

Optimizing the Concept of Welfare State and Good Governance in the Prevention of Social Conflict

Arie Kartika., SH., MH.¹, Dessy Agustina Harahap., SH., MH.¹ Boy Iskandar²

¹Lecturer in Faculty of Law, Medan Area University, Jalan Kolam No. 1, Medan, Indonesia

²Lecturer in Faculty of Sociologi and Political Sciences, University of Sumatera Utara, Jl. Abdul Hakim No. 4, Medan, Indonesia

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Abstract: Conflict is a consequence of altruism, solidarity and awareness, used to direct the community members to take action that can support each other as a whole. An ultimate form of conflict is primarily concerned with conflicts among small groups within society. In other words, any difference is a potential conflict, which if not handled properly, can turn into an open conflict. This research is a normative research with empirical approach that is used to obtain the complete data as the base of writing scientific papers. This research is descriptive analytical research, consisting of one variable or more than one variable. To ensure the fulfillment of basic needs of citizens and social welfare, governments at both the central and regional levels through their policies are obliged to provide the fulfillment of the right to basic needs, the provision of social welfare, and the protection of the people, in which the policies are issued in the form of regulation to the concept of welfare state and good governance so that regulations and policies can prevent and minimize the occurrence of social conflict in Indonesia.

1 INTRODUCTION

The state is a composite of various social groups that share common language, cultural and historical backgrounds. The purpose of the establishment of the state of Indonesia is to protect the whole of Indonesia's blood sphere, to educate the life of the nation and to create common prosperity.

Another purpose of the state is to maintain and guarantee basic human rights (Busroh, 2010):

1. Right to life (*leven*);
2. Right to body (*lijf*);
3. Right to property (*vermogen*);
4. Right to honor (*eer*);
5. Right to independence (*vrij heid*).

The state is a social institution held by man to meet his vital needs. As a social institution, a state is not intended to meet the special needs of a particular group of people, but to meet the needs of all the people of the country (Huda, 2011). According to Plato in his book Republic, the state arises because of the needs of mankind. There is no human being who can meet all his own needs, whereas each person has many needs. To meet the needs of many

not individually, a state is then formed (Huda, 2011). Similarly, in the opinion of Aristotle, the state is formed and maintained because the state aims to organize a good life for all citizens (Huda, 2011).

Bureaucracy comes from the word bureau of French which means tablecloth worn on a table to serve people. Bureaucracy is the ideal type of rational society in Weber's idea. Ideally, bureaucracy is a form of organization that has a hierarchy, a specialization of roles and a high level of competence shown by trained officials to fill bureaucratic roles so effectively and efficiently (Sinambela, 2006). In practice, the ways that bureaucracy runs are too procedural, so convoluted that it is ineffective and inefficient in completing a job. In relation to power, the bureaucracy becomes an instrument to regulate the apparatus as well as regulate its society. As a system, the bureaucracy is a stable and not dependent on the quality of the individuals in it because bureaucracy is a form of joint action and has a definite goal to be achieved (Lauer, 2004).

Modern bureaucracy carries a fairer mission, faster, better and cheaper. To that end, David Osborn and Ted Gaebler in the "Reinventing Government"

or entrepreneurial government suggest a change of governance orientation, including Entrepreneurial Government as a public service management with features such as (Osborn and Gaebler, 1997):

1. Promoting competition,
2. Being able to empower the community by limiting the role of bureaucracy, and outcome oriented,
3. Using mission rather than the rule as the driving force,
4. Trying as much as possible to prevent and solve any problem,
5. Using all the potential that exists to make money rather than spend it,
6. Prioritizing decentralization and encouraging participation,
7. Adopting market mechanisms in public service management, as well as
8. Prioritizing the role of catalyst rather than a public service manager.

In addition to the basic features above, public services also have the following characteristics: first, in public service activities by government organizations there is no balanced relationship between cost and revenue. As a result, there is often a tendency that government organizations raise service costs; secondly, there are several alternative institutional management, namely by giving the authority of public service to the private sector. The granting of authority to the private sector can explain to us that both government organizations and private organizations can act as buyers and sellers / producers in the provision of public services or act as both (Pratikno, 2004). From the description above, the role of government bureaucracy is very large in realizing the general welfare and preventing the occurrence of conflict of interest among community groups, but if the government bureaucracy fails in realizing that goal, then there will be a conflict of interest in society that leads to social conflict.

Conflict is a consequence of altruism, solidarity and awareness, social as they are a means for groups to be able to direct their members to take action that can support each other and gain support from the group as a whole (Scott, 2012). An ultimate form of conflict is primarily concerned with conflicts among small groups within society and most of the competitions are between individuals and groups.

Ratzenhover sees conflict is driven by individual interests and psychological urges. The interests of health, prosperity, sociability, knowledge, beauty, and morality are the foundation for the formation

and inclusion of groups into competition to master the resources necessary to pursue those interests (Scott, 2012). Conflicts are defined as situations and conditions where there is conflict and violence in resolving issues between fellow members of society, between communities and governments and between communities and business organizations in a region.

The situations and conditions of the conflict include disagreements over differences in social, economic, political and religious views. These situations and conditions have the potential to create conflict but have not occurred in the form of physical and psychological-traumatic violence. The situations and conditions in which violence exists as a means of resolving the problem are a further stage of the conflict of opinion. Furthermore, Chris Mitchel proposes the formulation of the conflict, namely the relationship between two or more parties (individuals or groups) who have, or who feel possess, objectives that are not in line. Violence includes actions, sayings, attitudes of various structures or systems that cause physical, mental, social or environmental damage, and / or prevents a person from reaching his full potential (Naskah Akademik RUU Penanganan Konflik Sosial).

Another understanding of the conflict is put forward by Robin. Robin argues that conflict as a process that begins when a party feels that another party has a negative influence on it or when a party feels its interests negatively affecting the other. In that sense, the nature of the conflict covers a very wide range, ranging from vague disagreements to acts of violence. In other words, any of these differences are potential conflicts, which if not handled properly, may turn into an open conflict (Naskah Akademik RUU Penanganan Konflik Sosial).

2 FORMULATION THE PROBLEM

How to implement the concept of welfare state and good governance in preventing social conflict?

3 RESEARCH METHODS

This research is a normative research with empirical approach that is used to obtain the complete data as the base of writing scientific papers. This research is descriptive analytical research, namely research consisting of one variable or more than one variable.

However, the variables are mutually interrelated so-called analytical descriptive research, and the data analysis used is a qualitative approach to the primary data and secondary data (Marzuki, 2009).

4 LITERATURE REVIEW

4.1 Welfare State

The concept of a welfare state or social service state is a country whose government is fully responsible for meeting the basic social and economic needs of every citizen to achieve a minimum standard of living (Atmosudirdjo, 1986). The concept of welfare state is characteristic of a modern government or a modern legal state where there is recognition and acceptance of the role of state administration as an active force in order to establish or create socio-economic and environmental conditions.

Government State as the integrity of the power of the masses must continue to adjust to the changes and development of society or social system so as to maintain a balance between the role and the implementation of its functions with the goals to be achieved. In the effort to achieve this, not only is required alignment of the goals desired by the social groups and economic groups contained in the state, but also the creativity to create directed the various social welfare conditions desired by the community.

As a consequence of the inherent function of public services, the state administration is required to accept positive responsibilities in terms of creating and distributing income and wealth levels and providing people's welfare programs. If such positive responsibilities can be made, then the existence of the government will grow into a large and powerful government, be it within the scope of function and the number of personnel required to carry out its duties and responsibilities (Atmosudirdjo, 1986).

The development of the role and function of state administration brings the impact of the occurrence of at least two important issues (Ridwan, 2002). Firstly, with the rapid increase in the number of personal service providers, it is assumed that there will be an increasing number of victims as a result of government regime suppression. The relation of such assumptions may be reflected in the tendency of increasing misuse and acts that harm the people in achieving or realizing the welfare of the people. Second, the more crucial problem is the possibility of a concentration of power in state administration. The possibility is more open with the granting of a

"freedom" to act on its own initiative (*freies ermessen, pouvoir discretionaire*) to solve the problems at hand and needs to be resolved soon.

To avoid the negative impact of the development of the role and function of the state administration, the concept of a modern legal state becomes a necessity as stated by FJ. Stahl in his conception of the rule of law (Marbun, 2000): The state must be a state of law, that is the motto and it is actually the driving force of development in this new age. The State shall determine carefully the streets and boundaries of its activities as the environment (atmosphere) of the citizen's freedom under the law and shall ensure that the atmosphere of freedom is impenetrable. The state must embody or enforce the notion of morality in terms of the state, also directly no further than it should be according to the legal atmosphere.

This concept seems very relevant to the concept of welfare state where the notion of a modern legal state, not only to maintain security solely but actively participate in community affairs for the welfare of the people. The State of Indonesia is clearly a country that applies this welfare concept, as stated in the preamble of the 1945 Constitution in the fourth paragraph which serves as the foundation of national development which is implemented in order to realize the national goals, namely: ".....Later on, to form a government of the State of Indonesia that protects the whole Indonesian nation and all the blood of Indonesia and to promote the common prosperity, educate the nation and participate in the implementation of world order based on freedom, eternal peace and social justice.

The concept of the welfare state as set out in the preamble to the 1945 Constitution of the fourth paragraph above is reinforced by the statement in Article 1 Paragraph (3) of the 1945 Constitution of the 4th Amendment result of 2002 that the State of Indonesia is a State of Law. Logical consequences that must be faced as a state law and welfare state according to Sjachran Basah, in finding the choice of which law should be used in the life of society, especially in Indonesia, the *conditio sine qua non* law must have five functions (Basah, 1986):

1. Directive, namely as a steering in development to form a society to be achieved in accordance with the purpose of life of the state.
2. Integrative, that is to build the unity of the nation.
3. Stable, that is as a keeper (including into the results of development) and guard of

harmony, harmony, balance in the life of the state and society.

4. Perfective, namely as a perfecting of the actions of state administration and attitude of citizens in the life of the state and society.
5. Corrective, that is against citizens and state administration in obtaining justice.

The consequences of State obligations are in all sectors of life and livelihood, and the responsibility to realize the welfare of the people. Muchsan uses the term Modern State of Law, stating that the functions of the State of Indonesia are as follows (Muchsan, 2000):

1. The function of security, defense, and order, (defense, security, and protection function). Included in this function is the function of protection of life, property rights and other rights in accordance with those stipulated in legislation.
2. The function of welfare covering the social service and social welfare. Clearly all the activities are aimed at the realization of social welfare and social justice for all the people of Indonesia.
3. Educational Function covering the task of general lighting, nation and character building, cultural improvement and so on.
4. The function of realizing the order and the welfare of the world (world peace and human welfare) in a broad sense.

In line with those functions of law, the law must be able to answer the problems arising from the occurrence of fundamental changes in society, especially in the era of globalization or the era of free trade at this time through the process of industrialization and transformation in the field of information technology. Economic development that will bring changes and progress in civilization and people's welfare needs to be followed in law development as determinant factor.

4.2 Good Governance

The concept of governance is equally as old as human civilization. One discussion of Good Governance can be traced from J.S. Endralin. Governance is a term used to replace the term government, which demonstrates the use of political, economic, and administrative authority in managing issues of finesse. This terminology specifically describes the changing role of the government from the provider to the enabler or facilitator, and the

change of ownership from the state property to the people. The main focus of governance is performance improvement or quality improvement (Muchsan, 2000).

Governance means the process of decision-making and the process by which the decision is implemented or not implemented. Governance can be used in several contexts such as corporate governance, international governance, national governance, and local governance. Governance as the decision-making process and the process by which the decision is implemented or not implemented, the governance analysis focuses on the formal and informal factors involved in decision-making and its implementation as well as the formal and informal structures that are structured to bring about and implement the decisions.

The implementation of Good Governance at various levels, both at the central level and especially in the regions, is strongly influenced by the understanding of the government apparatus itself about the Good Governance insight. One of the rides to provide Good Governance understanding to government apparatus is through various training which basically designed to improve the competence of government apparatus.

Good Governance in Indonesia really started, pioneered and applied since the eruption of Reformation era where in that era there has been an overhaul of the government system demanding a clean democratic process so Good Governance is one of the tools of Reformation that is absolutely applied in the new government. However, when viewed from the progress of the Reformation that has been running for 18 years, the implementation of Good Governance in Indonesia cannot be said to succeed fully in accordance with the ideals of the previous Reformation. There is still a lot of cheating and leakage found in the management of budget and accounting are the two main products of Good Governance.

However, it does not mean that it fails to be implemented. Many efforts are made by the government in creating a good climate of Good Governance, among others are the start of public information transparency regarding the state budget so as to facilitate the community to participate in creating policies and in the process of supervising the management of the state budget and BUMN. Therefore, it can continue to be a reference to the managerial accountability of the public sector so that future is better and credible in the future. Laws, regulations and institutions supporting the implementation of Good governance are formed.

This is very different when compared to the public sector in the Old Order era with many politicized management and also in the New Order era where the public sector is placed as an agent of development rather than as a business entity so it is still thick with a regime that greatly inhibits the birth of Good Governance-based governance.

Government domains play more of a role as policy maker, control and oversight. Private domains are more engaged and become drivers of economic activity. While the domain community is the object as well as the subject of the domain government or private domain, because in the community there is interaction in the field of politics, economy, and socio-culture.

When viewed from the above three domains, government domains become the domains that play the most important role in realizing good governance because of the regulatory functions that facilitate the domains of the private and public business sector, as well as the administrative functions of governance embedded in this domain. The role of government through its public policies is crucial in facilitating the occurrence of the correct market mechanisms so that the deviations that occur can be avoided. Therefore, the main challenge of realizing good governance is about how to realize these three domains in daily government practice, dividing the proportional role between government and civil society and market mechanisms and developing synergies from all three.

5 RESULT AND DISCUSSION

Implementation of the concept of welfare state and good governance especially in the form of public policy is not only concerned with the mechanism of elaboration of political decisions into routine procedures through bureaucratic channels, but also concerns the issue of conflict, decision, and who gets what from a Policy. Therefore, Wahab mentions that policy implementation is an important aspect of the overall policy process (Anggara, 2012).

In general, implementation connects the policy objectives to the results of government activities. Ineffectiveness of the implementation of a policy is caused by limited human resources, inadequate organizational structure, and coordination with stakeholders (Anggara, 2012). Understanding policy implementation is simply formulated by Wahab as a process of implementing policy decisions, usually in the form of laws, government regulations, judicial decisions, executive orders, or presidential decrees

(Anggara, 2012). Furthermore Wahab also puts forward some views of Pressman and Wildavsky stating that the verb to implement is properly related directly to the noun policy (Anggara, 2012).

Good governance is a doctrine that requires a governance to be properly managed, true and full of integrity, which has some of the following key elements (Fuady, 2009):

1. Elements of Transparency;
2. Elements of Justice;
3. Public Accountability Elements;
4. Elements of Responsibility;
5. Clean Government Elements;
6. Elements of Responsiveness;
7. Effectiveness and Efficiency Elements;
8. Predictability Elements;
9. Public Participation Elements;
10. Consensus Approach Elements;
11. Law Enforcement Elements;
12. Equal Protection Elements;
13. Elements of Respect for Ethical Appreciation and Public Morality;
14. Strategic Vision Elements;
15. Elements of Participation;
16. Competency Elements of a Competency;
17. Elements of the Social Welfare Approach.

Implementation of the concept of welfare state and good governance into the regulation can lead the government to avoid reprehensible actions, such as preventing various forms of overstated activities or state finances, dishonesty in conducting state activities, and the realization of social welfare.

Social welfare is a manifestation of the effort to achieve the nation's goals set forth in the Fifth Principle of Pancasila, namely Social Justice for All Indonesian People, as well as the mandate of the Preamble of the 1945 Constitution of the Republic of Indonesia to protect the entire Indonesian nation and the entire Indonesian blood sphere, promote the common prosperity, educate the life of the nation, and participate in implementing the world order based on independence, eternal peace, and social justice. The problem of social welfare that is developing today shows that there are citizens who have not fulfilled the right to their basic needs properly because they have not received social services from the state. As a result, there are still citizens who experience barriers to the implementation of social functions that can not lead a decent and dignified life. This if left unchecked will trigger social conflict in society

Article 34 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia gives the state

obligation to care for the poor and neglected children. One form of implementation of the state's obligations, the central government and local government through its bureaucracy policy provideing social rehabilitation, social security, social empowerment, and social protection in ensuring the fulfillment of the basic needs of poor and needy citizens.

Generally, social conflicts occur because of inequality in society so that social jealousy lead to social conflict, and to prevent it, the government must realize social welfare in Indonesia to achieve social welfare, the role of community, family, religious organizations, social organizations, non-governmental organizations, professional organizations, business entities and social welfare institutions in order to achieve good social welfare. To ensure the fulfillment of basic needs of citizens and social welfare, governments at both the central and regional levels through their policies are obliged to provide the fulfillment of the right to basic needs, the provision of social welfare, and the protection of the people, in which the policies are issued in the form of regulation to the concept of welfare state and good governance so that regulations and policies can prevent and minimize the occurrence of social conflict in Indonesia.

6 CONCLUSION

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