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**Peran Lembaga Ombudsman Daerah Provinsi Daerah
Istimewa Yogyakarta (LOD DIY) Dalam Mewujudkan
Akuntabilitas Publik**
(Beberapa Contoh Kasus)

Moh. Hasyim

Peran LOD DIY dalam Inovasi Pelayanan Publik

Arif Noor Hartanto

**District Ombudsman Of Yogyakarta
Recommendation: Empirical Findings on Education
Cases In 2010**

Didik Rinan Sumekto

**Urgensi Rekomendasi LOD DIY dalam Inovasi
Pelayanan Publik**

Sugeng Irianto

**Eksistensi dan Efektifitas Ombudsman Daerah;
Pasca Berlakunya UU ORI dan Putusan Judicial Review MK**

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Lembaga Ombudsman Daerah
Propinsi Daerah Istimewa Yogyakarta

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Abstrak:

Akuntabilitas memiliki peranan penting dalam mengembangkan tata kelola pemerintahan yang baik, di mana beberapa pemerintahan telah berperan melalui masa transisi menuju demokrasi atau sedang melakukan konsolidasi menuju orde demokrasi. Institusi yang berperan pada lingkup akuntabilitas vertikal, seperti masyarakat madani dan media memainkan peran penting membantu kinerja. Akuntabilitas horizontal akan menjadi efektif dan berkelanjutan apabila pemerintah memahami manfaat tata kelola pemerintahan, sedangkan dalam penerapan akuntabilitas vertikal khusus terkait proses elektoral menuntut pemerintah mampu memahami dinamika yang berkembang. Kajian artikel ini membahas secara empiris dokumen rekomendasi bidang pendidikan yang dikeluarkan oleh LOD DIY terkait kasus pelayanan publik di tahun 2010. Dari sebelas rekomendasi bidang pendidikan, ada dua rekomendasi telah dijalankan oleh SMA Negeri 1 Wates, Kulonprogo dan SMK Negeri 5 Yogyakarta. Sedangkan sembilan rekomendasi LOD DIY lainnya belum dijalankan atau mendapatkan tanggapan secara resmi oleh dua belas Institusi Pemerintah di Propinsi Daerah Istimewa Yogyakarta.

Kata kunci:

tata kelola, akuntabilitas, peran masyarakat, rekomendasi LOD DIY

Introduction

It has become an established fact that the policy works nowadays take place “next to” or “across” established orders. This shift in topography changes the conditions in which authoritative governance must be achieved considerably. Policy-making nowadays is most often a complex negotiation among actors with disparate backgrounds and divergent goals. The weakening of the state goes hand in hand with the growth of a civic politics and the emergence of new citizen-actors and new forms of mobilization through new sorts of coalitions. The spill-over of jurisdictional mismatches and this growth of a civic politics, in which state agencies take part in governance rather than drive political development together shift policy-making to an ‘institutional void’ (Hajer, 2009).

The concept of accountability, along with the institutions through which the concept is articulated and implemented, is perhaps the single most important factor that controls holders of political and public administrative power. As Thomas (1998; Shah, 2005) has observed that accountability is one of the ultimate purposes on governance within democratic societies. Accountability has a particular urgency in the developing state, where many governments are groping their way through transition to democracy or are seeking to consolidate a democratic order. Though the formal trappings of democracy may have been installed, states may still find themselves *haunted by old demons that they had hoped to exorcise with democratic rule, such as violations of human rights, corruption, nepotism, patrimonialism, and arbitrary exercise of power*. There is a distinction to be made between the accountability imposed on a government by its citizens, and the accountability that a government imposes on itself through the creation of public institutions whose mandate is precisely to act as a restraint on government. This distinction is referred to by some theorists as vertical accountability to citizens directly versus horizontal accountability to public institutions of accountability. Vertical accountability may include citizens acting directly through the electoral process, or indirectly through civic organizations or civil society (Schedler, Diamond, and Plattner, 1999; Shah, 2005).

Meanwhile, the horizontal accountability refers to the range of public entities that check abuses by the executive branch of government, may be exercised by institutions and organizations as diverse as the legislature, the judiciary, electoral commission and tribunal, auditing

agency, anti-corruption body, well-known in Indonesia as The Corruption Eradication Commission (*Komisi Pemberantasan Korupsi*), ombudsman, and human rights commission. Some of these bodies may have a constitutional basis, while others may be found in statute. Some may have a purely watchdog function, quasi-judicial or punitive power. Institutions of horizontal accountability, carrying the formal stature and legitimacy that go with having been created and empowered by the state itself, play the dominant roles in restraining executive power.

Even so, institutions of horizontal accountability are not enough. It has been plausibly argued that institutions of horizontal and vertical accountability are fundamentally interconnected, in that the former are not likely to exist in a meaningful fashion without the latter. Horizontal accountability, being the work of public institutions, numbers to a restraint that the government consents to impose upon itself. This refers the question:

Who is eager to respond to nasty questions in public? Who yearns for punishment for misbehaviour? Governments usually do not. They understand that institutions of accountability limit their freedom of action and that they contain the potential to bring them into painful and embarrassing situations. So why should they be interested in establishing them? (Schedler, 1999b; Shah, 2005).

Nevertheless, accountability problems in Indonesia as one of the developing countries are numerous and diverse, as problems lead their causes and eventual impacts. It is intended that the solution framework will help the any institutions which serve and guard their public service issues. It is expected that it will expedite the analysis and prioritization of problems concerning institution of accountability and corruption in Indonesia. The model presented here concentrates on the interaction between institution of accountability and the executive branch of government (headquarter and local), and on how the interaction is mediated by various factors. Vertical accountability institutions such as civil society and the news media play an important role in affecting the performance of horizontal institutions accountability. It will address these key vertical institutions accountability which also takes initial steps in developing performance measures to evaluate the effectiveness of institution of accountability with respect to controlling corruption, as shown on the figure 1 below (Shah, 2005).

Figure 1.

Horizontal and Vertical Accountability: Institutions Evaluation

The concept of governance is critical to the study and practice of public administration and even more central to the specific opportunities and challenges that affect public sector leadership. The public administration community relies on the term frequently, but a single, agreed-on definition does not exist. This, as a result, leads to a great deal of confusion when scholars and practitioners emphasize the term *governance* as a means of comparing or critiquing different theoretical approaches to public administration. Kettl (2002; Bevir and Rhodes, 2006) defines governance as *the way government gets its job done*. Heinrich and Lynn (2000; Bevir and Rhodes, 2006) maintain that governance generally refers to the means for achieving direction, control, and coordination of individuals or organizations ... and may be defined as regimes of laws, administrative rules, judicial rulings, and practices that constrain, prescribe, and enable activity. Pierre (2000), in a similar line of argument, supports the position that governance has two distinct meanings. The first was to focus on empirical manifestations of state adaptation to its external environment and the second denotes a theoretical representation of social systems co-ordination and the role of the state in that process. Wamsley et al. (1990; Bevir and Rhodes, 2006) make the compelling case that governance should permeate the theoretical and practical underpinnings of public administration. Their definition

integrates old institutionalism with normative, constitutional theory. The foundations of Wamsley's model are present in Bogason and Musso's assumption (2006; Bevir and Rhodes, 2006) that governance can be understood as encompassing both structure and process, both institutional and procedural dimensions. Then, Raadschelders (1999; Bevir and Rhodes, 2006) move in this direction as well, arguing that the public administration purpose is to govern, and thus government and governance are the core concepts that help us to organize the public administration study. Sorensen (2006; Bevir and Rhodes, 2006), by contrasting government with governance, contends that the latter denotes a complex governing process in which a multitude of public and private actors interact to govern society. Salamon (2002) finds merit in this approach, but his definition of governance relies on a wide array of third parties in addition to government to address public problems and pursue public purposes. In a word, good governance is vital for the citizens' rights protection and the economic and social development advancement (Kim et al. 2005; Bevir and Rhodes, 2006).

The theorists treat that the governance is as a complex set of institutions and institutional linkages defined by their social role or function. When we understand differentiation in this way, we will offer a decentred account of governance that accord with our interpretive approach. To decentre governance is, in contrast, to focus on the social construction of policy networks through the ability of individuals to create meanings. A decentred approach changes our view of governance. It encourages us to examine the ways in which our social life, institutions and policies are created, sustained and modified by individuals. It also encourages us to recognize that the actions of these individuals are not fixed by institutional norms or some logic of modernization. Governance is a product of diverse practices that are themselves composed of multiple individuals acting on all sorts of conflicting beliefs which they have reached against the background of a range of traditions and in response to varied dilemmas. A decentred approach leads us, then, to replace aggregate concepts that refer to objectified social laws or institutions with ones that we craft to explain the particular beliefs and actions of interest to us (Bever and Rhodes, 2006). Another perspective on government governance relates to any educational issue, where policy-making in education is seldom a simple, rational process because policies are often

influenced by contradictory or disparate goals that are valued by different stakeholders at the local, regional and international level. Policy-makers have to negotiate and achieve a compromise in an attempt to satisfy the different interest groups, although some interests are more strongly represented in the final outcome than others. As a result, policies often reflect a range of values systems and educational orientations (Berry and Adamson, 2011).

Therefore, relating with this issue, the bureau which supervises the governance issues shall pay particular attention to civil society participation, transparency, and networks. This bureau examines the need for greater citizen collaboration not only with government agencies but also with civil society initiatives and programs (Hirst 1994; Stivers 1994; Hajer, 2009). Stoker (2006) outlines broader elements associated with bureau, including defining public intervention by the search for public value; affording greater legitimacy to a wider range of stakeholders; building and maintaining a strong commitment to a public service ethos; and requiring an adaptable, learning-based approach to the challenges of public service delivery. More specifically, civil society initiatives, Cooper and Musso (1999; Hajer, 2009), provide a meaningful and productive way for citizens to articulate dissatisfaction with administrative agencies and public services at all levels of government. This emphasis on collaboration, cooperation, and public-private partnerships provides a well-grounded response to public service orientation that treats citizens as customers (Osborne 2000; Teisman and Klijn 2002; Salamon 2002). Logically, to understand how governance can be authoritative in our circumstances we need to see how the communication over public problems takes place, and hence we need to establish an understanding of the mechanisms that are at play in the mediatised world of governance (Hager, 2009).

Government Accountability

The policy objectives of effectiveness of rules and supervision and good governance at the domestic level have both a constitutive and an evaluative role in respect of the relationship between public service quality and the law enforcement. Turning now to the constitutive and evaluative roles of the policy objectives of effectiveness and good governance, these policy objectives are constitutive because they are a vital constituent part of

the government legal framework. They are evaluative because one of them (effectiveness) represents a standard of review against which good governance represents a significant criterion of such review. For absolute clarity it needs to be mentioned that in the present context the relevant aspect of good governance is good governance *within the nation-state*. There is, of course, an additional dimension of good governance.

The constitutive function of good governance needs to be understood from a number of different perspectives. First, a key object of different systemic obligations to which references have been made earlier is to promote good governance within national legal systems. In this context it is worth recalling once again that such obligations include those requiring transparency and fairness in the adoption, implementation and administration of domestic laws and regulations or those obliging Members to make available domestic legal procedures for the review, modification and reversal of actions of domestic administrative authorities and for the enforcement of private rights by individuals. Second, various substantive obligations also promote good governance in important ways. To note but a few examples, the non-discrimination principles of most-favoured nation and national treatment promote good governance by (1) guaranteeing some protection for the commercial interests of foreign states, who have little or no representation in the political life of a state enacting or implementing a trade or trade related law or measure; and (2) ensuring that national trade policy is not unjustifiably biased in favour of one domestic constituency at the expense of another domestic constituency. Third, government often operates as a further layer of judicial review of national laws and administrative measures, has important good governance ramifications. Genuine access to fair and impartial judicial review is widely considered to be an important element in ensuring good governance, because it acts as a check on legislative and administrative bodies. Whenever the legality of a national measure is determined under such a provision, good governance becomes an essential evaluative tool of review (Bhuiyan, 2007).

Like transparency, networks are important to organizations which provide public services. Salamon (2002) maintains that the defining characteristic of networks is their establishment of interdependencies between public agencies and a host of third-party actors. Networks are effective tools for policy implementation that involve one or more public or

nonprofit agency. O'Toole (1997; Morse and Buss, 2008) argue that public administration should take networks seriously because of their broad impact on administration and the increased importance of the third sector and its collaboration with government agencies, and because the policy process is becoming increasingly more complex.

However,

System Governance should not be treated as a viable substitute for representative democracy, as if a process of top-down consultation with organized interests were enough to offset the democratic deficits associated with multilevel networks. It certainly should not be mistaken for a radical, participatory democracy that fosters pluralism and dialogue. System governance generally consists of attempts to improve the effectiveness of established institutions by means of officially sponsored and managed participation ... If it ever succeeded in genuinely broadening participation, it would run up against the possibility that citizens and associations act as catalysts for change, overturning existing norms, practices, and institutions instead of enhancing their legitimacy and effectiveness (Bevir, 2006).

With regard to transparency, an important question that public administration needs to address is whether too much transparency hinders the ability of government to act in an efficient and effective manner. We have assumed that transparency is a concept that stands alone without meriting serious scrutiny or critique because of the normative values that it embodies as being representative of an open and responsive government. This, like any idea influencing the theoretical and practical dynamics of the field, should not be the case. Scholars and practitioners should examine every theory and scrutinize its strengths and weaknesses in order to develop a more comprehensive understanding of its application to the administrative state and its governance structure. This critique, therefore, provides an opportunity to examine how the tenets of old institutionalism provide the scrutiny needed to examine how the key elements of public service organization hold the potential to undermine the constitutional and institutional integrity.

Tabel 1. Key Components in Governance (Robinson *et al*, 2010)

Components of Governance		Key Features and Examples
Organizational structures	Roles/ Accountability	<ul style="list-style-type: none"> - Organisational and project units - Relationship between organisational and project units - Defined responsibilities for each organization/project unit
	Project team/project forums	<ul style="list-style-type: none"> - Defined terms of reference for each team/project group - Participants who should contribute - Coordinating mechanism and communication strategy
Control and monitoring	Standards	<ul style="list-style-type: none"> - Standard processes (e.g. for pre-qualification, mechanisms evaluation) - Use of standard documentation (e.g. contract documents) - Reference documents (e.g. best practices) - Policies (e.g. procurement rules, building standards)
	Tools methodologies	<ul style="list-style-type: none"> - Tools to support projects (e.g. risk management, value-for money guide) - Tools to support operational areas (e.g. project management tool)
	Compliance	<ul style="list-style-type: none"> - Mechanisms for monitoring compliance (e.g. output specification, performance measurement and payment mechanisms) - Collection and analysis of metrics (e.g. benchmarking) - Audits of projects (e.g. post-project evaluation, performance scores)

An effective organisational structure which defines the reporting structure, lines of accountability, the project manager's role and responsibilities within a project team is therefore critical to ensure and maintain a good governance structure and mechanism for reporting project plans, decision-making, contingencies and delivery status to the overarching. For improved project delivery through effective accountability, the key requirements at the organisational level are for the top management team to be clear about strategic goals and the roles and

relationship between the different organisations and stakeholders involved. Stakeholders, internal and external to the organisation, are critical to the success of the project and a stakeholder analysis should be completed during the early stages of project development to ensure key stakeholders are represented and involved at the right decision-making forum in the projects' reporting structure.

The control and monitoring mechanisms include a range of standards and tools to support effective planning and implementation of projects and to monitor compliance to ensure that the project objectives are achieved. For example, the perception in the public sector have difficulty in delivering on time, budget and within the scope of the project (Latham, 1995; MacDonald, 2002; Robinson *et al*, 2010). The government has therefore invested heavily in creating a wealth of control and monitoring tools to ensure compliance and share or transfer knowledge on *good practice* and *project governance*. However, one of the key issues particularly is risk management. Standard documents and tools have been developed for risk allocation which is continuously evolving based on best practices to capture the different types of risks, and determine which party is best able to manage those risks at key phases of planning and development, construction and service delivery and operation.

Social Accountability

Building on the assumption that effective and accountable governance is unlikely to be achieved without an attentive and active citizenry, the government recently introduced the concept of social, or collective, accountability. From this point of view, civic engagement involves more than just voting; it also involves participation in civil society organizations and community policy making. Academic democratization research has also increasingly drawn attention to the importance of an active and supportive citizenry in the process of democratic consolidation. The lack of a vibrant civil society in many new democracies has been linked to the persisting problems of corruption and ineffective governance in these countries. Not surprisingly, political culture research has seen a new renaissance over the past decade or so in response to the recent wave of democratization and the apparent problems of their consolidation (Norris, 2010).

Civil society initiatives and programs are an important element of this discussion. Edwards (2004; Morse and Buss, 2008) outlines three distinct roles and responsibilities associated with civil society: (1) civil society emerged as an arena for collective action distinct from states and markets; (2) civil society is part of a normative tradition that emphasizes the importance of preserving values associated with trust, cooperation, tolerance, and non-violence; and (3) civil society underscores noteworthy democratic values associated with public deliberation and active citizenship. Edwards and Foley (2001; Morse and Buss, 2008) argue that the most important role attributed to civil society is the notion that these types of organizations *play a major role, if not the major role, in building citizenship skills and attitudes crucial for motivating citizens to use these skills*. In addition, they illustrate a variety of public and quasi-public functions that civil society organizations provide, including, *healing the sick, counselling the afflicted, supporting the penniless, and educating both young and old generations, fostering and disseminating culture, and generally providing many of the necessities and adornments of a modern society*. One dimension of the public service organizations philosophy is that strengthening communities helps facilitate a more open and active dialogue between citizens, public administrators, and government agencies. Citizens, as a result, are more likely to make a more active and meaningful contribution to the policy process. The response is that government shall agree to bind themselves through institutions of accountability under circumstances in which citizens will punish them for failing to do so. In other words, horizontal accountability will only be effective and sustainable if governments see benefits in it, and it is the operation of vertical accountability, particularly the electoral process, that causes governments to perceive the benefits. There is good reason for arguing that an active and organized civil society is another important vertical factor compelling governments to bind themselves to horizontal accountability, especially when there is also a democratic electoral process in place.

Perry, Mesch, and Paarlberg (2006; Morse and Buss, 2008) astutely observe that one way civil servants contribute to increasing the public's knowledge of organizational performance is through being more transparent; partnering with researchers to assess organizational intervention; and engaging in more experiments to determine what works. Increased public support for the community as a whole establishes what

Denhardt and Denhardt (2000) call the creation of shared interests and shared responsibility, and if interests and responsibilities are shared, a more transparent, open administrative state will be more likely to emerge.

Van Wart's leadership action cycle and competencies (2005) include therein, table 2 below, constitutes that the baseline for thinking about what competencies are required for collaborative leadership to achieve a good government governance system. Clearly, the traits, skills, and behaviours are as applicable to leading in an interorganizational setting as they are within organizations. The task is to determine what additional competencies are required for the collaborative context.

Tabel 2. Public Organizational Leadership Competencies

Traits	Skills	Behavior
Self-confidence	Communications	Task-oriented
Decisiveness	Social skills	Monitoring and assessing work
Resilience	Influence skills	Operations planning
Energy	Analytic skills	Clarifying roles
Need for achievement	Technical skills	Informing
Willingness to assume responsibility	Continual learning	Delegating
Flexibility		Problem solving
Service mentality		Managing innovation and creativity
Personal integrity		People-oriented
Emotional maturity		Consulting
		Planning and organizing personnel
		Developing staff
		Motivating
		Building and managing teams
		Managing personnel conflict
		Managing personnel change
		Organization-oriented
		Scanning the environment
		Strategic planning
		Articulating the mission and vision
		Networking and partnering
		Performing general management functions
		Decision making
		Managing organizational change

Methodology

The document analysis was a research method applied to written or visual materials for the purpose of identifying specified characteristics of the material. The materials analyzed could be textbooks, newspapers, web pages, speeches, television programs, advertisements, musical compositions, or any of a host of other types of documents (Ary, Jacobs, and Sorensen, 2010). Meanwhile, Maykut and Morehouse (1994) pointed out that notes could be variously referred to as a diary, a journal, or as memos, and contain the researcher's personal record of insights, beginning understandings, working hunches, recurring words or phrases, ideas, questions, thoughts, concerns and decisions made during the research process.

Therefore, the method used in writing this paper was that of library research. The analysis of the data was based on the documents from the recommendations itself and other articles written by the District Ombudsman of Yogyakarta (*Lembaga Ombudsman Daerah Provinsi DIY*). All these references were obtained from the District Ombudsman of Yogyakarta library and the private collections as well.

Empirical Findings

From twenty four educational cases reported in 2010, District Ombudsman of Yogyakarta (LOD DIY) recorded that there were eleven recommendations issued by LOD DIY. There were two institutions only running these recommendations by contacting LOD DIY through the official reports. Meanwhile, the other ninth institutions had ignored to clarify the recommendations, whether they either had been on the progress or completely done. Based on the monitoring series conducted to every recommendation during the year of 2010, then it could be empirically discussed through the LOD DIY's files in the following:

a. Executed recommendations

There were two recommendations that had been implemented by two parties, *SMA Negeri 1 Wates*, Kulonprogo and *SMK Negeri 5 Yogyakarta*. The first recommendation was concerned with the study tour commencement of *SMA Negeri 1 Wates*, Kulonprogo in academic year of 2009-2010. The LOD DIY's recommendation points which was

released on February 4th, 2010 related to the public transparency and accountability, where the school headmaster had responsibilities to release the annually official reports to the students' parents and other stakeholders. The report models might be in documents or letters and they might be openly published at the school announcement boards as well. To accommodate the stakeholders' interest in the near future, in accordance with this case, the study tour program should be officially issued indicating that this annual program was an elective only. The second recommendation was formally released on February 4th, 2010 to SMK Negeri 5 Yogyakarta headmaster in accordance with the school's budgeting allocation and report scheme (*Penyusunan dan Laporan Anggaran Pendapatan dan Belanja Sekolah*) in academic enrollment of 2008-2009. LOD DIY emphasized this recommendation to the vocational school headmaster in relating with the revision of school's budgeting in academic enrollment of 2008-2009 in which the bank interest and the school's business unit gain should be reported as regulated in article 8, verse (1) and (6), and article 20, verse (2) of Mayor Regulation of Yogyakarta. This recommendation also suggested the head of education of Yogyakarta to provide any technical assistance comprehensively to the school's authorities in arranging the school's budgeting allocation and report scheme.

Tabel 3. The Executed Recommendation

Institution	Case recommended	Status
SMA Negeri 1 Wates, Kulonprogo	Study tour commencement in academic year of 2009	Followed up
SMK Negeri 5 Yogyakarta	School's budgeting allocation and report scheme in academic enrollment of 2008-2009	Followed up

b. Neglected recommendations

Based on the LOD DIY's archives, there were nine recommendations which were neglected. Here are the parties who had not implemented the recommendations yet, as follows:

- 1) District Secretary of Bantul Regency. The recommendation was released on January 6th, 2010 in accordance with the teachers' employment status at Bantul Regency authority dated on September 15th, 2007. LOD DIY recommended the District Secretary of Bantul Regency as a public authority to be consistent and prudential in executing every decision and policy.
- 2) Head of Population and Civil Registration, Head of Education of Yogyakarta, and Headmaster of State Primary School of Ungaran I Yogyakarta. The recommendation was released on February 16th, 2010 relating with the doubled issuing on birth certificate which had been used illegally to the school registration. The recommendation advised the Head of Population and Civil Registration of Yogyakarta to do the series of administrative clearance in issuing the birth certificate in order to avoid of birth certificate duplication. Meanwhile, the recommendation which was released to Head of Education of Yogyakarta and Headmaster of State Primary School of Ungaran I Yogyakarta concerned with the prudence of verifying the accurate data to the registered pupil's candidates by clarifying to the authorities, particularly for those who were strongly indicated with the maladministration. For the law supremacy, to the authorized parties were advised to sue the cancelation of birth certificate, number AL 691.0029589 to the court in terms of its illegal statement.
- 3) Headmaster and Committee of State Junior High School of One (SMPN 1 Depok, Sleman), and Head of Education of Sleman Regency. The recommendation was released on February 16th, 2010 in relating with a transparent and accountable administration filling, particularly in planning the infrastructures and other school's facilities by considering the school's performance. This policy should be mutually considered in order to decrease any liabilities on parents. The school was responsible to involve the parents in decisions making, the school's decision was not compulsory to take any tuition fees from parents. The parents' contribution on tuition fees should be mutually and voluntarily

collected. Meanwhile, the recommendation for the head of education of Yogyakarta relied on doing supervision and coaching of every headmaster's and committee's decision indicating that the tuition fees collection was obligatory.

- 4) Head of Education of Yogyakarta. The recommendation was sent on February 16th, 2010 stating that the Department of Education of Yogyakarta was officially requested to switch the working period calculation system (*terhitung mulai tanggal/TMT*) for civil servants on teacher certification program in the future by providing his or her real working scheme.
- 5) Headmaster of State Senior High School of Two (*SMA Negeri 2 Yogyakarta*). The recommendation was released on February 25th, 2010 in relating with the students coaching program at *SMA Negeri 2 Yogyakarta*. The recommendation emphasized on the disciplinary enforcement records verbally, such as providing treatments, penalties, and coaching to students who once or regularly broke the regulation(s). This step might record the students' coaching schedules proportionally by implementing the right parameters attached in the school regulation guidance *SMA Negeri 2 Yogyakarta*.
- 6) Head of Education of Yogyakarta. The recommendation was released on 24th February 2010 in accordance with the announcement of participants' attendance for teacher profession education and training program at region 11 of State University of Yogyakarta. The recommendation focused on the invitation of attending the education and training program which had not been received by the participant, thus it did not lead any misunderstanding and disappointment to the teacher certification program participants.
- 7) Head of Education of Yogyakarta Special District Province. This recommendation which was issued on 10th December 2010 emphasized on the new students' commencement quota at every region of Yogyakarta Special District Province in academic year of 2010-2011. The main point from this recommendation was that the Department of Education of Yogyakarta Special District Province was kindly requested to evaluate the commencement quota system at every region and to report its implementation to the authorized parties or stakeholders including LOD DIY.

- 8) Headmaster of State Junior High School of Five (*SMP Negeri 5 Yogyakarta*). The recommendation straightly emphasized on the school operational fund (*Dana Bantuan Operasional Sekolah*, which was well-known as *BOS*) allocation to fulfill its expenditures on the electronic books as the main reference on teaching and learning process. This recommendation had been released by LOD DIY on 10th December 2010. The recommendation requested the school as well as the subject matter teachers to accommodate the e-books to all students of State Junior School of Five (*SMP Negeri 5 Yogyakarta*) and to consider the e-books academically as the main reference on teaching and learning process in the classroom.
- 9) Headmaster and Committee of State Primary School (*SD Negeri*) of Kyai Mojo Yogyakarta. The recommendation which was released on 27th December 2010 emphasized on the tuition fee collection system collected from the students' parents sources. LOD DIY's recommendation noted that the school was not allowed to collect the tuition fees as regulated principally on the behalf of school's operational costs. The tuition fees collected from the students' parents were optional in terms of its amounts, types, time duration, etc. In understanding these tuition fees condition, therefore, there were no such minimum amounts and limited times engaged. Meanwhile, the school's expenditures might be allocated from the school operational fund program granted by the Indonesian government expenditures. The recommendation also explained that if the State Primary School of Kyai Mojo Yogyakarta would implement the educational program, the school followed the technical guidance (well-known as *Petunjuk Pelaksanaan/Juklak*) for School Operational Fund scheme as stated in the Mayor Regulation of Yogyakarta, Number 21, year of 2008, Decree of Head of Education of Yogyakarta, Number 188, year of 2009, and consulted to the Department of Education of Yogyakarta.

Tabel 4. The Neglected Recommendation

Institution	Case Recommended	Status
District Secretary of Bantul Regency	Teacher's employment status at Bantul Regency authority dated on 15th September 2007	Neglected
Head of Population and Civil Registration of Yogyakarta; Head of Education of Yogyakarta; Headmaster of State Primary School of Ungaran 1 Yogyakarta	Doubled issuing on birth certificate which had been used illegally to the school registration	Neglected
Headmaster and Committee of State Junior High School of One, Depok Sleman; Head of Education of Sleman Regency	Transparency and accountability in administration filling, particularly in planning the infrastructure and other school's facilities by considering to the school's performance	Neglected
Head of Education of Yogyakarta	Switching the working period calculation system for civil servants on teacher certification program	Neglected
Headmaster of State Senior High School of Two, Yogyakarta	Students coaching program at State Senior High School of Two (SMA Negeri 2), Yogyakarta	Neglected
Head of Education of Yogyakarta	Announcement of participants' attendance for teacher profession education and training program at Region 11 of State University of Yogyakarta	Neglected
Headmaster of State Junior High School of Five, Yogyakarta	Fulfillment allocation on the electronic books version to all Students in the teaching and Learning process	Neglected
Head of Education of Yogyakarta Special District Province	Evaluating on the commencement quota system at every region and reporting its implementation to the authorized parties or stakeholders	Neglected
Headmaster and Committee of State Primary School of Kyai Mojo Yogyakarta	Tuition fee collection system which was collected from the students' parents	Neglected

Conclusion

During the span of twelve months in 2010, LOD DIY has officially released eleven recommendations in accordance with the educational issues for fourteen institutions or bureau which provide the public service in the Province of Special District of Yogyakarta. But it is to understand mutually that so far, those recommendations mostly have not been truly executed. This condition persistently has been regarded as the important issues in public service quality which consciously or not appear among the civil society in Yogyakarta Special District Province authority. Notwithstanding, the LOD DIY recommendations are not the only parameter of supervision or control system to government performance, but their existence are tremendously important in bridging the problems which need to solve by the government as the impact of some disputes in the society circumstances.

Meanwhile, the government performance will not be obviously parted from the accountability in which experientially and strongly provides the public service aspects. Accountability provides its implementation consistently, where two parties, government and civil society will directly involve through the expected process and output. The government accountability which has mutually been engaged by the government itself in touching with the respect of the relationship between public service quality and the law enforcement shall prove its implementation. In this context, it is worth recalling that the obligations include these requiring accountability and fairness in the adoption, implementation and administration of domestic laws and regulations for the review, modification and reversal of actions of domestic administrative authorities and for the enforcement of private rights by society members. Then, in relating with the social accountability, where the civil society initiatives and programs are an important element of the public service issues. There are three distinct roles and responsibilities associated with civil society, namely: (1) civil society emerge as an arena for collective action distinct from states; (2) civil society is part of a normative tradition that emphasizes the importance of preserving values associated with trust, cooperation, tolerance, and non-violence; and (3) civil society underscores noteworthy democratic values associated with public deliberation and active citizenship. Therefore, civil society are expected more likely to make a more active and meaningful contribution to the policy process. The

government shall agree to bind itself through the institution accountability under the right circumstances. In other words, horizontal accountability (civil society) will only be effective and sustainable if government views benefits in it, and it is the operation of vertical accountability (government), particularly the electoral process, that causes government to perceive the benefits in measuring the public service quality.

References

- Ary, D., Jacobs, L. C. & Sorensen, C. K. (2010). *Introduction to Research in Education (8th Ed.)*. California: Wadsworth, Cengage Learning.
- Berry, R & Adamson, B. (2011). Assessment Reform: Past, Present and Future. *Education in the Asia-Pacific Region: Issues, Concerns and Prospects*, Vol. 14, 3-14.
- Bevir, M. (2006). Democratic Governance: Systems and Radical Perspectives. *Public Administration Review*, Vol. 66, No. 3, 426-436.
- Bevir, M & Rhodes, R.A.W. (2006). *Governance Stories*. London: Routledge Taylor & Francis Group.
- Bhuiyan, S. (2007). *National Law in WTO Law: Effectiveness and Good Governance in the World Trading System*. Cambridge: Cambridge University Press.
- Denhardt, J. V. & Denhardt, R. B. (2003). *The New Public Service: Serving, NOT Steering*. New York: M. E. Sharpe.
- Hajer, M. A. (2009). *Authoritative Governance: Policy-Making in the Age of Mediatization*. Oxford: Oxford University Press.
- Maykut, P. & Morehouse, R. (1994). *Beginning Qualitative Research: A Philosophic and Practical Guide*. London: The Palmer Press.
- Morse, R. S. & Buss, T.F. (2008). *Innovations in Public Leadership Development: Transformational Trends in Governance and Democracy*. New York: M.E. Sharpe, Inc.
- Norris, P. (2010). *Public Sentinel: News Media & Governance Reform*. Washington, DC: The International Bank for Reconstruction and Development/The World Bank.

- Pierre, J. (2000). *Debating Governance*. Oxford: Oxford University Press.
- Robinson, H et al. (2010). *Governance & Knowledge Management for Public-Private Partnerships*. West Sussex: John Wiley & Sons Ltd.
- Shah, A. (2005). *Public Sector Governance and Accountability Series: Fiscal Management*. Washington, DC: The International Bank for Reconstruction and Development/The World Bank.
- Salamon, L. M. (2002). *The Tools of Government: A Guide to the New Governance*. Oxford: Oxford University Press.
- Stoker, G. (2006). *Why Politics Matter: Making Democracy Work*. Basingstoke: Palgrave MacMillan.
- Van Wart, M. (2005). *Dynamics of Leadership in Public Service: Theory and Practice*. New York: M. E. Sharpe.