Application of The Principles of Good Governance in The Region Accodance With Shari’a in Aceh

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Abstract

in article 20 the law number 32 of 2004 on management of the region. The principle of common local government administrations adheres to the principle of them accountability, transparency professionalism and law enforcement. While Shari’a at of islam that referred to here is sharia at islam which prevail in aceh province as according to provincial Qanun Nanggrooe Aceh Darussalam number 11 2002 even all prescribed rules god to his bond servant well both with regard to aqidah, sharia, and muamalah. The application of the principles of good governance in the region in accordance with the principles of Islamic at Syaria in Aceh can we see as implemented in Aceh province are to apply the principles of good governance and the principles of Islamic at Syaria in manage governance. The application of the principles of good governance that comply with Islamic jurisprudence of which we can see as follows the principles of the rule of law in accordance with the principles of Islamic at syaria in the form of Shidiq and Mandate, the principle of Transparency in accordance with the Tabliq, principles of professionalism in accordance with Fathanah.

Keywords: Principles good governance, Shari’a in Aceh.

1. Introduction

Good governance is a government management pattern being good with a goal may be forming intitusi the government to which the net and professional in performing a duty and functions as an institution of public service for all residents, and no exception society who are in Jakarta capital districts in a country that adheres to the democratic system. As in the country Indonesian the implementation of good governance was necessary in order to very to mengelolah intitusi-intitusi good governance begun from a central level to the territory of. While judicial base the application of the principles of good governance di governance regions in Indonesia regulated in the law of the republic of indonesia state article 20 number 32 of 2004 on the application of the principles of good governance in the region they are that principle is the principle of accountability principle transpransi, professional, and the principle of law enforcement.

Further, desire to create good governance and good governance is the ideals of the international community in this one of our country of Indonesia. Although in the context of locality, the implementation of governance in the province in Indonesia tend to use different approach. But however, it is good governance with the ideals of good governance principles that this must always be applied to any intitusi good at the central government, and in the provincial level in the whole region or city district the unity of the republic of Indonesia.

Given the current regional government management assessed is still very memperihatinkan. Sebagaiman according to Muhsin Nyak Umar [1] Professor UIN Ar-Raniry
Banda Aceh which said that management of local governance in Indonesia is currently experiencing a crisis both in the field of multidimensional economic, social, law enforcement or public service. This can be seen from some of the problems that occurred in various regions in Indonesia. Among them, the number of cases of violations of the law that occur and it was done by the person-person public officials in the region, rampant Corruption paraktek Collusion Nepotism (KKN) in several areas ranging from heads of regions to involve anyone person region officials. As Governor, Governor or Mayor in several areas throughout Indonesia so that not a few government officials in the area arrested corruption eradication Commission (KPK) for committing a criminal offence of corruption, grativikasi as well as money laundering.

Then, law enforcement problem in indonesian society impressed still felling penegkan select it means law only sharp down but blunt up, it can be seen through a series of cases pradilan mafia, fertilizer mafia, budget mafia, to the mafia of mines and the results of the nature of another that that is a that involved several high officials in areas although his sentence is not yet according compared to the crime committed. But on the other side, not few people mokuak minor offenses instead in law with articles criminal menerapakan in kuhp without considering the aspect of conduct and moral consideration and welfare to the community the small. Not to mention an economic problem today as if the government does not capable of being to control the market. So impressed the government off the hand in controlling the prices of the staple food that continues to soar in markets because it is already in a monopoly by financier (capitalis).

Furthermore, it is also no less alarming decline of the quality of public services and the kaburnya the application of the principles of good governance in both the Government institution of the central level as well as the region. This, due to the institution of the Government institution-in particular in the area still lacks professionals in applying the principles of good governance, as in the require by law that the institution of the regional Government should really provide excellent public services for the realization of prosperity for communities in the area. To that end, from the wide range of issues, if left unchecked, it will continue to have an impact to the declining quality of public services in the institution of Government. So it boils down to a multidimensional crisis causing an puasan community that will drive some particular community groups doing protest actions against the Government on behalf of either religion (religious hardliners understand flow) or call the mengatas rebellion Gerakan Aceh Merdeka (GAM), Organisasi Papua Merdeka (OPM), And other community groups.

His case if continues to be left out of the crisis multidimensional this possibility is opened they could hinder government efforts to undertake the task anyway as has been mandated kontitusi our country that was found in indonesian s constitution which dictates that the government of the republic of indonesia state had an obligation to protect and all the people of indonesia and all spilled blood indonesia and to the advancement of general welfare, educate, life of the people and walk with carry out the world order. Therefore in a crisis like this is fair when the application of the principles of good governance can be viewed give the runway as well as the alternative solution in the management of a democratic state to create a climate objective and create the conditions conducive to the nation in order to carry out development and public service by good in order to to prosper all indonesian people.

But, then, the solution to the multi-dimensional crisis menanggulagi, can also be reached via the perspective approach to Islamic law (Syariah) given in view of a pure Islamic teachings of islam is known as a universal religion, Islam necessarily is believed to be able to provide a foundation for the application of the principles of good governance in the institution-institution of Government in Indonesia. Although the term good governance as a modern term, but the belief
that all human behavior is in order at the command of God and all God fearing it aims to realize a benefit, either by way of providing benefits to man or menghindakarkan mudharatan then it becomes at once a cue challenge for the jurist (mujtahid) to explore legal synergy between law (syari’ah) and positive law (national law Indonesia) in answering the problem of multi-dimensional crisis that continues to flourish in the community.

To that end, in this paper the author offers one of the legal arguments that can be used by local authorities in applying the principles of good governance in the region in accordance with the Islamic u2019at Syaria as it has been applied in Aceh province which is the only area in Indonesia which have special privileges in menerapakan Syaria Muslim at and its application does not conflict with the laws in force in the country of the unity of the Republic of Indonesia which in this case the law on management of local governance, as in there is a law no. 32 in 2004.

In this paper will analyze the normative the law in the act of the management of local government who adheres to the principles of good governance with sharia qanun at islamic sharia pelaksaan about at islam in aceh province .In the application could not and in synergy bertetangan with the principles of good governance and islam syariah principle that applies in aceh. This can be seen as has been running well in practice in local government intitui-intitusi provensi in aceh .For that of the explanation over then being discussed in this paper is , how is the application of the principles of good governance in the region in accordance with the principle of sharia at islam in aceh in terms of positive law persepektif indonesia in article 20 of the law number 32 in 2004 about the management of regional government with qanun nanggroe aceh province darusslam number 11 in 2002 about the application of sharia at islam in Aceh.

2. Material and Methods

2.1. The material of the study theory (References)

Good governance is a popular term started since 1980.The term is intended as a bureaucracy reform, especially in the developing world, to direct a bureaucratic clean dignified and be trusted people.Indonesia started responding to the concept of good governance since 1990 indicated the increasingly intenst talks about it through discussion, the research, and a seminar on national as well as international both the government academics and business and economy in the world. While the principles of good governance referred to in article 20 the law number 32 of 2004 on the management of regional government is as follows local government administration can be to apply the principle of legal certainty in which every the acts performed by stakeholders shall be on the basis of the applicable law. Government administrations in the regions should discipline which is orderly the implementation of the principle of government administration in the regions is the implementation of the government in the regions should be in accordance with the rules as well as the vision and mission that has been set.

Then adopt the principle of common interests namely any policy issued by regional government must precede the public interest than the interests of a group or groups .Have the principle of openness namely the public can access or see the results of activity and the act of government that had been done. So public can be a watchdog for the government .Have the principle of proportionality which is all the act of government and the law enforcement there shall be a balance between rights and obligations .So do not harm the community concerned .The
bureaucracy of government must professionalism that is promoting duties and obligations in accordance with the main tasks and functions of each government institutions.

Adheres to the principle of akuntanbilitas diamana any action and government performance, obliged to dipertanggung jawabkan. Good to the community and to the institutions who are over it. The last the principle of efficiency and effectiveness is intended that the effectiveness of the decision taken every right to and shall be powerless to for the community, while the efficiency, oriented the minimization of the use of resources to achieve a result work best (both human resources and other resources) owned by the regional government. Technical level a policy must be made by the local government because of the regional autonomy. This is an embodiment of the principle of effectiveness and efficiency. For, with the regional autonomy, and bureaucratic chain more quickly, effective and efficient.

Further, the study in applying the principles of good governance in the region as according to opinion van meter and van horn in solichin (2001: 65 about defenisi (the application of the implementation is the process as “those action by public or private individuals (or group) that are directed at the achievement of objective set forth in prior policy decisions” While according to islamy (2002: 102) the implementation of policies is a course of action that has been set and be implemented by the government which has the goal or oriented to a particular purpose in the interest of the whole community. Considering the government as the implementation of a policy, then this is something very important, it is as in confirm by udoji (1981: 32) said that “the execution of policies is as important if not more important than policy making. Policies will remain dreams or blue print Isi jackets unless they are implemented”. The same with it, udoji and edward III (1980 in pandji 2009: 41) said “without effective implementation the decisions of policymakers will not be carried out successfully”. In the same context, indiahono 2009, (43) says the implementation of the policy is an important step in policy. The step is to determine whether kabijakan taken by the authorities completely aplikabel in the field and managed to produce outputs and outcomes as planned.

The term good governance also connote the relation that synergistic and constructive in between states, the private sector, and community(society). In this context is administration who developed and set the principles of their professionalism, accountability, transparency, prime service, democracy, evisiensi, efekektivitas, the rule of law that could be received by all people in society (pandji santosa, 2009: 131). While according to taschereau and campos (in hodha, 2003: 63 cases, good governance (the translation of good governance), is a condition that guarantee the process of alignment, in common, cohesion, and balance the participation of, the presence of mutual mengotrol conducted by components namely government, the people, and business which is located on private ektor.

Meanwhile, according to the State Administration Institutions/LAN (2000:6) medeivinisikan good governance as a Government holding of solit and responsible as well as efficient and effective with keeping the u201Ckesinergisan u201D constructive intraksi between domain-the domain of the State. The private sector and society (society) at this level, good governance oriented in 2 (two) things, namely: (1) the ideal orientation of the countries that is directed at the achievement of the national goal. At this level, good governance refers to the democratization of the life of a country with elements of its constituents, such as legitimacy, accountability, scuring of human right, autonomy and devolution of power dan assurance of civilian control; 2) Government that functions ideally i.e. effectively and efficiently in undertaking efforts achieve the objectives of national. In this context, good
governance depends on the extent to which the structure as well as the political and administrative mechanisms to function effectively and efficiently.

While the UNDP in the workshop that convention [2] concluded that good governance are participatory system, implying that all members of governance institutions have a voice in decision making (that system of good governance a participative me nyiratkan that all members of government agencies have a voice in mem pengaruhpengambilan) decision. Of some sense of good governance over, it can be indicators diidentifikasi indicators head contained therein. UNDP (lan, 2000: 7) submitted characteristic of good governance, as the following:

1. the participation (participation); every citizen has the votes in artificial decision, either directly or by the legitimacy of intermediation institutions that represent their interests. Like this participation are built on the basis of the validity of association and talk and participate in constructive.
2. the rule of law (legal rules); legal framework must be fair and implemented without pand.
3. responsiveness (responsive); institutions and processes should try to serve any stakeholders.
4. consensus orientation (orientasi konsensus); good governance men so intermediaries interests in different to obtain the best choice for the interests of broader, both in the policies and procedures.
5. equity (equity); of all citizens, both men and women have the opportunity to raise maintain their welfare.
6. effectiveness and efficiency (the effectiveness of the effectiveness and consistency);
7. accountability (accountability); decision makers in government, the private sector and masyaraka (civil society) responsible to the public institutions and stakeholders.

As for the principle of Islamic Syaria referred to here is the principle of Islamic Syaria which can be personal religious beliefs by a bureaucratic government officials in the region in the exercise of his duties as an institution of public services to all communities in his area of each of these principles, namely the principles of Sadiq (truthful), Amananah (can be believed), Fathanah, (smart), Thabliq (convey), which in this case if applied in the institution of the local government in hope will give a positive impact both in Government and in the improvement of the quality of public services to the community in This area as diaharapkan Qanun Islamic jurisprudence in 2002 about the number 11 pelaksana Syaria at of Islam that prevails in Aceh province.

2.2 Method of writing papers

Research method that writers use in this paper is a method of juridical normative research or research legislation with secondary data as main data drawn from studies library materials with using law primary, of secondary and tertiary. According to Peter research approach in this paper is considerably approach legislation (statute approach). Whereas the object penelitianya focused on two rules perundang-undang namely the law number 32 years 2004 on the management of local governments and provincial qanun nanggroe aceh darussalam number 11 years 2002 contends the implementation of sharia at islam in Aceh.
3. Result and Discussion

In the papers author of this research will discuss two basic permasalah will be outlining how the application of the principles of good governance in the area as in intent in article 20 of the law number 32 in 2004 about the principles of good governance in accordance with the principles of sharia at islam in effect in the province of aceh as set in sharia qanun islamic at number 11 in 2002 about the implementation of sharia at islamic aqidah field, worship, and muamalah in aceh province.

3.1 Application of The Principles of Good Governance in The Region Accodance With Shari’a in Aceh

Applying the principles of good governance in the region all of indonesia is certainly not as easy as flipping palms, but need hard work of all parties involved in it, this included the community to take part in support of local government services good governance. As in intent in the act of good governance in an area arranged in the number 32 in 2004. Where every region in indonesia are obliged to the most of his reign with mengelolah mandate in accordance with legislation that is the local government must promote good governance principles of accountability, transparency, professionalism, and law enforcement.

It is every region in indonesia must surely have strategic how the local government to run well and in accordance with community legislation and to respond to the desire to get a better public services from the government. Then this is any government can apply various approach in creating the local government in accordance with the culture, culture, and religion, as well as social values that applies in each of the area. In this paper the writer strategic offer one of many other strategy that is how the local government implement the principles of good governance in accordance with the principles of islam at syri’a has been in practice in aceh province.

This study departs from the application of the principles of good governance in accordance with the Islamic at Syari’a applicable in the province of Aceh. Sebagai Syari’a concept in Islam that prevails in Aceh, the application of the principles of good governance can be in accordance with the principles of Islamic at Syari’a apply there so pelaksanaanya proven effective to run. Given between the principles of good governance principles syari’a at Syari’a u2019at of Islam in Aceh, there are similarities between the equations of the principles of good governance principles Syari’a at Syari’a u2019at Islam i.e. accountability, transparency, professionalism, and the law enforcement in this regard if aligned or match with the principles of Islamic Syari’a Siddiq (right), Amanah (trustworthy), Fathanah (smart), and the Tabliq (convey) which is actually long before the existence of the Law Number 32 of 2004 concerning the Organization of the local governance particularly in the implementation of the principles of good governance.

From the results of a research dissertation Gilani (Gilani: 2012) for example, the application of the principles of good governance in the city of Banda Aceh, Aceh province in accordance with the Qanun number 11 in 2012 says that the application of the principles of good governance in accordance with Islamic law which is in Aceh can be seen as follows: the principle of good governance first proesionalisme where any officer or employee of a governmental bureaucracy working in Banda Aceh demanded for professional that is working with have expertise in their field or in principle Syari% u2019at Islam called Fathanah i.e. intelligent, capable, or controlled by a person had become a professional who can see opportunities and take advantage of opportunities quickly and precisely and be able to
understand the problems that exist in the institution and is able to find solutions to these problems.

In addition, it is capable of thinking positively (khusnuzhon), maintaining good relations with other people (the meet and greet), and capable of management time as well as promise not a dissenter (always do according to this promise). Even in principle sharia at islamic deeply in their professionalism suggest kapada the entire workforce of both in government offices or what-have-you, sharia at were not have juxtapose professionalism in principle of good governance this is a recall work well and correctly according to islam is worship. The principle of good governance the second is any accountability an employee at the kota banda aceh government is obliged to can mempertanggung jawabkan all his work both to his superior as well as the members of the house of representatives (DPR) over all government work programs that has been in amanakan the people to him in a meet the interest of the people.

In sharia qanun at islamic the principle of good governance can compare this with the principle of trustful that is parallel because both must mempertanggung jawabkan all deeds done even further, in the principle of good governance akuntabilitas related in form of this only pertanggung answer in nature this world, but not so accountability in sharia at islam must be in pertanggung jawabkan in the world and in the afterlife is in front of allah swt one day. The next, in the book notodisierjo quotation in 2012 jailani [4] said the principle of good governance a third of transparency is transparency for all of the act or policy in take by the government. Openness is here covering all aspects relating to public interests, ranging from the decision-making process, the punggunaan public funds until the stage of the evaluation and the end of a term of responsibility or mandate from the people. Transparency in the Islamic Syaria identified with the nature of the Tabliq (convey) IE menyapaikan something with good and true as the opinion of Imam al Ghazali in Ihya Ulum al Tabliq properties Din it was delivering the truth or speaking honestly (shidiqk) containing the words good and true.

The principle of good governance the fourth is the rule of law (law enforcement) is very much related to justice it means the law must be ditegakan in a disingenuous manner and right and has the goal namely the fulfillment the principle of legal certainty, the principle of justice, and the principle of expedience. Law because of its placement in an unjust manner, corrupt, and full of iniquity will can injure and wounding a sense of justice in society, law enforcement should not be like a sword that only sharply downward but blunt upward. Sharia in at the principle of islamic law enforcement this can be in line with the mandate. The mandate is the one who has the of the nature of the mandate must jendrung of the nature of justice has such as can be reflected in prilakunya of the community who always submissive and abide by valid law, as well as have their attitude (ethics), in any pergaulannya in society. Of publication of the results of research dissertation jailani [4] above he to conclude that the implementation of the principles of good governance in the region could make a synergy.

This matter, writer said that the implementation of the principles of good governance can be adjusted with the condition of the culture of the community and religious social conditions which is in an area. But not closed the possibility of other areas in indonesia can implement administrative services that good (good governance as applied in the government of the province of aceh can synchronize with the values of sharia islam. Given that in indonesia the majority of its inhabitants are muslim. Then should the law on penyelengaraan government and public service do not contradict islamic values with which is in the community. So that the product of the act will be on implementasikan in indonesia really kebuthan respond to people in the region.
3.2 Factors that encourage and hinder the implementation of the principles of good governance in the region

The application of the act of speaking in the region of can not be separated from the driving force behind factors and inhibitors of applicability. A law and rule that will be at apply to government bureaucracy as an institution public service, regulations and the application of the constitution to set public service to residents of often ditemuai dilapangan motivation factor and inhibitors of the implementation. The factors and inhibitors of the driving force behind the implementation of the principles of good governance in the region if we see that in practice the in the aceh province is as follows. First motivation factor the implementation of the principles of good governance in aceh province in accordance with sharia islam.

Motivation factor internal (of in) the entire aparatur government in aceh province have received the briefing was also about training good understanding the principles of governance in accordance with sharia of islam that apply there, where the debriefing given by the government of aceh to all civil servants (pns) in governing aceh as with sufficient to carry out their assignment as of government bureaucracy an area that in the service of society. Besides, to spur the employee performance in government aceh province parties local governments in this (governor) will give appreciation to his servants who had a nice (performed well) that according to the principles of good governance (good governance) and in accordance with the values of syaria islam. This award might include raise in rank or got a promotion office with the provisions and the criteria which had been in determine.

But also threatened to reverse the lazy for the employees and undisciplined will be give sanctions. So that every six months official of a bureaucracy the government in aceh will have to evaluate in performance by the public through the house of representatives and non-government organizations (NGO) which was there. While external the catalyst the implementation of the principles of good governance in governing aceh is the existence of the law number 32 of 2004 to the government daaerah which requires local government to apply good governance and clean in accordance with the principles of good governance accountability namely of them, transpransi, professional, and law enforcement.

Besides, sharia qanun syaria islamic no. 11 / 2002 concerning the implementation of sharia at islamic also mewajibakan to the whole society and polity aceh to implement values at islamic sharia sidiq (including the true in speech and action), conveying fatbliq (right), the mandate and trustworthy fathanah (scientific) anywhere capable of being included in the system of bureaucratic governance. The factors impeding the principles of good governance in aceh provincial government is still a lot of civil servants not understand and implement the principles of good governance based on islamic sharia at the government primarily in public services. And challenges its external policy is the government on implementation of sharia islam is held a half a heart. I mean, in a one-sided sharia at islam should ditegakan, disisi another not in the implementation, accompanied by a clear rules.

4. Conclusion

The application of the principles of good governance in accordance with the Islamic u2019at Syaria be applied to local governance throughout Indonesia. One of the areas that already implement the principles of good governance in accordance with the Islamic u2019at Syaria is
the province of Aceh. The principles of good governance in accordance with the principles of Islamic Syaria can be seen the presence of kesesuai aatara the principle of good governance and the principles of Islamic Syaria law enforcement in accordance with the principles of Islamic Syaria in the form of mandate, transparency in accordance with the tablig, professionals in accordance with Fathanah. The driving factor for the implementation of the principles in the area of internal and external factors.

Factors doronganya is motivasi from the head of the regions to mengelolah government services with in the regions. Of its external factors is an impulse of the law on the management of regional governments in accordance with the principles of good governance. Factors penghambatnya is still lacking conscious awareness of government bureaucracy in the region in implementing the principles of good governance that good and right in accordance with sharia islam. Advice in this paper is the implementation of the principles of good governance in the region must be in a whole do not implement setengah-tengah. Management of the in the region should always adhere to the principles of good governance in accordance with the rules the law which i exist with the approach of the value of culture, culture, and religion in their regions so that the service government administration in the regions going well.

6. References

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