) Dalam Korelasinya Dengan Hukum Administrasi Dalam Buku Administrasi dan Good Governance*, Universitas Trisakti, Jakarta.
- Purnadi Purbacaraka dan Soerjano Soekanto, 1986, *Perihal Kaedah Hukum*, Alumni, Bandung.
- Pranarka, 1996, *Pemberdayaan BUMN*, Erisco, Jakarta.
- Riswanda Imawan, 2004, *Desentralisasi, Demokratisasi, dan Pembentukan Good Governance*, dalam Syamsuddin Haris (Editor), *Desentralisasi dan Otonomi Daerah Naskah Akademik dan RUU Usulan LIPI*, Pusat Penelitian Politik LIPI 2003, bekerjasama dengan Partnership for Governance Reform in Indonesia (PGRI), Cetakan Press, Jakarta.
- RDH. Koesoemahatmadja, 1979, *Pengantar Kearah Sistem Pemerintahan Daerah di Indonesia*, Binacipta, Bandung. Dikutip oleh M. Laica Marzuki dalam *Berjalan-jalan di Ranah Hukum*, Buku Kesatu, Edisi Revisi Ccetakan Kedua, Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI, Jakarta.
- Syaukani, HR dkk, 2004, *Otonomi Daerah Dalam Negara Kesatuan*, Pustaka Pelajar Offset. Yogyakarta.
- Sarundajang, 2002, *Pemerintahan Daerah Di Berbagai Negara*, Pustaka Sinar Harapan, Jakarta.
- Viktor M. Situmorang dan Jusu Juhir, 1994, *Aspek Hukum Pengawasan Melekat Dalam Lingkungan Aparatur Pemerintah*, Rineka Cipta, Jakarta.

LAWS:

The 1945 *Constitution* of the Republic of Indonesia.
Act No. 32 of 2004 *on Regional Government*.

Act No. 27 of 2009 *on MPR, DPR, DPD, and DPRD*

Act No. 28 of 1999 on the *The Implementation of State Administration which is clean and free from Corruption, Collusion, and Nepotism.*

Act No. 12 of 2011 *on Law Making.*

Act No. 23 of 2014 *on Regional Government*

The Government Regulation No. 79 of 2005 *on the Guidance for the Development and Supervision of Regional Government Implementation.*

The Government Regulation No. 38 of 2007 *on the Division of Government Affairs in Provincial and District/ City Government.*

The Government Regulation No. 41 of 2007 *on the Organization of Regional Apparatus*

The Government Regulation No. 18 on 2016 *on the Organization of Regional Apparatus*

The Government Regulation No. 60 of 2008 *on the Internal Control System of Government*

Act No. 25 of 2009 *on Public Service.*

http://en.wikipedia.org/wiki/Good_government accessed on 15 December 2012

Achmad Fauzi

Law Faculty University of 17 Agustus 1945 Semarang

Email: achmadfauzi957@yahoo.co.id