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How Can Standards Contribute to Social Welfare through the Improvement of Public Service Delivery?

- an Interdisciplinary Assessment of the Potentials of Standard Based Public Service Delivery in Indonesia

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Abstract

Two of the most recent instruments to improve public service delivery in Indonesia are *Minimum Service Standards* and *Public Service Standards*. From the perspectives of political science, anthropology, and economics, the paper analyzes the differences of the two standards systems and their potentials to improve public service delivery and enhance social welfare. This analysis is based on political theories of justice, anthropological practice theories and new institutional economics. From the synopsis of these different approaches, it is argued that related stakeholders should: Fine-tune the conceptualizations towards a difference-sensitive approach, clarify terminologies, harmonize the two standards systems, strengthen public participation, clarify the impact of practical norms, provide incentives for local governments, support oversight mechanisms, and increase data reliability. The paper highlights these aspects as a crucial foundation for the utilization of the standards' potentials. Eventually, well-functioning standards may substantially contribute to the enhancement of social welfare.

Key words

Public Service Delivery, Minimum Service Standards, Public Service Standards, Indonesia, Justice, Positional Differences, Practical Norms, Informality, Principal-Agent-Theory, Incentives

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Introduction

Affordable health treatment, access to basic education, legal documents providing citizens' rights and the like are still hard to obtain for many people living in Indonesia. Democratization and decentralization have not met their associated expectations, including an adequate public service delivery, thus far. However, in order to improve the delivery of public services despite regional disparities, the central government of Indonesia, with the support of international donor agencies, has introduced two standards systems. Minimum Service Standards (MSS) and Public Service Standards (PSS) seek to improve the nationwide delivery of basic services, such as health care, education, water supply, and population administration.

This raises the questions of whether, how, and to what extent MSS and PSS could possibly fulfill the hopes for a broader provision and higher quality of public services in Indonesia. Crucial for the assessment of the two standards systems are the quality of the underlying legal provisions and the conditions for their implementation. It is thus the objective of this study to evaluate the potentials of MSS and PSS as they are currently formulated and implemented. On this basis, we provide recommendations for improving the respective laws and their enforcement.

The paper is organized as follows: The first chapter introduces the topic and outlines the methodology. In chapter 2 we provide, based on the review of literature, legal documents, unpublished working reports, and first-hand personal information, an overview of the current status of the two standards systems. In chapters 3 to 5 we assess the potentials of MSS and PSS by applying an interdisciplinary approach. Here we present three theoretical perspectives from Political Science, Anthropology and Economics, which combined provide a multi-perspective analysis on the potentials of MSS and PSS and the basis for their improvement.

Chapter 3 discusses the quality of the laws and regulations related to the two standards systems from a political theory perspective. The design and formulation of policy instruments is crucial when it comes to the assessment of its possible achievements. As social policy instruments are expected to enhance social justice and well-being, the analysis rests on political theories of social justice and equality. Hereby the focus lies on Iris Marion Young's theory of politics of differences. Young understands justice to be closely related to the recognition of differences within a society. The quality of service standards will therefore be assessed and compared with regard to their consideration of differences.

Chapters 4 and 5 examine law enforcement and implementation. In the fourth chapter, the impact of standards are scrutinized by discussing the divergence between official norms and everyday practices in public service delivery. We therefore introduce the concept of practical norms, which highlights the significance of informal habits in the Indonesian bureaucracy, and discuss to what extent the standards can help to create greater coherence between official norms and actual bureaucratic practices. Chapter 5

eventually addresses the question of how to overcome the obstacles that impede effective implementation of the standards. The discussion focuses on how incentives should be established in order to achieve the aims of MSS and PSS.

In a final step (Chapter 6), by drawing from these three analytical perspectives, we provide a summarizing assessment on the contribution that service standards make to the improvement of public service delivery in Indonesia. We conclude with recommendations, which we believe would help overcome the weaknesses of current service standards and facilitate the provision of public services that are better geared to the needs of the population.

Methodology

This paper is the product of an interdisciplinary study on standards-based public service delivery in Indonesia. Pivotal for the study was a 2-month fieldwork in Indonesia that was conducted as part of an internship with the GIZ¹ project *Decentralization as Contribution to Good Governance* (DeCGG) in September and October 2011.

Accessing the Field

In our fieldwork, we primarily relied on a qualitative research approach. Preliminary observations suggested that the two standards systems are supported by different stakeholders. Consequently, the common research question guiding our investigation was: “*What are stakeholders’ perceptions about the standards’ (MSS and PSS) potential to improve public service delivery?*”

Through the focus on stakeholders’ individual interpretations of the standards’ potentials we tried to identify synergies and disagreements between the related stakeholders. The agents related to public service delivery and standard setting were identified through stakeholder analysis.² The sample of informants consisted of development experts, state officials, activists of civil society organizations, social scientists, and service consumers; we talked to a total of approximately 40 persons. Among the state officials were agents of national and provincial governments as well as selected service providers. The access to them was facilitated through cooperation with DeCGG teams located in the Ministry of Home Affairs (MoHA), the Ministry of Finance (MoF) and the Ministry of Administrative Reform (MENPAN)³, and the co-workers of the consulting firm GFA,⁴ which is responsible for the sub-national implementation of GIZ projects.

In both research locations, Jakarta and Samarinda (East Kalimantan), a significant part of

¹ GIZ stands for *Deutsche Gesellschaft für Internationale Zusammenarbeit* (German Development Cooperation).

² The stakeholder analysis was carried out and visualized as suggested by the GIZ capacity works instructions.

³ MENPAN: Kementerian Pendayagunaan Aparatur Negara.

⁴ GFA Consulting Group, Hamburg (GFA = Gesellschaft für Agrarprojekte).

the study consisted of participant observation and informal conversations. In addition, semi-structured qualitative interviews based on comparable interview guidelines created an open conversational atmosphere, which allowed informants to raise the topics they sought to address. We usually began our interviews by requesting that the informants describe the current situation of public service delivery, then to explain what they regarded as problems and how these problems could be mitigated or solved. First assumptions were fine-tuned through stakeholder analyses concerning both standards systems.

Analysis from Different Perspectives

The analysis of the collected data started with its systematization. In accordance with the interview guidelines, we ordered statements and observations in four categories: 1) stakeholders' overall opinion about public service delivery, its quality, the access to goods and services and the relevant shortcomings; 2) stakeholders' explanations about the reasons for insufficient service delivery; 3) stakeholders' ideas for changes and suggestions for improvement; and 4) their comments about the potential of standards to improve public service delivery. In addition, we identified the most frequently discussed issues within these categories (e.g.: reasons for insufficient service delivery: infrastructure, human capacities, availability of information, etc.). Furthermore, we examined the conceptualization of the two standards systems through the study of legal documents and reports.

Finally, we discussed the preliminary results from different theoretical perspectives. Theories from our three disciplines provide a better understanding about crucial issues concerning conceptualization and impact of service standards. In the process, we sought to establish a nexus of the different theoretical viewpoints.

After providing a short overview on MSS and PSS in the following section, we discuss the conceptual design of standards with a view to social justice. Furthermore, we highlight challenges in the implementation of standards concepts.

Setting Standards for Public Service Delivery in Indonesia

Service standards are a fundamental requirement for assessing public service delivery.⁵ They serve as references for public service providers and clients. In Indonesia, there are two different types of service standards. Minimum Service Standards, which have been devised and supervised by the Ministry of Home Affairs since 2005 and Public Service Standards, which the Ministry of Administrative Reform recently proposed. While MSS define nationwide quality criteria for different basic services, PSS can be described as a

⁵ We hereby refer to a definition of public services as those services “to which citizens have a politically mandated entitlement, and which are provided by the state (either directly or through contracted private sector firms) free of charge or at significantly less than their cost of production” (Buehler 2011: 69).

set of instructions for the formulation of individual standards of service providers.

Minimum Service Standards

The reason for introducing Minimum Service Standards⁶ is to address regional disparities of public service delivery and to improve public services. The standards shall ensure that all local governments deliver basic levels (milestones) of public services, which are predetermined by the central government. Following the MSS guideline published by MoHA, MSS indicators should follow an output-based approach. This means that the local governments must achieve a given level of service output, but they can decide on the means of achieving this level.

The MoHA guideline states that MSS “refer to the types and quality of basic services provided by the government which every Indonesian citizen is entitled to at least” (MoHA 2008: 2). The operationalization of the term ‘basic services’ should be in accordance with the Indonesian constitution and other national legal documents as well as with international conventions (MoHA 2008: 4).

Law No. 32/2004 defines public services as part of the mandatory functions of local governments. It can therefore be understood as the legal basis of MSS (Ferrazzi 2005: 227).⁷ Article 11 of the law states that “the running of mandatory government affairs [...] are based on the minimum standard of service” (Law No. 32/2004). MSS are here described as the operationalizing tool for mandatory functions (Ferrazzi 2005: 228). Subsequently, the central government has issued several regulations and decrees in order to further define and clarify the formulation and implementation of MSS.⁸

Facilitated by MoHA, the MSS indicators and milestones should be developed by the line ministries, whereas the local governments bear the responsibility to achieve these milestones. The provinces are entrusted with controlling and supervising the implementation process on behalf of MoHA. The two main institutions involved in the MSS formulation process are: The respective line ministry, which submits a proposal; and the Regional Autonomy Advisory Council (DPOD)⁹ which discusses and reviews the proposal and makes recommendations before it is issued in a regulation or decree. After issuing, it is expected that local governments would include MSS in their planning and budgeting process.¹⁰ Subsequently, the municipal and district governments must submit

⁶ MSS are based on Government Regulation No. 65/ 2005 on Guidelines for the Preparation and Application of Minimum Service Standards (Pedoman Penyusunan dan Penerapan Standar Pelayanan Minimal). In the Regulation of the Minister of Home Affairs No. 6/ 2007 further explanations on the Technical Guidelines for the Preparation and Application of Minimum Service Standards can be found.

⁷ The introduction of mandatory functions of LGs in Indonesia has its source in the framework Law No. 22/1999 on Regional Government and the Government Regulation 25/2000. Due to legal ambiguities, these laws were revised by Law No. 32/2004 on Regional Government (Ferrazzi 2005: 227).

⁸ Government Regulation: No.20/2004; No.65/2005; No.3/2007; No.38/2007; No.6/2008; Regulation of MoHA: No.6/2007; No.79/2007; Decree of MoHA: No.100.05-76/2007.

⁹ DPOD = Dewan Pertimbangan Otonomi Daerah (Regional Autonomy Advisory Council).

¹⁰ A guideline for an MSS-related planning and budgeting process was formulated by DeCGG-GIZ Jakarta in 2011 (“Pengintegrasian Standar Pelayanan Minimal (SPM) dalam perencanaan dan penganggaran”, Jakarta, 16 June 2011).

annual reports on MSS implementation to the governor of the province. By August 2011, fourteen MSS on fifty-five basic services including 152 indicators had been issued (see Appendix 2 for a full list of MSS issued until 2012).

MSS for the health sector,¹¹ for example, were issued in 2008. They include midwifery, child delivery, medical consultations of babies and infants, universal child immunization, nutritious feed of children living in poverty, and a higher coverage of pre-natal visits (MENKES, 2008: Article 2 (2)).¹² The indicator for the higher coverage of pre-natal visits, for example, is defined as the share of pregnant women who “obtained at least four pre-natal standard antenatal examinations” (MoHA 2008: 30). The specific milestone, which has to be achieved in order to provide the minimum level of services, requires that this share be at least 95% (MoHA 2008: 25).

In contrast to the health sector, the MSS indicators for primary education¹³ focus on inputs. MSS in this sector determine the maximum distance of a primary school from citizens’ settlements, the maximum number of students in one class, the required equipment of schools and minimum requirements concerning the academic background of the teachers (PERMEN Pendidikan Nasional 15/2010, Article 2 (2)).

Even though these efforts show that the concept of MSS is taken seriously (DSF 2011: 6),¹⁴ in a recent study Dixon and Hassan (2009: 127) concluded that MSS appear to have had little effect so far. With regard to nationwide effects of MSS, the 2010 World Bank Report on Maternal Health summarizes that “the MSS remain ill-defined, complex to measure and few districts actually apply them” (World Bank 2010: 16). Our own investigation in 2011 also suggests that both at the central level and at lower government tiers, many ambiguities concerning MSS remain.

Public Service Standards (PSS)

The concept of Public Service Standards (PSS; *Standard Pelayanan Publik/ SPP*) addresses the practical elaboration of benchmarks for service delivery. This means that the related laws and decrees provide instructions for the formulation of service standards. Thus the laws and decrees do not define the quality that services shall have, but rather stipulate certain norms, such as transparency and accountability that should serve as an orientation in formulating individual service standards for every service provision unit. Consequently, the service providers act as standard setters.

At the time of our fieldwork a technical guideline for PSS was formulated, tested and revised by the Department for Public Service Delivery of the Ministry of Administrative Reform (MENPAN). A GIZ-DeCGG team provided technical advice in the ongoing testing and revision process.

¹¹ Peraturan Menteri Kesehatan RI No. 741/MENKES/PER/VII/2008 Tentang Standar Pelayanan Minimal Bidang Kesehatan di Kabupaten/ Kota.

¹² You may find a complete list of health MSS in Appendix 1.

¹³ Peraturan Menteri Pendidikan Nasional Republik Indonesia Nomor 15 Tahun 2010 tentang Standar Pelayanan Minimal Pendidikan Dasar di Kabupaten/ Kota.

¹⁴ DSF = Decentralization Support Facility

The legal basis of PSS is Law No. 25/2009 on public service delivery. The technical guideline (*Juknis*) for PSS refers to the principles and criteria as outlined in articles 20 to 24. Accordingly, public service standards must be based on five principles, namely: 1) affordability; 2) clear determination of prices, durations and procedures; 3) participation by the population and related stakeholders; 4) accountability; and 5) continuity (MENPAN 2011). Thus, transparency is regarded as a crucial factor for initial improvements of public service delivery. The PSS, which are formulated by service units, mainly focus on the determination of costs and durations. This means that service deliverers estimate their own capacity, respond to clients' complaints and demands and formulate their own regulations with which they have to comply. It remains a crucial question in how far service providers implement requirements of public participation as outlined in Article 39 of Law No. 25/ 2009.

Exemplarily described, a public hospital would have to apply the different steps of the PSS method, such as evaluation, public participation etc., before it can formulate service standards. A team, consisting of doctors, nurses and patients, would have to discuss costs and durations of medical treatments and formulate a standard with which the hospital must comply. For every section (e.g. internal medicine, surgery, obstetrics) there would be one set of PSS. A public health center (PUSKESMAS)¹⁵ could, for instance, determine opening hours and costs of treatments. This does not mean that all public health centers must follow the same standards, but that they all formulate their own standards.

Since PSS are still in the testing phase, we could not observe their implementation. Only the Institute of Public Administration in Samarinda (*Lembaga Administrasi Negara Samarinda*) had formulated Public Service Standards and found their impact to be positive. They described PSS as clear set of instructions that defines the functioning of service provision on a basic level.¹⁶

One major criticism on the first draft of the PSS guideline was that there would be too much arbitrariness if every service unit defined its standards individually. Furthermore, the number of PSS per service unit still needs to be clarified. In a Focus Group Discussion (FGD) for the revision of the PSS draft guideline, a representative from the Ministry of Finance explained that the ministry's tax department had started to formulate PSS for every service. Since the tax department was in charge of ninety-six different services, they came up with ninety-six different service standards. Prof. Agus Dwiyanto from Universitas Gadjah Mada (UGM) in Yogyakarta further criticized that the technical guideline does not refer to other existing standards such as Minimum Service Standards. He deplored that the PSS concept was ignoring important regulations of existing laws and decrees and urged for better cooperation between the governmental institutions.¹⁷ Similar statements can be found in the literature. In a paper on Law No. 25/2009, for instance, Michael Buehler criticizes that the law ignores the relevant regulations concerning MSS, such as Law No. 32/2004, and the laws and decrees related to the role of the Ombudsman, such as Presidential Decree No. 22/2000 and Law No. 37/2008 (Buehler

¹⁵ PUSKESMAS = Pusat Kesehatan Masyarakat (public health centre).

¹⁶ Personal communication, Samarinda, 19 October 2011.

¹⁷ Participant Observation, Focus Group Discussion, 19 September 2011, Jakarta.

2011: 72; 76). Buehler regards the “lack of clear justification and focus” and the “failure to distinguish public services from profit-oriented services” as well as “burdensome and unnecessary reporting requirements” as major flaws of Law No. 25/2009 (*ibid*: 69f).

Before assessing the implementation of MSS and PSS in the subsequent chapter, we will first discuss how far the two standards systems bear the potential to contribute to social justice and equality in Indonesia.

Political Theories of Justice and the Question of Equality within Public Service Delivery

To varying degrees, all states are faced with questions of equality, wealth distribution and issues of societal welfare. One common instrument to address these policy issues is the adjustment of public service delivery.

Yet, in newly democratizing Indonesia, it is still not clear what the prioritized outcomes of public service delivery consist of. Theoretical works like Esping-Anderson’s *The Three Worlds of Welfare Capitalism* (1990) can provide a rough guidance through the labyrinth of welfare concepts in Europe and North America; however this field remains insufficiently studied in the context of developing countries.¹⁸ Even if we assume the Indonesian welfare regime to be modeled on the U.S. welfare system, this still does not explain which segments of society will be able to benefit from these new tools of public service delivery, and its significance from the perspective of social justice. This confusion at least partly results from the fact that practitioners of social policy tend to ignore the political philosophy on social justice and instead often concentrate on efficiency-related measurements of policy success. Even if social justice is explicitly addressed in order to legitimize public policies, the definition of this term usually remains quite vague (Blasche & Döring 1998: 9, 14).

It is therefore crucial to analyze social policy instruments with a view to their implications for social justice. This primarily implies the questions of whom policy instruments seek to favor, why they are designed to do so, and how this should be done. We believe that if we can provide answers to these questions, we will be able to better understand the impact of the respective instruments. Therefore, in the following section we provide an overview of fundamental debates on social justice by drawing from Iris Marion Young’s theorizing on *politics of difference* (Young 2007). This clarifies how the target groups of social policy instruments should be identified, as well as to what effects they lead. The second part then addresses the question of which societal groups the two policy instruments, Minimum Service Standards and Public Service Standards, target. As the implementation of the two standards systems is still nascent, the analysis will focus on the institutional design of these instruments.

¹⁸ One of the few studies in this field includes: Kerstin Priwitzer (2012): *The Vietnamese Health System in change. A Policy Network Analysis of a Southeast Asian Welfare Regime*, Singapore: ISEAS (forthcoming)

Reflecting on Justice and Equality

A first and general distinction regarding the justifications for social justice can be subsumed under the concepts of *needs* and *equality* (Goodin 1988: 25). In this context *needs* refers to a social minimum, determined according to what are believed to be universal human needs. This involves political instruments such as minimum standards, poverty thresholds, and the like (Goodin 1988: 25). The *equality* argument holds that the task of a state promoting welfare should be to establish a resource transfer from those citizens who are better off to those who are worse off in order to relieve the plight of the latter and thereby reduce social inequality.¹⁹ Although this distinction seems somehow artificial, as we can identify various interlinkages between equality and needs, for heuristic reasons it is still useful to gain a better understanding of the underlying core assumptions of normative theories of social justice.

But what does the term ‘needs’ in this context mean? What concept of equality are we referring to? Lastly, how can we relate such notions to Indonesian service standards? Depending on one’s point of view, the forms or degrees of inequality that are perceived to be unjust differ. Hence, as a first step we need to further identify the core of these diverging approaches to social justice.

John Rawls’ two principles²⁰ as laid down in *A theory of justice* (1971) remain an important starting point for the examination of normative justice theories:

“First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others. Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all” (Rawls 2005: 60).

As a liberal thinker Rawls refers to the classical liberal belief in the defense of individual liberties. Still, under the *veil of ignorance* equality is a pre-condition that enables people to make just decisions on the political order that subsequently will be guaranteed by a societal contract. In this case, equality is interpreted as a *statement of facts*, as opposed to *normative statements*. The former basically refers to equality of humans through their humanness, while the latter is about postulating equal treatment of all humans under similar circumstances (Williams 1994: 303f). But Rawls also calls for normative ideas of justice, namely basic rights and liberties. He demands a *fair equality of opportunity* that includes the distribution of basic goods in order to assure a social minimum, but leaves out other notions of equality, such as *equality of outcome* and *equality of status* (Burchardt & Craig 2008: 6; Piachaud 2008: 36; Rawls 2005: 275). In the socioeconomic context, according to Rawls, inequalities are acceptable as he believes that a society that allows

¹⁹ Opposed to socialist/Marxist political concepts, a market economy based welfare state is concerned with the adjustment of final distribution, not with the redistribution of the means of production. Therefore, a welfare state only redistributes a certain share of resources in order to ensure minimum standards of living (Goodin 1988: 51).

²⁰ Rawls principles (the *liberty principle* (1), the *principle of fair equality of opportunities* (2a) and the *difference principle* (2b)) are not coequal. Instead the principles are prior-ranking according to the order of their listing (Holzleithner 2009: 41).

for inequalities can be more productive, because it animates its members to further develop their capacities (Holzleithner 2009: 42).

Due to this narrow definition of equality, Rawls' theory has been challenged from the egalitarian perspective that mainly understands justice as equality.²¹ In contrast, anti-egalitarianists stress that social justice theory should rather take a basic set of needs and good living conditions as its starting point than focus on notions of equality.²² However, Lettow persuasively exposes the deficiencies of both needs-centered anti-egalitarianist and egalitarianist approaches. According to her, both concepts bear the danger of an exclusion of certain parts of society due to their essentialist definition of the human that automatically produces its antipode: the non-human (Lettow 2006: 70f).²³ As people's notions about what a good and achievable life means usually depend on the opportunities they perceive for their life, it is difficult to argue for a universal concept of human needs. These opportunities, and therefore people's needs in turn, can never be ahistorical and supra-subjective, but are always bound to a specific societal context and one's position within the societal structure. The essences of well-being and a good life are therefore relative rather than being absolute values.

This leads us to another question: What does justice mean in a pluralist society and is it at all possible to agree on universal principles of justice (Holzleithner 2009: 39)? If we speak about social justice in the Indonesian context, do we need to apply a concept that is broadly based on cultural aspects? Anthropological studies, for example, like Michaela Haug's examination of the inter-linkages between poverty and decentralization in Indonesia, apply concepts of subjective well-being in order to account for specific cultural contexts (Haug 2007). While this may be an adequate approach for the analysis of policy outcomes at the micro-level, it seems too specific to provide us with a general orientation on the arrangement of nationwide policy instruments.

Other approaches, such as multicultural theories, have contributed to the debate on justice in pluralist societies as well. In this respect they have legitimately raised the concern that the conflation of equality with sameness implicitly leads to domination by the majority of a society over its minorities (Holzleithner 2009: 45f).²⁴ However, turned into political practice, multiculturalist approaches may lead to what Young criticizes as *identity politics*. According to her, in debates of the last decades, *identity politics* have wrongly been equated with difference-sensitive politics in general (Young 2007: 79). Young's objections in this respect concern the fact that while *identity politics* recognize the differences between groups, they tend to ignore their internal complexity and thus obscure various kinds of structural injustice (Young 2007: 83, 102).

²¹ Some of the most influential critiques of Rawls' theory include Michael Sandel's *Liberalism and the Limits of Justice* (1982), Amartya Sen's *The Idea of Justice* (2009) and Gerald A. Cohen's *If You're an Egalitarian, How Come You Are So Rich?* (2000) and *Rescuing Justice and Equality* (2008).

²² Amongst the anti-egalitarianists stressing this position are Angelika Krebs (*Gleichheit oder Gerechtigkeit*, 2000) and Harry Frankfurt (*Equality as a Moral Ideal*, 1987).

²³ Similar to needs-based approaches, the egalitarianist Martha Nussbaum (*The Quality of Life*, 1993), for example, also defines a set of essential human functions (Lettow 2006: 71; Wolff 2008: 23).

²⁴ See for example: Will Kymlicka: *Multicultural Citizenship* (1995).

But how can we then refer to a difference-sensitive idea of social justice without giving way to relativizing approaches that bear the danger of obscuring structural differences within certain groups? According to Young's writings in *Structural Injustice and the Politics of Difference* (2007) a society has to promote equality with regard to the differences among their citizens. The difference politics deriving from this basic idea can be either *politics of cultural difference* or *politics of positional difference*. Both concepts represent policies that endorse a difference- and group-sensitive treatment in order to promote social equality (Young, 2007: 81). Beside this analogy and the nexus of the two concepts, it is important to analytically identify the discrepancies between them which may lead to different political implications and understandings of social justice (Young 2007: 82).

Observing the current rise of identity politics that she traces to a *politics of cultural difference*, Young calls for increased attention to be paid to differences in social positioning (Young 2007: 79).²⁵ To Young, the political shift of the last decades that she regards to be embedded in a general liberal framework tends to focus on dimensions of liberty. This leads to the neglect of questions of inequality concerning opportunities that are influenced by decision-making hierarchies, the division of labor and institutional norms that are crucial for the appraisal of achievements (Young 2007: 82f, 97). In a political system with unequal access to material resources, ethnic and cultural differences can lead to a hierarchization which spurs stereotyping and heteronomy. In this context norms function as benchmarks for subordination and stereotyping that may lead to segregation in labor division and subsequent disadvantages (Young 2007: 103). Such processes are being obscured by *politics of cultural difference* that merely focus on cultural toleration.²⁶ Moreover, Young states that a focusing on *cultural differences* may lead to normalization processes. This means that differences may be framed by a specific understanding of "the normal" that is usually bound to the majority of society and its deviations. In discourses about the cultural practices of minorities these are usually evaluated in terms of their acceptability for the majority, which holds the decision-making power (Young 2007: 109ff).

Because of these shortcomings, Young stresses the importance of a *politics of positional difference*. For her, social groups are "constituted through structural social processes which differently position people along social axes that generate status, power, and opportunity for the development of capacities or the acquisition of goods" (Young 2007: 83). According to this understanding, injustice derives from structural inequality caused and sharpened significantly by institutionalized rules and practices. Differences in structural positioning can lead to unequal opportunities of personal development, access to resources, participation in decision-making and chances to gain respect and recognition. Although this does not automatically imply a life full of deprivations, it can lead to constraints and greater exposure to social risks (Young 2007: 84): "It is these vulnerabilities that define structural injustice more than the amount of goods or power

²⁵ This differs from her earlier writings *Justice and the Politics of Difference* (1990) and *Inclusion and Democracy* (2000) where she stresses the importance of group rights.

²⁶ Young's use of the term "cultural" should not be confused with an essentialized concept of "culture". She rather refers to concepts of identity and their subsequent political impacts, such as identity-based demands for political rights.

individuals may have at a particular time” (Young 2007: 84). This is why public and private institutions and practices should consider positional forms of group differences in order to abolish unjust inequalities (Young 2007: 84). In this context grouping is chiefly determined by socioeconomic positions. Besides the actual income, this also includes the social position in the division of labor, and within decision-making structures (Young 2007: 84). Furthermore, according to Young, structural categories that may lead to disadvantages are disability, gender and institutionalized racism. She explains the interlinkages between the named structural categories and social injustice by taking disability as a paradigmatic example, because here it is obvious how structural disadvantages influence different aspects of life. If a person, due to his/her disability, has fewer chances to obtain satisfying and well-paid work, he or she will subsequently also suffer disadvantages concerning labor-related privileges, such as income, social status and personal autonomy (Young 2007: 86f).

The underlying problem is a deficit in capacities that are viewed as “normal” by society. Therefore discriminative practices are closely interlinked with processes of normalization. That is why equality can only be fostered if structural differences are being recognized. Hence, people have to cease regarding others “as unwanted deviance from accepted norms and unacceptable costs to efficient operations, and take affirmative measures to accommodate the specific capacities of individuals so that they can function, as all of us should be able to, at their best and with dignity” (Young 2007: 87).

However, while Young develops her argument based on the distinction between cultural and positional differences that she perceives as inadequately balanced to each other, her intention is not to solidify a dichotomy or to polarize between the two concepts, but rather to re-merge them (Young 2008: 105). As she believes that “political economy is cultural, and culture is economic” (Young 2008: 98), Young stresses the importance of a well-balanced consideration of both aspects in policy formulation processes (Young 2008: 101). She calls for a *materialist cultural-political theory*, which considers the fact that needs are always contextualized in political struggles that imply the question of who is authorized to define whose needs for what purposes (Young 2008: 99). From her perspective, symbols and discourses have to be reconnected to their preconditions and consequences, for example those concerning resource access, decision-making power and labor organization (Young 2008: 105): “If a politics of difference disconnects culture from its role in producing material oppressions and deprivations, and asserts cultural expression as an end in itself, then such politics may obscure complex social connections of oppression and liberation” (Young 2008: 105).

From Young’s approach, we can conclude that in order to promote social justice and equality, social policy instruments should be designed so as to consider differences in social positioning as well as cultural differences. Hence for a policy analysis of MSS and PSS, we will examine the target groups of these concepts and from there elaborate their possible achievements towards the improvement of social justice in Indonesia.

Linking Service Standards to Theories of Justice

Observing social welfare in Indonesia sadly reveals that the last decade's progress of social policy has been rather slow and unsatisfying. Since democratization, Indonesia has showed little progress and in comparison to other nations its performance has even worsened, resulting in a ranking 124 out of 187 in the *Human Development Index* (HDI) of 2011 with a score of 0.617 (UNDP 2011b: 2).²⁷ While such highly aggregated indicators do not furnish us with a comprehensive picture of public service delivery, they still provide a cursory overview of the condition of health and education, arguably quite fundamental sectors of service delivery.²⁸ Moreover, the *inequality adjusted HDI* (IHDI)²⁹, newly introduced in 2011 by UNDP, shows that the status of social welfare in Indonesia (0.504 points) appears to be even worse if we take into account notions of equality.

Among others, Edi Suharto, vice-president of the Bandung College of Social Welfare, identifies decentralization as part of the problem. According to him, this is because local governments do not sufficiently commit themselves to social service delivery for their citizens and instead prioritize local revenue generation. This picture is corroborated by an examination of local government regulations (PERDAs). 85 per cent of them are designed to increase local revenues, while only 5 per cent have a "pro-poor" orientation (Suharto 2009: 5).

However, besides the Indonesian constitution, which stipulates for the promotion of "public welfare," Law No. 32/2004 on regional autonomy can be regarded as the most important foundation of public service delivery, defining the delivery of basic services as a "mandatory function of local governments" (MoHA, 2008: V). In this context, regional autonomy

"is directed to speed up public welfare through the improvement, services, empowerment, and the public role as well as improving the regional competitiveness in view of the principles of democracy, even distribution of wealth, justice, special characteristics and uniqueness of certain regions within the system of the Unitary State of the Republic of Indonesia" (Law No. 32/2004, a).

Analyzing MSS according to their implications for social justice requires further differentiation between the general concept of MSS as laid down in Government Regulation 65/2005 and the sector-specific MSS decrees issued by MoHA in collaboration with the respective line ministries. Below, the latter will be exemplarily assessed on the basis of the MSS on health and education. This is because these minimum standards seem

²⁷ In 1998 Indonesia's score was 0.679, ranking 96th internationally (UNDP: Human Development Report 1998).

²⁸ The HDI combines GNI per capita, converted at purchasing power parities into US\$ in, mean years of schooling and expected years of schooling (since 2011. Earlier, this category had included school enrolment rates and adult literacy), and life expectancy at birth.

²⁹ Since 2011 The UNDP included the IHDI in its Human Development Report. It is a "measure of the average level of human development [...] once inequality is taken into account. It captures the HDI of the average person in society, which is less than the aggregate HDI when there is inequality in the distribution of health, education and income. Under perfect equality, the HDI and IHDI are equal; the greater the difference between the two, the greater the inequality" (UNDP 2011: 99).

to refer to the issues that are generally viewed as the most important ones when it comes to public service delivery. Moreover, as the conceptualizations of MSS for health and education fundamentally differ, this selection provides our analysis with a paradigmatic comparison.

As we analyze the underlying idea of the justice of the MSS framework as laid down in Government Regulation No. 65/ 2005, it is clear that this can best be understood in the frame of *needs-oriented* approaches. The fundamental objective of MSS is to assure the satisfaction of universal basic needs for all Indonesian citizens, regardless of their structural positioning or culture. In doing so, it is further geared towards balancing regional disparities in public service provision. Yet, in the government's regulations on MSS, issues of justice or equality are not mentioned. According to MoHA Regulation No. 6/2007, Article 1 (7) "basic services are basic and absolute public services which fulfill people's social, economic, and governmental demands" (MoHA 2008: 4). The term "absolute" here can be related to the anti-egalitarian perspective where justice is related to people's needs and is therefore understood as an absolute rather than a relative concept. In Article 4 the respective regulation provides some further insight into the bases underlying the needs approach of MSS: "These basic services must: provide the minimum degree of services that every Indonesian subject is entitled to, as guaranteed by the constitution and international conventions" (MoHA 2008: 4). In addition, Article 13 of the same regulation demands the harmonization of the basic services with national policies (MoHA 2008: 16). The guideline on MSS further states that "there must be at least one document that states the basic service in question" (MoHA 2008: 20).

With respect to the Minimum Service Standards on health we can identify national as well as international regulations as points of reference. Predominantly basic services in the health sector are defined based on the Decree of the Minister of Health on *Basic Policy for Health Centers*.³⁰ One of its indicators, as described in Chapter 2, is the "coverage of four pre-natal visits" that has been included in the MSS on health partly because it is also stressed in international commitments, as the MoHA MSS guideline explains (MoHA 2008: 24). The international commitments referred to here are obviously the *Millennium Development Goals* (MDGs) as defined by the United Nations, particularly the MDGs on *Maternal Health* (Goal 5) and *Child Health* (Goal 4) (UN: MDGs). As MoHA confirms, "the 2015 dateline is based on the 1990-2015 MDGs' achievement which is set to reduce the maternal mortality rate to an annual rate of 5.4 percent" (MoHA 2008: 30). In contrast to the general concept of MSS, the health standards can be understood as a difference-sensitive approach rather than as a needs-oriented approach. That is because they take into account specific societal positions of certain groups by explicitly focusing on pregnant women and children. The indicators focusing on pregnant women include a higher coverage of pre-natal visits, midwifery, child delivery and the like. Those focusing on child health include, for example, a higher coverage of medical consultations of babies and infants, universal child immunization and nutritious feeding of children living in poverty. Furthermore, the health MSS also explicitly stress the importance of a coverage of basic health care for poor people that should be achieved to 100% in 2015

³⁰ Permenkes No. 128/MENKES/SK/II/2004.

(Permenkes No. 741/2008, Art. 2(2)).³¹

Hence, in this case the notion of equality is not taken as a statement of facts, e.g. the assumption that all human beings are the same qua their humanness and therefore should be treated equally in public service delivery. Instead, the underlying assumption is a normative statement of desirable outcomes of the policy tool, e.g. the differences are taken into account in order to enhance the *equality of outcomes*. As they consider the positional differences of Indonesian citizens, health MSS fulfill the requirements that Young demands for a *politics of positional difference*, at least with respect to women, children and people living in poverty.

However, when it comes to the underlying notions of other applied MSS the picture is less clear. In the MSS of other line ministries, we cannot find much consideration of positional differences. On the contrary, some MSS do not pursue a difference-sensitive approach at all, rather treating all Indonesian citizens the same. This is, for instance, the case for the MSS on basic education that primarily refer to the national education standard.³² In contrast to the output-oriented approach of health MSS, the minimum standards for basic education are rather input-led and determine quantifiable indicators, as described in Chapter 2. However, although the concept seems to be quite undifferentiated regarding structural categories, it at least focuses implicitly on one marginalized group: the poor.³³ This is because richer Indonesians can resort to private schools that are usually of better quality than public schools and therefore do not really depend on government-regulated enhancement policies for education. Similarly, this is also the case for health care, as private hospitals in Indonesia are among the best in the country and even public hospitals do charge different prices according to three different price categories for patients.³⁴

As pointed out in Chapter 2, the concept of Public Service Standards (PSS), by contrast, does not rely on pre-formulated notions of basic needs and its target groups, but rather employs a bottom-up perspective to identify the demands of Indonesian citizens. By doing so it seeks to “increase quality and performance according to the needs of society/ local population and to the capacity of the manager/ provider of Public Services” (Witte 2011: 1) as stated in the technical guideline on PSS. But although the needs of society are again the central argument for the implementation of PSS, it is not about general, nationwide needs, but it rather assumes that the PSS should be a compromise between local needs and capacities. This gives the individual service providers together with the respective population the opportunity to adapt service standards to local conditions. It is therefore a difference-sensitive approach that can, using Young’s analytical concept, be

³¹ See Appendix 1 for a complete list of health indicators.

³² Peraturan Pemerintah Nomor 19 Tahun 2005 tentang Standar Nasional Pendidikan.

³³ Similarly, this is the case for most of the MSS dealing with the topics of child protection, food security, employment, communication and information, environment, public work, public housing and socials. Among the whole range of MSS we can only find one set of standards that is explicitly focusing on the empowerment of women and child protection (Pemberdayaan Perempuan dan Perlindungan Anak; Permen PPPA 1/2010).

³⁴ In the provincial hospital of Kalimantan Timur (RSU Wahab Syahrani) in Samarinda, we could observe the different qualities in accommodation of first, second and third class patients (October 2011).

described as a *politics of cultural difference* as it recognizes local needs and capacities as legitimate bases for standard setting. This can be regarded as a strength and a weakness at the same time. If local service units can set public service standards, it is likely that the standards they set will be realistic. If a standard is realistic, then people would be more eager to meet it. It can be further expected that the participation of local people will strengthen their responsibility towards the accomplishment of the standards. This may be the case for the workers of the service provider as well as for the public that should be enabled to control them. However, other perspectives might suggest that a self-assessment of service providers might rather lead to disproportionately low standards. In this case expectations of an enhancement of public service delivery through PSS would not be met, and although public participation is mentioned as one of the basic principles of PSS, in the technical guideline it remains poorly covered. Furthermore, if standard formulation is left to local decision-making, the assurance of minority rights is no longer guaranteed, because the control on who actually makes the decisions is very weak. Decision-making on the local level is still dependent on local power structures. This may lead to problems of *normalization* that possibly culminate in discrimination against certain groups of people. For example, as a precursor of PSS was applied in the provincial hospital in Samarinda, the public that was involved in the decision-making process mainly consisted of societal leaders who had been invited by the director of the hospital.³⁵ We can assume that this practice discriminates against some groups of society and may possibly lead to the strengthening of *practical norms*, as described in the following chapter. Hence, one possible outcome of PSS could be the institutionalization of these informal norms, be it for the good or the bad. However, this is just one possibility. We cannot determine if PSS in practice would lead to the recognition of positional differences or not, as this greatly depends on how the implementation of the concept is carried out. A strong point of PSS could be its potential for public participation; this element, however, remains far too unspecific in the government regulations on PSS.

We can conclude that both concepts, MSS and PSS, bear the potential to substantially contribute to a more just delivery of public services in Indonesia. Yet, in order to do so, substantial improvements of the respective conceptualizations are required. It is of great importance that the consideration of social differences should be further developed and clearly formulated in the legal documents underlying MSS and PSS. Therefore, a thorough understanding of the societal factors that significantly determine the access to public services is crucial for the improvement of social welfare in Indonesia. As the MSS on health especially mention disadvantaged groups such as women, children and the poor, they can be regarded as a positive example of a difference-sensitive approach in public service delivery. However, other sector-specific MSS still lack quality in this

³⁵ The mechanism applied was PerMenPAN 13 that, for some people could be a tool for the implementation of PSS. Although this included a survey among hospital patients, final consultations and decision-making were exclusively limited to the respective representatives of different societal groups (among them religious groups and media, but very few NGOs for example) (personal conversations, 17./18.10.2011, Samarinda). Therefore it can be supposed that decision-making structures remain dependent on the informal channels of certain status groups.

respect and should be substantially improved. As an orientation for the reconceptualization, we suggest a greater reliance on already existing legal documents. In particular the *Millennium Development Goals* (MDGs) of the United Nations can serve as a reference point in this respect, as we will further explain in the recommendations concluding this paper. The concept of PSS also bears the potential for a difference-sensitive approach by providing a tool for the consideration of cultural differences. The micro-level perspective of PSS in principle enhances the space for a more inclusionary process of public decision-making in the field of public service delivery. But in order to make use of this potential a more precise formulation of civil society involvement and public participation in the process of standard setting is required.

However, when discussing visions for a more just society we also have to consider the subsequent difficulties of the implementation of MSS and PSS, which relate in particular to problems of law enforcement and the intermittent incoherence of official and practical norms. These will be discussed in the following chapters. If we cannot implement social policy reforms, the best concept will remain a paper tiger.

Discrepancies between Norms and Practices

The previous chapter on theories of justice has shown that service standards depend on the contested interpretation of what is “fair” or “just.” It is up to the stakeholders who are involved in the formulation of laws and decrees to define what kind of “justice” the regulation (in our case MSS and PSS) shall ensure. Furthermore, the discourses about the ideas of reform at stake are not necessarily coherent with the behavior of people.

Consequently, we need to analyze two further spheres in the context of standard-based public service delivery in Indonesia: discourses and practices of the related stakeholders. Both spheres are subject to norms, such as publicly announced *official norms* and rather tacit *practical norms* that regulate peoples’ behavior. Clearly, this is only an assumption that must be verified by empirical evidence. The question of what constitutes peoples’ actions and which factors influence human agency is a classic and contentious issue in social science. From the perspective of an interpretative practice theory, people’s perceptions and interpretations of a situation are regarded as something that matters: human agency is deemed to create reality.³⁶

Therefore the analysis of norms and discourses as well as practices and behavior informing reform efforts for public service delivery is a crucial aspect of our study. The focus of our empirical investigation was the emic perception, that is, the insiders’ point of view, of the current situation of public service delivery (i.e. stakeholders’ perception about the standards’ potentials). Thus we analyzed the discourse on reforms. Apart from that, we also observed and discussed the practices of stakeholders.

³⁶ For further contention with interpretative practice theories see: Bourdieu 1977; Giddens 1976; and Berger & Luckman 1966.

Being Led by Practical Norms

As a matter of fact, the verbal expression (discourses and negotiations) may not necessarily disclose actual practices. Our assumption is that publicly aired views about reform efforts and the behavior of people are often not coherent.

For sure, there are plenty of studies about the discrepancy between official norms and actual practices in Indonesia.³⁷ However, few of these studies provide theoretical concepts concerning the realm of norms. That is why we draw on Olivier de Sardan's concept of practical norms, which is, even though de Sardan is working on Africa, perfectly applicable to the Indonesian case. Being an important contribution of an emerging *anthropology of administration and the state*, Olivier de Sardan's approach from a practice theory perspective is thought provoking.

De Sardan argues in his paper about *Practical Norms of Real Governance in Africa* that terms like "clientelism," "neopatrimonialism" and "informality", common expressions to refer to divergences between official norms and practices, are "premature and over-general" (de Sardan 2008: 7). Despite the seeming existence of divergences between official norms and actual practices the terms give little information of what *real governance* (e.g. everyday practice) means.

De Sardan suggests that these divergences do not necessarily appear as bothersome interferences but as a source of valuable understanding. Furthermore, he wonders how divergences are regulated (*ibid*: 9). Obviously, they are not regulated by *official norms* which appear in legal documents and organizational structures. A common assumption is that *social norms* migrate into the public sphere where they become *informal norms* that regulate the behavior of bureaucrats. In a culturalist-traditionalist view, some authors claim that "African officials do not follow official norms because they are subject to values and social norms rooted in their own local culture coming from the past" (*ibid*: 10). As a matter of fact, there are plenty of ethnographic examples that challenge the culturalist-traditionalist assumption and show that many customs which are labeled as "traditional" are recent inventions.³⁸ For de Sardan analyzing in dichotomies reduces the complexity of the observed phenomenon. Even though many "practices of public officials do not follow official norms, they do not follow traditional norms either. The informal norms that govern these practices fall outside the dichotomy between official norms and traditional norms" (*ibid*: 11). Therefore, de Sardan demands to do further research in order to understand informality and its nuances.

The concept of *practical norms* as introduced by de Sardan can serve as an eye-opening approach. We deal with an exploratory concept that serves to draw attention to dynamics that seem self-evident. It is not, however, a concept that offers an analytical

³⁷ It is widely argued that Indonesian bureaucracy is ridden by nepotism and corruption rather than official regulations. Indonesia scored 3.0 (10 being least corrupt) in Transparency International's Corruption Perception Index in 2011 and ranks 100 out of 182 measured countries (Transparency International 2011). Many studies discuss the extent of and the reasons for corruption in Indonesia. See for instance: McLeod 2011:45-64 and Synnerstrom 2007:159-177 as well as Znoj 2009:53-74.

³⁸ As basis of this assumption see: Hobsbawm 2000.

framework. De Sardan explains that practical norms are often pragmatic and applied tacitly. They are in constant modification, sometimes change rapidly, adapt and hybridize. Normative pluralism is the rule and not the exception (*ibid*: 14). Therefore, there is no definite set of characteristics that can help to identify practical norms.³⁹

Naturally, this leaves us with a rather unsatisfying tool. Yet, it serves to note that reality is sometimes more complex than it appears at first glance. De Sardan suggests that eventually a deeper investigation of practical norms would highlight which aspects of governance may result in positive effects for development and therefore deserve to be supported (de Sardan 2008: 2). Our later argument delves deeper into this aspect.

What de Sardan writes about governance in Africa has relevance for the Indonesian case as well. Many authors name nepotism and corruption (thus divergences from official norms) as central problems for development and satisfactory service delivery in Indonesia.⁴⁰ Yet it remains a challenge to explain the nature and meaning of informal practices. We often label a situation (e.g. “Indonesian bureaucracy is ridden by nepotism and corruption”), assuming that there is a shared understanding of what these nomenclatures (nepotism, corruption) signify in everyday practices. In fact, we have only a vague idea of what corruption or nepotism actually look like, how they work and what meaning these practices convey to people. We face a plurality of both practical and official norms, which eventually generate and legitimate practices.

Some recent studies provide further ideas about the meaning and significance of informal practices. The work on corruption by Heinzpeter Znoj (2007), Tania Murray Li’s *The Will to Improve* (Li 2011) and Deasy Simandjuntak’s remarks on informality, as well as other contributions in the edited volume *State of Authority: The State in Society in Indonesia* (van Klinken & Barker 2009), offer explanations of what *practical norms* actually mean. They show that nepotism and corruption can appear in forms that have a rather positive or neutral meaning for the respective stakeholders (Simandjuntak 2009: 79; Znoj 2007: 54).

In her analysis about elections of local chief executives (*pemilihan kepala daerah/ pilkada*) in North Sumatra, Simandjuntak contends that “informality” is no black box. It is not a dubious interaction, but a respected ritualized gossip, like having the obligatory “milk-coffee at 10 a.m.” with friends and colleagues (Simandjuntak 2009: 85). In the patriarchal Batak⁴¹ society the loyalties to ethnic chiefs and church elders have great significance and are not at all regarded as immoral behavior (*ibid*: 79).

³⁹ Moreover, the characteristics of various informal practices may differ a lot; even within one individual practice we are likely to face multiple different types. Corruption is, as an example, described as hidden and diffuse. The discrepancy between “open talks” and “hidden acts” is only one significant characteristic (Blundo 2009: 27).

⁴⁰ See, *inter alia*, Buehler 2011; Hadiz 2007; Kristiansen & Ramli 2006; McLeod 2010; Synnerstrom 2007; van Klinken and Barker 2009; Znoj 2009. For the anthropological analysis of corruption see the edited volume “Corruption and the secret of law. A Legal Anthropological Perspective” (Nuijten & Anders 2009). Giorgio Blundo discusses the methodological challenges and ethical dilemmas involved in the study of corruption (Blundo 2009: 27-52).

⁴¹ Batak are ethnic groups in the Toba Lake area in North Sumatra.

Znoj (2009: 54) points out that corruption can be conceived as social practice that is regulated by particular rules and norms. In order to understand corruption, the analysis of its historical establishment, its discursive dynamics and the function of corruption as a manifestation of existing hierarchies in administration have to be taken into consideration. Furthermore, Znoj argues that formal and informal normative systems, which appear contradictory to outsiders, function complementarily for officials (*ibid*: 72f). This stresses that the norms' relevance is diverse. Not everybody shares the same informal norms.

Li indicates that cooperation with elites is a crucial issue for development agencies as well. The agencies are dependent on the goodwill of local leaders and therefore also use informal means in order to establish close ties with them (Li 2011: 4).

Development experts from Western countries are also players in the game of informality and *practical norms*. Of course, the discrepancy between norms and practices cannot be reduced to certain regions (like Indonesia) or certain groups of people (like government officials). Richard Rottenburg states in his ethnography about international development cooperation that it is not only “the others” who have norms and values, habits and culture, but also the particular society in question and, in the context of development cooperation, the development experts (Rottenburg 2002: 10f).⁴² Thomas Hüsker argues similarly. According to Hüsker, the community of development experts is in itself an “ethnic” group that has its own culture (Hüsker 2006: 6).

However, for Hüsker, more important than the analysis of the culture of development experts is the fact that no matter which culture people adhere to or which worldview and conviction they have, their actions are often led by strategic interests. Therefore they [i.e. government officials as well as development experts] act strategically in informal channels (Hüsker 2006: 264). It is this informality and the strategic agents that Hüsker identifies as key features of development cooperation. This characteristic was already analyzed by Thomas Bierschenk who argues that different interests of related stakeholders can lead to common decisions when they become a *strategic group* (Bierschenk 1988).⁴³ Znoj draws on the concept of strategic groups as well when he shows that the military and the civilian administration in Indonesia become a strategic group that “achieves its power and income through the same strategy” of “non-budgetary finance,” exploiting the same kind of resources and “protecting their strategy (...) against the strategy pushed forward by other strategic groups” (Znoj 2009: 72).

This reminds us that *culture* and *values* cannot exclusively be attributed to “locals,” nor does rationality or pragmatism only belong to seemingly rationally-operating “Westerners.” For all related parties and stakeholders, both culture and pragmatism are

⁴² Consequently, Rottenburg treats development experts as the “exotic” and “foreign”, writing his fictionalized ethnography about their worldviews.

⁴³ The concept of “strategic groups” is coined by Hans-Dieter Evers and Tilman Schiel (Evers & Schiel 1988). They define a strategic group as a group of persons that have the same interests with regard to the maintenance and expansion of common chances of appropriation. These chances of appropriation do not only consist of material goods but include power, prestige, knowledge and religious aims. The common interest enables joint actions (Evers & Schiel 1988: 10).

relevant in shaping their practices.

Coming back to the concept of *practical norms*, we can assume that they are shaped by strategic or pragmatic interests to a fair degree. This should be taken into consideration in order to avoid culturalist explanations for informality. Znoj shows this for the example of corruption. While his informants cited criticism on corruption, drawing on neoliberal, religious, and civil arguments, they sooner or later explained why they were nevertheless engaged in corrupt practices. The various official criticizing discourses emphasize that official norms are plural as well. Furthermore, the explanations for being corrupt, as Znoj points out, were rather pragmatic. Among others, they argued that the money is not being used anyway, that others “take their part as well,” that they just act according to established customs, or that they could not escape the social pressure to pay for expensive status symbols (Znoj 2009: 60). Obviously, the actual practices that are labeled as “corrupt” are not perceived as “bad” or “immoral” by the people. The causes of corruption are understandable and pragmatic, while official norms such as accountability and transparency are rather abstract and merely serve as demonstration of the will to fight corruption.

De Sardan argues that since we are witnessing the obvious lack of impact of the efforts made in the last decades to make official norms more obligatory, the use of practical norms should be considered. He identifies two types of reformist actors (change agents). When, for instance, team-work should be established as a new procedure, one type will introduce and recommend the new procedures and at the same time still comply with practical norms (like hierarchies that impede team-work) and leave it up to individuals to decide whether or not to apply the proposed changes. The other type seeks to modify the practical norm by introducing a minimum level of collective functioning (de Sardan 2008: 17).

So far, the influence of tacit norms is underestimated, not recognized and not researched enough. Yet, practical norms do influence people’s behavior as much or maybe even more than official publicly announced norms. The questions arising from this are how far MSS and PSS carry the potential to introduce a minimum of collective functioning; and how the standardization concepts are related to norms.

Standards' Potential to Regulate Practices

First of all, standards, which are manifested in legal documents, such as regulations and decrees are *official norms*.⁴⁴ The objective of both standardization concepts is to improve public service delivery. How do officials allude to the standards? What is the impact that the legal decrees have on people’s actions? Or being more concrete: To what extent are the standards tools able to create a greater coherence between official norms and the actual behavior of public actors who are responsible for public service delivery?

Let us start by having a look at the informants’ opinion about obstacles for the improvement of public service delivery. As mentioned earlier most of our informants

⁴⁴ This counts especially for MSS, since PSS are defined by every service unit individually and only the general framework for the formulation of PSS will be issued as a decree.

addressed corruption as a crucial problem, whereas only a few spoke about nepotism. Corruption was mentioned beside other problems such as lacking material facilities, human capacities, and confusion about new decrees by service providers, public actors and academics. Only activists of civil society organizations (CSOs), academics and development experts mentioned nepotism as a cause for insufficient service delivery. This suggests that the term *korupsi* (corruption) is an established buzzword people refer to in official talks. Nepotism did not seem to have the same buzzword-like function in official talks and was only addressed in deep discussions.

Similar to Znoj's experiences, we had the impression that condemnation of *korupsi* is ambivalent. In a population administration office in Samarinda, civil servants complained about low salaries and frequently announced that it is hard to earn enough money for their families. Thus, additional "honorariums" were welcome. Strikingly some citizens, as service consumers, also observed that it can be a nice act to make someone "a gift," because he or she has many children. This puts forth the context-specific meaning of corruption which does not always bear a negative connotation. When gifts, fees, tips, or compensation given are deemed reasonable and pragmatic, they do not bear a sense of immorality. The feeling of reciprocity that small gifts evoke obviously has an important function and a significant meaning for people. This is only one example of practical norms that regulate everyday practices in public institutions in Indonesia.

When we were asking civil servants about MSS and PSS, the frequent answer was *ada*, which literally means "there is/are" indicating that the office or the institution we were examining "has" the standards. On further enquiry about the connotation to "have" the standards, our informants often appeared to be confused and/or switched to other topics. This confusion suggests that many public actors are not familiar with the purposes of the standards and the way to operate them. Furthermore, it could also mean that standards are simply regarded as irrelevant or not interesting enough to talk about.

Especially in the case of Minimum Service Standards we were often told that they "exist" or that so far there are already thirteen MSS decrees. A development expert informed us about many cases of confusion concerning MSS such as newspaper reports about an MSS for a new highway or the statement of a local leader who claimed that they already have nineteen MSS.⁴⁵ Apart from the claim to 'have' MSS, there were few explanations about mechanisms that shall ensure that MSS, as a quality measure, would be reached. Staff of the organizational office (*biro organisasi*) of the provincial administration stated that there is a lack of information that could guide the implementation of activities facilitating the accomplishment of the MSS criteria.⁴⁶ Since MSS is (for most sectors) designed as an output standard, it is the responsibility of regional and provincial bureaucrats to creatively plan how to reach the quality measure. This was obviously regarded as rather complicated and informants announced that they were waiting for further instructions. In addition they complained that the decrees, which are issued by the central government, do not fit the local situation, which hints at general inconsistencies between government levels and the emphasis of local assertiveness.

⁴⁵ Personal communication, Samarinda, 25 October 2011

⁴⁶ Personal communication, Samarinda, 13 October 2011

One official of the provincial organizational office stated that PSS were easier to operate because they could finish the task by informing all service units to establish PSS. “It remains to write letters” (“tinggal surat-menyurat”), she explained.⁴⁷ Consequently, this only shifts the responsibility to another level of administration.

Overall, PSS was widely unknown. The information that PSS had already been established in the public hospital of Samarinda turned out to be a misunderstanding. Informants in the hospital and in other places used the expression of a “public service standard” to talk about standards in general. Unclear terminology obviously caused some confusion here. Moreover, we were confronted with another standard, namely the “standard operating procedure” (SOP) that regulates sequences of work and that was often confused with PSS.⁴⁸

Whereas we observed high confusion when it came to MSS and PSS, SOP seemed to be much more comprehensible for our informants. Since SOP is meant to regulate procedures and give a detailed step-by-step instruction of operations, it is understandable that people value it as more practical. In contrast, MSS do not give detailed instructions of how to proceed and this is regarded as confusing. Do they expect instructions by a standard because they are used to SOP as an instructional tool? That the various applications of the term “standard” cause confusion was also suggested by one of the development experts of GIZ who had encountered terminological confusion over many years in his work in Indonesia.⁴⁹

We believe that the confusion about instructions from the central government does not result from a lack of expertise but rather from entrenched bureaucratic practices. MSS and PSS are not practicable for the stakeholders responsible for the implementation. Many informants complained that there had not been adequate training and socialization (*sosialisasi*) to familiarize officials with the standardization concepts.

According to the concept of practical norms, norms and regulations become relevant for peoples’ behavior when the meaning that these norms have for them determines their practices. SOP, a quite clear set of instructions, according to informants, is incorporated successfully in many stakeholders’ action preferences in a pragmatic way. Since SOP is applied on a very basic level, namely everyday working procedures, we argue that SOP has a high potential in determining practices and creating a higher coherence between norms and practices. One example for this is the practical norm of bureaucratic language. In a GIZ-led workshop about SOP in population administration we observed that the trainers discussed the significance of language in public service delivery. While it is an official norm that customers should be provided with transparent information, in

⁴⁷ Personal communication, Samarinda, 13 October 2011

⁴⁸ Standard operating procedure (SOP) is the term, internationally known, for written instructions (standards) that define the different sequences of working processes. It is applied at the micro level, in individual working units. Even though SOP is not directly linked to the quality of and access to public service delivery our informants regarded it as an important tool in the improvement of public service delivery. GIZ staff in Samarinda was engaged in the clarification between SOP, PSS and MSS. See Appendix 4 for the different operational levels of MSS, PSS and SOP.

⁴⁹ Personal communication, Jakarta, 28 September 2011

reality they receive rather vague information about costs and procedures. Customers are told that their identity card can probably (*mungkin*) be issued within a week and that if possible (*kalau bisa*) they should return to the population administration office within that time. For the customers this can mean that they have to return to the city, take a day off and bear the travelling expenses without any certainty that their identity card has already been issued. After discussing communicative behavior, the trainers introduced the function of SOP. They showed that working procedures demand clear terms of reference, which would also include that officials have to change their communicative behavior.⁵⁰ Thus, SOP may be an efficient tool in dealing with practical norms. Our empirical data gives evidence that in the case of MSS and PSS this is not (yet) the case. MSS, along with concepts like *good governance*, “transparency” and “accountability”, were addressed frequently by our informants though could not be specified any further. This suggests that they are mere rhetoric, official norms that are propagated publicly but have little impact.

MSS as technical quality criteria on quite a high level, comparable to that of international quality standards, makes them a “good sounding” label. Since informants talked about “having” MSS, it seems as if the norms of this standard are an ideal example of official norms – present in the rhetoric of people but absent in their practices. Decision makers who seek to implement MSS have the necessary tools to do so. For agents unreceptive to change, MSS may remain mere rhetoric. How far incentives or sanctions can ensure the effectiveness of the decrees will be discussed in the following chapter.

PSS address the common *good governance* principles, which people seem to regard as official norms. Interpretations of these principles differ and may not have a clear meaning for people and therefore may not be related to their behavior either. If the Ministry of Administrative Reform manages to establish a guideline that “sells” PSS as a “method” that can be applied in simple steps in the service units, it would probably become as feasible as SOP. Moreover, the participatory approach could encourage people to engage in the formation of their own standard – this would mean that people actually “work” with norms like transparency and have to interpret them somehow. It could also result in what de Sardan proposes, namely to make use of some informal norms and their transformation into official ones.⁵¹ However, the interpretation of the measure of improvement might not be coherent with the initial idea of the ministerial decree (e.g.: service units might have reasons for not being keen to improve their services and thereby keep the standards low). Nevertheless it would be a first step in the establishment of coherence between norms and practices, which can be regarded as a key feature for change. As the discussion about justice indicated, a crucial question that remains is: Who are the stakeholders that are involved in the establishment of PSS? If participatory methods and customers’ complaints are included, as outlined in the PSS

⁵⁰ Participant observation SOP Workshop, GIZ-GG PAS, Samarinda, 21 October 2011

⁵¹ One example would be that “informal fees” become “official fees,” which would ensure more transparency and accountability. Yet, transforming informal practices into official ones could, in a worst case scenario, result in the institutionalization of structural discrimination (e.g. if the informal practice that Chinese Indonesians have to pay higher bribes would become official).

guideline, this could create tension and evoke practical norms such as personal prestige. If service providers and consumers, for instance, agreed upon opening hours and made this decision public, the service providers may care about their reputation and the gossip about them. Consequently, this may serve as an incentive to comply with the agreement. If PSS can be applied in a rather simple way, they could become a method which demands the minimum level of collective functioning that de Sardan discusses.

Law Enforcement and Accountability

As explained in the previous chapter, officials will not follow official norms if these norms are not relevant in practical terms. We argued that one cannot take for granted that government officials will abide by laws and decrees, e.g. implement service standards and provide services in accordance with these standards. This chapter analyzes incentives implicit in the design of service standards. It identifies crucial points in the implementation process of service standards where it does not seem rational for officials to behave in accordance with the law and hence, where incentives can help to guide the behavior of public officials.

Design and Implementation of Minimum Service Standards

Compared to private competitive markets the problem of public service delivery is that public service providers are not directly accountable to consumers. This problem is known as the “long route of accountability.” Voters (as well as the central government) have to hold local politicians accountable for the allocation of the local budgets and politicians have to hold local public service providers accountable for delivering the services (Junaid Ahmad et. al. 2005: 3). If one of these relationships does not work properly, public service provision might be dysfunctional.

Theoretically, the concept of MSS might be a solution for these problems, because MSS indicators should focus on the output of public service delivery. The performance risk of local public service providers will shift to local policymakers because now politicians are not only responsible for the allocation of the budget, but also for the output of public services. Since their performance evaluation will be based on MSS, they have to hold service providers accountable and the long route of accountability shortens to a voter-politician relationship (or to a central government - local politician relationship).

Minimum Service Standards are developed by the line ministries. One phenomenon that we could observe in the current process of MSS development is that line ministries tend to set ‘over-ambitious’ minimum standards (DSF 2011: 11). Development agencies and academics criticize this practice, because it is unclear how these standards should be financed. First estimates of required financial resources associated with the MSS for education have been submitted by Lewis (Lewis 2003: 12). He concludes that MSS cannot be accomplished in all sectors because the central government cannot provide local governments with the required financial resources (Lewis 2003: 12). In contrast, more recent research on budget allocation in Indonesia (Lewis&Ostermann 2010: 7) shows,

that subnational governments, on a net basis, increased their accumulated cash reserves by Rp 71.2 trillion from 2000 to 2008. Hence, cash reserves are available and investments in public services should be possible for most municipalities/districts. However, line ministries are not aware of the costs caused by their developed MSS milestones, since there are hardly any financial estimates. Furthermore, postulating high-level MSS milestones gives an opportunity for the ministries to attract power and resources. This does not imply that line ministries should not develop MSS indicators - indeed they should because they have the relevant information to do so. However, the responsibility for deciding about the scale of the particular milestones should be granted to one institution that has the relevant information about local governments' capacities and can estimate the costs of all MSS in all sectors. This institution could be the Ministry of Home Affairs because of its responsibilities concerning the regions; however, the Ministry of Finance has the relevant information about the financial resources. Since a power struggle impedes cooperation between the ministries, the responsibility should be granted to MoF.

In addition, up to now there has been no performance data available (we will address this problem later) and therefore it might be useful to first develop the output indicators, then collect the data to have a preliminary picture about the current situation, and finally decide about the scale of Minimum Service Standards.

Thinking about the scope of MSS, the question at stake is: How many sectors should develop MSS or, since the sectors that should develop MSS are already defined, should there be priorities for specific sectors?⁵² Assigning priorities to some sectors produces incentives for local governments to channel resources only to the announced sectors. To prevent excessive concentration of resources in some sectors, the sequence of the sector-specific MSS implementation has to be considered. Implementing MSS for all sectors at once hampers concentration of resources in one sector. By contrast, the incentives underlying the sequence can be used to push resources into specific sectors which the central government views as priorities.

Finally, if local governments reach all MSS milestones in one sector, there will be no incentive to invest further into the specific sector. In order to achieve all MSS in all sectors, local governments will then concentrate efforts on the remaining sectors. If local governments accomplish the MSS targets in one sector, for example education, further investment in this sector will only be made if all MSS milestones in all the remaining sectors have been reached. The institution supervising the development of MSS has to take this into account and balance the importance of the sectors against each other to determine the scale and the scope of MSS milestones.

Moreover, the central government must consider the danger that a policy developed by the central government will not fit the needs of people in over 400 heterogeneous districts/municipalities. There is a trade-off between exerting pressure on local governments that fail to provide adequate public services by postulating a high level of MSS milestones on the one hand, and the risk of encroaching on the autonomy of local

⁵² As suggested by DSF (DSF 2011: 11).

governments by demanding too many efforts on the other hand.

Since implementing MSS would seriously stress the administrative capacities of most local governments in Indonesia, it is likely that they will seek for ways to evade the implementation of MSS. Local budget allocation must be reconsidered, mechanisms to hold service providers accountable must be established and so on. Hence, without mechanisms that ensure the implementation of MSS, the objective to “guarantee a predefined level of public service delivery for every Indonesian citizen” (MoHA 2008: 2) might fail. From an economic perspective, the solution to close the gap between laws and the practical norms that impede efficient service provision are incentives that should channel the behavior of state actors. Principal-agent theory provides a theoretical approach to explain the discrepancy between legal provisions and actual bureaucratic behavior. Being part of the New Institutional Approach to economics, the principal-agent theory assumes that public officials behave opportunistically. Citizens (principals) elect politicians (agents) to deliver public services.⁵³ Since agents have more information about the size and use of local budgets than the principals, there is an opportunity for the agents to channel resources away from public use to private gain. The rationality of principals is bounded. Facing high transaction costs for collecting information, it becomes rational for them to stay uninformed. However, the greater the informational asymmetry between the principals and the agents, the greater is the possible misuse of resources by agents.

The implication of the theory for MSS is that incentives must be provided to raise the costs that must be borne by local officials when not implementing MSS over the costs when implementing MSS.⁵⁴ It is then rational, even for opportunistic officials, to implement MSS. Thus, the first step towards holding local policymakers accountable for public service delivery is to measure their performance by Minimum Service Standards' indicators. Incentives can then be provided for local policymakers on the basis of the deviation of local governments' performance towards MSS milestones.

The central government can directly hold local policymakers accountable. The Decentralization Support Facility (DSF) created a list of sanctions for non-compliance with MSS which includes:

- ‘Warnings from Governor/MoHA that the region is falling behind expected targets, on way to MSS fulfillment;
- Direct orders to spend on specific lagging MSS efforts (as part of approval of draft budgets);
- Direct replacement of DPRD/Regional Head with appointee to manage the region temporarily, to redirect the spending intensively for one or more years; and
- Dissolution of region/incorporation into more viable region’ (DSF, 2011: 17).

The first two suggestions are good options to exert pressure on local governments. In

⁵³ Alternatively the central government can act as principal delegating the delivery of public services to local governments.

⁵⁴ ‘Costs’ in this case include everything that influences the utility of the agents in a negative way.

contrast, the other suggestions stand in opposition to democratically elected local governments and district heads. Therefore we want to discuss another possibility, namely institutions or mechanisms that stimulate competition between municipalities/districts. The advantage of this solution is that the interference in local governments' autonomy would be minimized. Poorly performing municipalities/districts would have incentives to look at successful municipalities/districts and use them as a model for the improvement of their institutions. According to Mohamad, currently the most successful municipalities/districts already look at institutions of the private sector and "best practices" of other countries to create innovations in public service delivery (Mohamad 2007: 12). At the sub-district level Chavis found evidence that competition reduces inefficiencies in public project proposals (Chavis 2010: 273). Villages have to compete in their sub-district for a block grant. Project proposals from villages that were part of a sub-district with many villages were more efficient than proposals from villages belonging to a sub-district with fewer. He concluded that more intensive competition reduces the misuse of funds and elite capture in public project proposals (Chavis 2010: 273).

Applying this mechanism to higher tiers of administration, a solution might be the introduction of a special fund. The fund transfer from the central government to the local governments depends on the achievement of MSS milestones. If local governments have to compete for the shares of this fund, the emerging competition will create the necessary incentives. However, incentives impacting on the budget of local governments will not help poorly performing districts to achieve MSS indicators. Instead, this approach could further increase inequalities in public service provision between municipalities/districts. To limit that effect, the transfers of the fund can be linked to the growth rates of MSS achievements instead. This implies that the lower the current level of public service delivery, the higher the incentive to reach the MSS, since it is easier to achieve high growth rates when starting at a low level. At the same time, the municipalities/districts which already achieved MSS indicators would not get any shares of the funds.

Following the theory of yardstick competition (Besley&Case, 1995), the central government can encourage the public to hold local politicians accountable by lowering informational asymmetries. Publishing data on MSS achievements provides voters with reliable information on the performance of local governments. Hence, if MSS data are published, voters can base their electoral decisions on reliable information about the performance of local governments and therefore MSS would make inefficient practical norms more costly for public officials. Furthermore, it could also facilitate competition between regions. Voters can identify the performance of their local politicians by comparing MSS achievements of their municipalities/districts with other municipalities/districts. Hence, politicians have to compete for MSS achievement to be re-elected. In addition, the municipalities/districts retain their autonomy because local politicians are not forced to care about all MSS, but primarily about those which are important for local voters.

However, a necessary but problematic precondition for the implementation of Minimum

Service Standards is data collection. Until now, performance data has hardly been available since MoHA does not collect any such data. Compared to budget data, performance data collection is associated with high costs (Ferazzi 2005: 231). Hence, adequate financing for data collection must be provided. Furthermore, the reliability of the data in a corrupt environment remains questionable. One reason that corruption and inefficient service delivery through nepotism thrive is that data can be hidden from the public. According to the MSS guideline, the responsibility for collecting the data lies with local governments. This cannot be a satisfactory solution since local officials should be evaluated on the basis of these data. They can avoid the costs of expected sanctions by manipulating datasets. Hence, the responsibility to collect performance data should lie with the central government.

Design and Implementation of Public Service Standards

In contrast to MSS, PSS should be developed by each service provider individually. The advantage is that service providers start to evaluate their own capacity (as mentioned before, PSS for now should focus on opening hours and transparent fees for services). Also, users get transparent and reliable information about what to expect from the related providers. However, it is unclear how thousands of service providers in over 400 municipalities and districts can be motivated to develop these standards. Since they would empower service users by giving them a benchmark for launching complaints and consequently dis-empower themselves, there is no incentive for service providers to develop PSS. One option to ensure that PSS will be developed could be sanctions. For example, funds for service providers could be withheld or cut if they have not developed PSS by a predetermined date.

Furthermore, since service providers develop PSS themselves, it is unclear how they would contribute to improved service provision. The only stakeholder that has an influence on whether or not service providers choose a high level of these self-determined standards is the public. Law No. 25/2009 states that participation is required in the developing process, but it is silent on the procedural aspects of participation (Law No. 25/2009; Article 20(2)). If participation in the development of PSS is not ensured, service providers who do not improve the delivery of public services can preserve the old patterns. Hence, new decrees should regulate the process of participation in a way that ensures that public service provision becomes more client-oriented.

The advantage of Public Service Standards is that citizens can compare the provided services directly with the proclaimed standards and complain directly to the service provider. Law No. 25/2009 furnishes sanctions for providers that do not provide services in accordance with service standards, thereby disciplining service providers and hence improving public service delivery (Law No. 25/2009; Article 54). To ensure that this mechanism operates effectively, PSS must not only be developed to include a designed, established and clearly and widely published service charter (Law No. 25/2009, Article 22), but citizens should also be made aware of their right to complain if services are not provided in accordance with service standards. This part is crucial because complaining

about service standards is only useful if there is a compensation for the service user and/or the provider has to expect consequences (sanctions). According to Law No. 25/2009, sanctions should be imposed by higher officials (Law No. 25/2009, Article 57(2)). Yet, the power and will of senior civil servants to impose sanctions on lower officials cannot be taken for granted (Buehler 2011: 78). Since our informants stated that corruption, as well as nepotism and low administrative human capacities, are not only endemic at the grassroots level, but everywhere in the public sector, the top-down approach to hold local officials accountable is likely to fail. Higher officials are more likely to be corrupt than lower-ranking officials, because differences in salaries relative to the private sector are larger (McLeod 2011: 46). The incentives to involve lower officials in corrupt practices are high in order to protect themselves from whistleblowers (Buehler 2011: 78). Thus, the law is not likely to be enforced, because high officials will not press charges against themselves and low officials do not expect sanctions to be imposed (Buehler 2011: 78).

Furthermore, Law No. 25/2009 never explicitly distinguishes between MSS and PSS. As explained before, the responsibilities to implement MSS or employ PSS lie with different institutions (local governments and service providers). The sanctions mentioned in Article 54 must be clearly enforceable to the responsible institution. Otherwise, officials and providers have the option of hiding behind excuses or blaming others and it is unclear on whom the sanctions should be imposed. Thus, it has to be identified which institution is responsible if service provision is not in accordance with one of the two standards. The sanctions listed in Law No. 25/2009 should only be imposed if service provision is not in accordance with PSS. If service providers cannot provide services in accordance with MSS, other mechanisms (as discussed above) must be employed to hold local governments accountable since the achievement of MSS is part of the functions of local governments. In addition, Buehler fear that penalties may actually lead to a decrease in public service provision. Since public officials fear to be wrongly accused of corrupt practices, they might lower their effort to provide public services (Buehler 2011: 83). This impedes the creation of new ideas and further supports the continuance of inefficient behavioral patterns. Hence, laws concerning penalties for service providers must be understandable and clear for the state officials. If the bureaucrats are totally aware of the actions that yield penalties, the fear of being accused of corrupt practices is minimized. Furthermore, Law No. 25/2009 requires data collection which should be supervised by MENPAN including data on public service providers, service standards and service announcements, as well as information about complaint mechanisms and performance evaluation (Law No. 25/2009; Article 23). However, as Buehler states, service providers and local governments must not be slow to collect and publish such data (Buehler 2011: 70). Again incentives must be established to ensure that service providers collect and pass on data. However, the purpose of this data system is not quite clear. First, since the data can be collected in a non-electronic format (Law No. 25/2009; Article 23 (4)), it seems impossible to create a database including all relevant information from all service providers. Second, the only useful purpose of this database for citizens might be to compare the capacities of different service providers and to use this information to identify poorly performing providers. But to compare the performance of

service providers, they must have similar characteristics like budget, staff etc. Since those characteristics are not included in the dataset, comparison cannot be made on a reasonable basis. Hence, the purpose of such a database needs to be clarified.

Ironically, to ensure sound implementation, the concept of Minimum Service Standards neglects some important components, which are addressed in the conceptualization of Public Service Standards, and vice versa. MSS are currently developed by the line ministries, but there is no mechanism ensuring that local governments provide services in accordance with the standards. Based on Law No. 25/2009, PSS introduce a broad list of sanctions for service providers not complying with service standards. However, there is no mechanism ensuring the development of PSS. The central government and the ministries must express their commitment to bring about reforms by improving laws and regulations.

How to Evolve the Potentials of Service Standards? An Interdisciplinary Summary

The threefold perspective on service standards provides us with a whole range of analytical results which serve as the bottom line of a tentative set of recommendations on how to improve the conceptualization and implementation of MSS and PSS.

Following the previous analysis related to the legal design of both MSS and PSS, we can conclude that social differences – cultural and positional – remain insufficiently considered. The consideration of positional differences is especially important for an enhancement of social justice in Indonesia. However, as laid out in Chapter 3, most of the Indonesian standards still lack clear instructions in this respect and concepts like equality or justice have not even been mentioned in most of the relevant regulations. Among our examples only the MSS of the health sector meet the demands for a politics of positional difference, at least when it comes to women, children, and the poor. However, the quality of other sector-specific MSS in this respect is relatively poor. By contrast, the concept of PSS bears the potential for recognizing cultural differences. This is mainly due to its micro-level perspective, which in principle creates opportunities for a strong influence of the public in the field of public service delivery.

However, so far the standards seem to have had little impact on social reality. Our investigation suggests that talking about standards serves to evince the will to reform rhetorically, but does not necessarily result in a change of practices. Michael Buehler calls this the “reforming spirit”, which has become popular in incumbent President Susilo Bambang Yudhoyono’s administration (Buehler 2011: 83). Practical norms, such as established practices of “gift-making”, and informal customs of mutual support and granting friends or relatives a “favor,” are common tacit rules to which people allude. The feeling of reciprocity that these practices evoke may even appear more relevant to them than the abstract official norms of MSS and PSS. In addition, the conceptualizations of the two standards systems lack a binding character. Consequently, the success of laws and decrees greatly depends upon the goodwill of local leaders and the informal norms

that determine their practices.⁵⁵

To achieve MSS milestones, and to develop and comply with PSS, financial resources are required along with a change in the behavior of state officials. In order to ensure this change in behavior, service standards empower citizens by introducing procedures of performance evaluation, an information system and a complaint mechanism. We conclude that local officials are not eager to implement service standards, since strengthened bargaining power of citizens helps them to hold politicians and service providers accountable for service delivery. Hence, the implementation of solid laws and the provision of incentives for state officials are seen as a necessity in order to ensure local officials' compliance with the two standards, MSS and PSS.

Recommendations

1. Difference-Sensitive Conceptualization of Standards

A sensible understanding of the societal factors that significantly determine the access to public services is crucial for the improvement of social welfare in Indonesia. But there still remains a whole range of structural categories causing disadvantages that have not yet been addressed by any MSS. Further positional determinants that are mentioned by Young include, for example, disability and institutionalized racism. In the Indonesian case religion and ethnicity might also be structural categories policy makers should consider.

Therefore, if we seek to improve the composition of MSS and PSS, a sensible identification of their target groups is first needed. This can only be accomplished through a general assessment of disadvantaged and marginalized groups in Indonesia. Therefore, the Indonesian central government as well as local governments should carry out a nation-wide study that assesses all possible constraints in each sector of public service delivery. Such a study could also rely on existing laws, studies and indices on inequality in Indonesia, such as the Gender Inequality Index (GII).⁵⁶ Law No. 11/2009 on social welfare, for example, mentions justice and solidarity among its principles. It elaborates that social welfare should focus on the parts of society whose living conditions do not meet humanitarian and social criteria (Law No. 11/2009; Article 5(2)). The criteria mentioned are: poverty; neglect; disability; isolation; social disabilities and behavioral aberrations; disaster victims and/ or victims of violence; exploitation and discrimination (Law No. 11/2009; Article 5(2)). Although this listing remains incomplete and arbitrary to some extent, it could provide a first hint for further clarification on target groups for social policies that goes beyond the consistently announced simplification of poor people as the only disadvantaged group.

⁵⁵ For further discussion on the significance of local leaders' willingness see: von Luebke 2011.

⁵⁶ The GII reflects gender-based inequalities in the dimensions of reproductive health, empowerment, and economic activity. Here, with a score of 0.505, Indonesia ranks 100 out of 146 states (UNDP 2011b: 4).

2. Moving towards UN Millennium Development Goals

MSS should be better related to existing national laws and international conventions. For the education sector we suggest a revision which would shift emphasis towards MDG No. 2 on *Universal Primary Education* and No. 3 to *Promote Gender Equality and Empower Women*. Here the United Nations (UN) demands that all children should be able to complete primary schooling (MDG No. 2) and that gender disparities at all levels of education should be eliminated (MDG No. 3, Target No.4). The UN even suggests concrete indicators that could be included in Indonesian MSS on education such as: the net enrolment ratio in primary education, the proportion of pupils who reach grade 5, the literacy rate of 15-24 year-olds (MDG No. 2), the ratio of girls to boys in primary, secondary and tertiary education and the ratio of literate women to men, 15-24 years old (MDG No. 3) (UN-Millennium Project). Among these aspects particular attention should be paid to secondary school enrolment where inequalities related to socio-economic status and gender remain a major problem.

3. Strengthen Public Participation

In the regulation of PSS, it is of great importance to further develop and formulate more clearly the role of public participation within the standard setting process. If, due to vague formulation, this aspect remains ambiguous, the potential of PSS cannot be sufficiently tapped. Law No. 25/2009 offers a solid basis to raise citizens' influence on service provision. This necessitates further decrees and regulations to strengthen institutionalized participation, monitoring and supervision mechanisms.

4. Coordination between Ministries and Harmonization of Standards

In order to prevent overambitious MSS milestones, the responsibility to decide on the scale of the milestones should be transferred to the Ministry of Home Affairs or the Ministry of Finance. MoF has the advantage that it has access to all relevant performance and budget data that are needed to make decisions about the scale and scope of MSS.

An improved conceptualization of service standards further requires close collaboration between the ministries involved in MSS and PSS, on the one hand, and the local governments, on the other. This is a precondition for linking the two types of service standards. As both seek to enhance public service delivery, MSS and PSS should be harmonized and ultimately become integrated into a common and consistent national action plan on basic public service delivery. This includes a clarification of the related terminology. In the case of MSS we could speak of quality criteria for the evaluation of local governments, whereas PSS could be declared as a method that enhances transparency at the operational level of service delivery.

5. Awareness of Practical Norms

Furthermore a higher awareness about the significance of informal practical norms would contribute to recognizing the limits of legal efforts and stimulating alternative

ideas for the enhancement of change. Since informal practices remain widely misunderstood we must remain especially alert to existing works that do give ideas about positive connotations of corruption and nepotism, for instance the publications of Znoj, de Sardan and others, as outlined in Chapter four. Moreover, we recommend doing further research in the realm of practical norms.

If we had a better understanding of the meaning and functioning of informal practices we could, on the one hand, generate options to transform informal practices into official ones. This would make bureaucratic procedures at least more transparent and accountable. This might prove difficult, of course, bearing the threat of structural discrimination in mind. Yet, alternative ideas like this one might eventually enhance the reforms. On the other hand we could seek ways of increasing the coherence between official norms and practices by making official norms more practicable. In order to make MSS and PSS decrees more understandable, a roadmap for their implementation should explain how they can be combined and translated into practice.

6. Enforcing Standard's Implementation through Incentives

We suggest providing incentives for MSS implementation for local governments. Therefore the central government should provide monetary incentives that induce competition. Moreover, it should publish MSS achievement data in order to increase voter's knowledge about local governments' performance.

In the case of PSS, MENPAN should provide incentives for service providers to develop them in order to avoid the prolongation their implementation. Funds for service providers could be retained or cut if they have not developed PSS by a predetermined date. Furthermore, sanctions for service providers ignoring PSS should not be imposed by higher officials as Law 25/2009 suggests. One institution suitable for performing this function is the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi*; KPK).

7. Increased Reliability of Performance Data

We further suggest that local politicians should not be the ones bearing the responsibility to collect the performance data, since they are also the ones who will be evaluated on the basis of this data. Instead, the responsibility for data collection should be transferred to MoHA.

Concluding Remarks

In summary, problems abound when it comes to the conceptualization and implementation of Minimum Service Standards and Public Service Standards. However, we conclude that the implementation of standards does hold potential for improving social welfare. Both, ensuring a national minimum of access to and quality of public service delivery, as well as developing a method of defining the extent of service provision and making it transparent can contribute to an enhancement of public service delivery in Indonesia.

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Abbreviations

BAPPEDA	Badan Perencanaan dan Pembangunan Daerah (Regional Planning Department)
BAPPENAS	Badan Perencanaan dan Pembangunan Nasional (National Planning Department)
DeCGG	Decentralization as Contribution to Good Governance (GIZ Project)
DPOD	Dewan Pertimbangan Otonomi Daerah (Regional Autonomy Advisory Council)
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (German Development Cooperation)
GII	Gender Inequality Index
GG PAS	Good Governance in Population Administration
HDI	Human Development Index
IHDI	inequality adjusted Human Development Index
MDG	Millennium Development Goal
MENPAN	Kementerian Pendayagunaan Aparatur Negara dan Reformasi Bureaucracy (Ministry for the Administration of the State Apparatus and the Bureaucracy Reform; short: Ministry of Administrative Reform)
MoF	Ministry of Finance
MoHA	Ministry of Home Affairs
MSS	Minimum Service Standards
PerMenDikNas	Peraturan Menteri Pendidikan Nasional (Regulation by the Minister of National Education)
PerMenKes	Peraturan Menteri Kesehatan (Regulation by the Minister of Health)
PerMenPAN	Peraturan Menteri Pendayagunaan Aparatur Negara dan Reformasi (Regulation by the Minister of Administration of the State Apparatus and the Bureaucracy Reform)
PSS	Public Service Standards
SOP	Standard Operating Procedure
UNDP	United Nations Development Program

Appendix

Appendix 1: MSS on health as formulated in PerMenKes 741/2008

a. Basic Health Services

1. By 2015, Antenatal care coverage will achieve 95%;
2. By 2015, 80% of obstetric complications will be attended;
3. By 2015, 90% of deliveries will be attended by skilled health providers who have obstetric competencies;
4. By 2015, post partum visit coverage will achieve 90%;
5. By 2010, 80% of neonates with complications will be attended;
6. By 2010, neonatal visit coverage will achieve 90%;
7. By 2010, 100% of villages will complete Universal Child Immunization;
8. By 2010, Under-5 children service coverage will achieve 90%;
9. By 2010, 100% of poor children aged 6-24 months will receive food supplements;
10. By 2010, 100% of malnourished Under-5 children will receive healthcare
11. By 2010, 100% of elementary school children will receive health examinations;
12. By 2010, the number of active family planning clients will reach 70%
13. By 2010, disease detection and treatment coverage will achieve 100% [sic!]
14. By 2015, the coverage of basic healthcare for poor people will achieve 100%.

b. Referral Medical Services

1. By 2015, the coverage of referral services for poor patients will achieve 100%;
2. By 2015, the coverage of level 1 emergency services provided in district hospitals will achieve 100%.

c. Epidemiological Research and Management of Outbreaks (KLB)

By 2015, an epidemiological investigation will be conducted in < 24 hours in 100% of villages where an outbreak occurs.

d. Health Promotion and Community Empowerment

By 2015, 80% of villages will become Active Desa Siaga

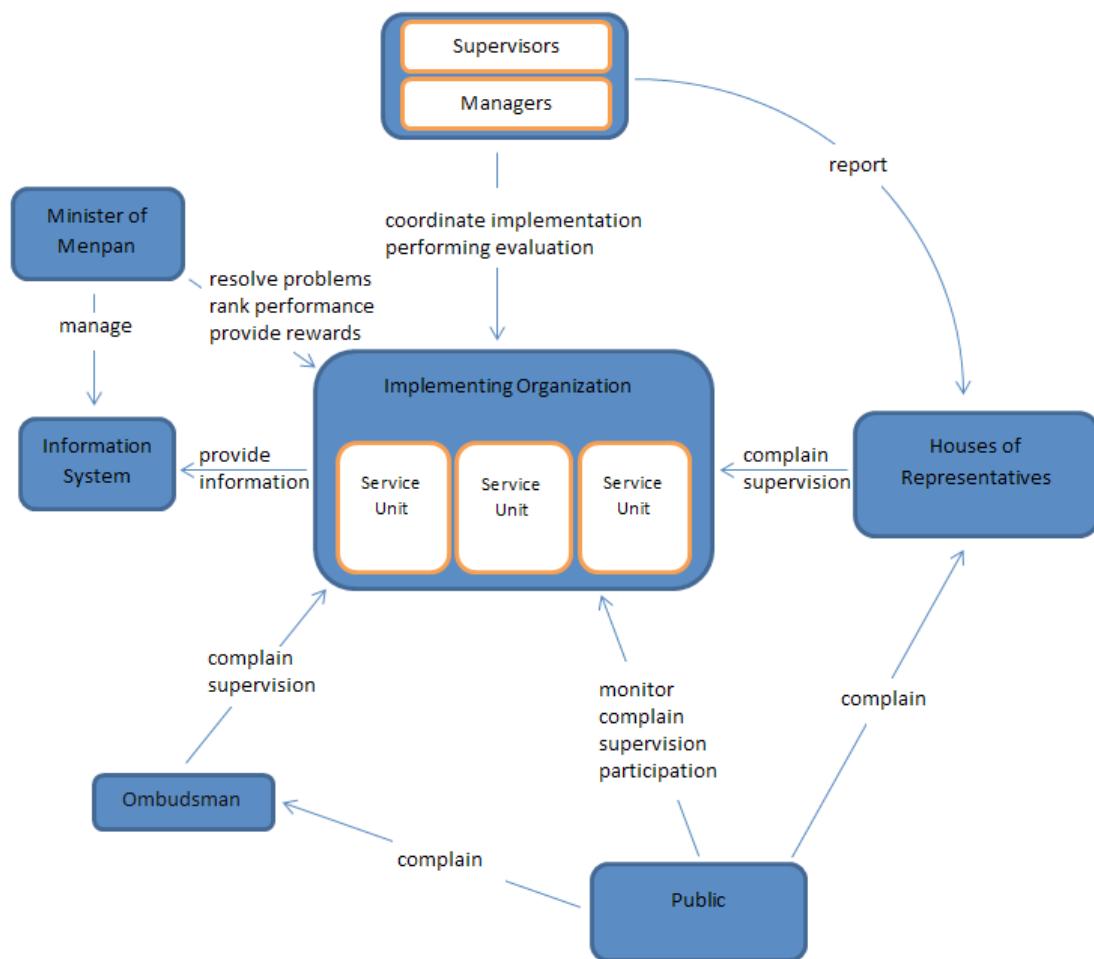
Source: Permenkes 741/ 2008, Art. 2 (2)

Appendix 2: List of MSS

	Sector MSS	Ministerial Decree	Technical Guideline	Guideline for Planning and Budgeting
1	Perumahan Rakyat (Public Housing)	√	√	√
2	Pemerintahan Dalam Negri (Interior Administration)	√	-	-
3	Sosial (Social Affairs)	√	√	√
4	Kesehatan (Health)	√	√	√
5	Pemberdayaan Perempuan dan Perlindungan Anak (Girls' Empowerment and Child Protection)	√	√	√
6	Lingkungan Hidup (Environment)	√	√	draft
7	Keluarga Berencana dan Sejahtera (Family Planning and Welfare)	√	√	√
8	Ketenagakerjaan (Employment)	√	√	√
9	Pendidikan (Education)	√	decision of directorate	draft
10	Pekerjaan Umum (Public Works)	√	√	draft
11	Ketahanan Pangan (Food Security)	√	√	√
12	Kesenian (Arts)	√	-	-
13	Komunikasi dan Informasi (Communication and Information)	√	-	-

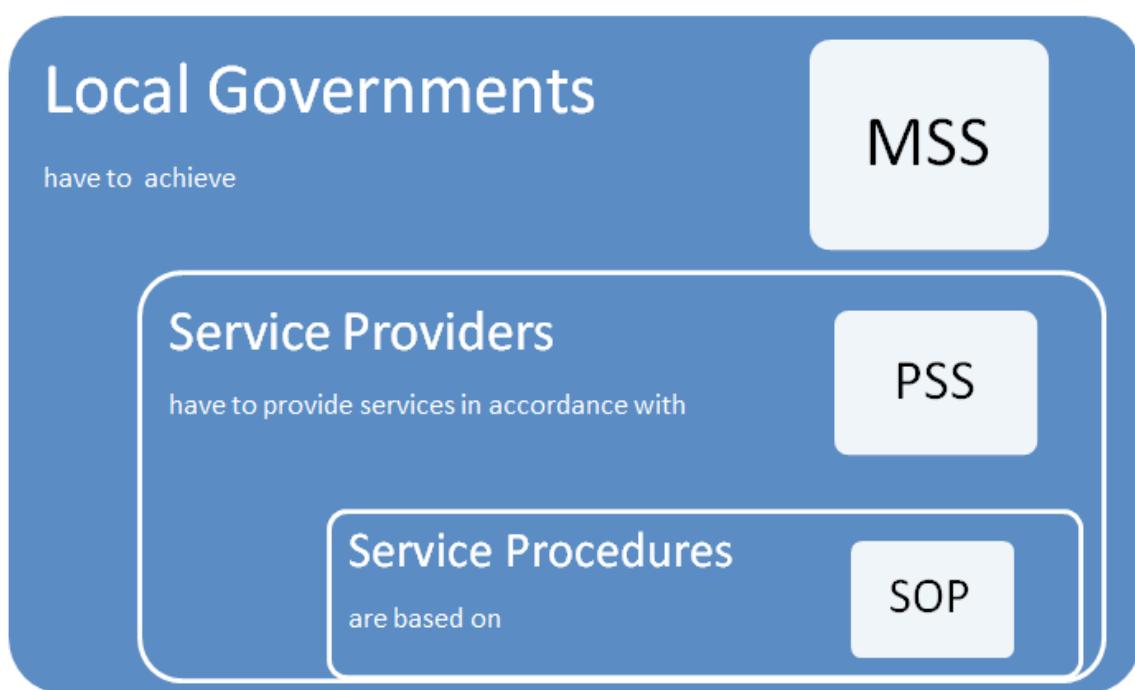
Source: own table based on MSS regulations

Appendix 3: Stakeholders Related to Public Service Delivery According to Law 25/2009



Source: own graph based on Law No. 25/2009

Appendix 4: Operational Levels of MSS, PSS and SOP



Source: own graph based on research findings

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