

SUPERVISION OF LOCAL PEOPLE'S REPRESENTATIVE BOARDS IN CLEAN LOCAL GOVERNANCE GOVERNANCE

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Abstract

The purpose of this study is to find out about the supervision carried out by the Regional House of Representatives, one of which is the performance of the local government apparatus, namely by supervising the Regional Revenue and Expenditure Budget that has been determined and carried out by the regional government apparatus. The approach method used uses a normative juridical approach, the results of the study state that the position of the Regional People's Representative Council in the structure of the Regional Government is as a people's representative institution in the region, and at the same time as an element of regional government administrators. The form of supervision in terms of preventing the occurrence of irregularities in the use of regional budgets is by determining targets and standards for supervision related to concrete matters, for example monitoring and observing the implementation of projects carried out in one fiscal year, and further responding to public complaints against irregularities use of local budgets.

Keywords: Council; Good; Governance; Regional; Supervision.

A. INTRODUCTION

As one of the pillars of democracy in the region, the Regional People's Representative Council has a very important function, one of which is as a controlling institution for government power in the region or supervising the performance of government officials in the area it occupies. Such democratic principles are the starting point of political education that must be understood in the perspective of nationality and statehood.¹ As supervision is a measure of performance and taking action to ensure the desired results, so it is an important and positive role in the process of implementing good governance. Supervision also measures and ensures that everything goes as it should and on time. Supervision according to Adisasmita is every effort and action in order to find out how far the implementation of tasks carried out according to the provisions and targets to be achieved.²

1 Ronny Winarno, Penerapan Sistem Demokrasi Dalam Menjaga Persatuan dan Konstitusi Serta Penegakan Hukumnya, *Jurnal Sapientia et Virtus*, Vol. 1, No. 1, Maret 2014, page.34-48

2 Raharjo Adisasmita, *Pengelolaan Pendapatan dan Anggaran Daerah*, Graha Ilmu, Yogyakarta, 2011, page. 21.

The supervision carried out by the Regional People's Representative Council is intended to guarantee the creation of a regional budget management pattern that avoids collusion, corruption and nepotism practices, starting from the planning, ratification, implementation and accountability processes. In addition to directly overseeing the budget mechanism, the Regional House of Representatives also uses an external government supervisory apparatus, which is independent of the executive agency in the region, namely the Supreme Audit Agency (BPK). work in the implementation of regional development, especially in improving the quality of public service facilities that are adequate, responsive, and easily accessible to the local community.³

Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that the State of Indonesia is a Unitary State in the form of a Republic.⁴ The implementation of regional government, in the mandate of the Constitution of the Republic of Indonesia, has given birth to more specific legal products; i.e. Act No. 9 of 2015 concerning the Second Amendment to Act No. 23 of 2014 concerning Regional Government.⁵ DPRD actually functions more as a controlling institution for local government power than as a legislature in the true sense. However, in everyday reality, DPRD is commonly referred to as a legislative body. The DPRD, both in the province and in the regency/city, has the right to submit a draft regional regulation (*Raperda*) to the Governor in accordance with the provisions of the Regional Government Law. However, this right to initiative does not actually cause the DPRD to become the main holder of legislative power. The main power holder in this field remains in the hands of the government, in this case the Governor or Regent/Mayor.⁶ This formulation is reinforced by Article 20A which describes Parliament has a legislative function, the function of the budget, and monitoring functions. However, according to the provisions of Article 5 (1) The President is entitled to propose draft Act to Parliament. Parliament has a very significant role in order to make the national legal blueprint for achieving the goals aspired state. The role of the Parliament to this is outlined in a law.⁷

Thus, the main function of the DPRD is to control the running of government in the regions, while with regard to the legislative function, the DPRD's position is not the dominant actor. The dominant power holders in the legislative sector are still the Governor and the Regent/Mayor. In fact,

- 3 Syaiful Anam, Khairil Anwar, Efektivitas Fungsi Pengawasan Dprd Dalam Pelayanan Publik, *Reformasi*, Vol. 10, No. 1, 2020, page.61-69
- 4 Mashdurohatus Anis, Constructing and Developing The Social Function Principles in Utilising Copyright Products Related To The Fundamental Rights, *South East Asia Journal of Contemporary Business, Economics and Law*, Vol. 7, Issue. 4, Aug 2015, page 88
- 5 Hastine Atas Asih, Yuliandri, Yuslim, Regional House of Representatives (DPRD) Supervision of the Implementation of the Bukittinggi City Regional Regulation Regarding Public Roadside Parking Service Levy, *International Journal of Multicultural and Multireligious Understanding* Vol. 6, No. 6, 2019, page 205-216
- 6 Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia*, Sekretariat dan Kepaniteraan Mahkamah Konstitusi RI, Jakarta, 2006, page. 297.
- 7 Ika Yuana Darmayanti, Law Politics of Legislative Election, *JDH: Jurnal Daulat Hukum*, Vol. 2, Issue. 2, June 2019, page.173-180

the Regional Government Law "obliges" the Governor and the Regent/Mayor to submit a draft regional regulation (*Raperda*) and stipulate it as a Regional Regulation with the approval of the DPRD. This means that the DPRD only acts as a controlling or controlling institution that can approve, reject or approve changes, and occasionally can submit a *Raperda* with a proposal of its own initiative.⁸ As part of administering regional governance, the Regional People's Representative Council (DPRD) certainly determines the form and outcome of ongoing regional government, including whether the government is democratic or not, as well as the success or failure of the government.⁹

The concept of DPRD oversight includes an understanding of the meaning and importance of supervision, the scope and process of supervision.¹⁰ Supervision is one of the functions of management to ensure the implementation of activities in accordance with the policies and plans that have been established and ensure that objectives can be achieved effectively and efficiently. In the context of building public government management characterized by good governance, supervision is an important aspect¹² to keep government functions running as they should. Supervision is the process of determining performance measures and taking actions that can support the achievement of¹⁴ the expected results in accordance with the predetermined performance. Controlling is the process of measuring performance and taking action to ensure desired results.¹¹

The supervision carried out by the DPRD is the authority of the Regency/Municipal DPRD to supervise the implementation of laws, regional regulations, and decisions of the regent/mayor as well as policies set by the regional government. The supervision carried out by the DPRD is important, not only because it is the duty and authority of the DPRD to assess whether various public policies have been carried out as planned.

Supervision carried out by DPRD members against executive institutions can be interpreted as a process or series of monitoring, examining, and evaluating the implementation of public policies carried out to ensure that all policies, programs and activities carried out by public institutions¹⁶ is run in accordance with the rules stipulated previously set.

Presidential Decree No. 74 of 2001 (regarding procedures for supervising the implementation of regional government¹³) Article 1 paragraph (6) states that regional government supervision is a process of activities aimed at ensuring that regional government runs in accordance with the plans and provisions of applicable laws and regulations. Supervision of the implementation of regional government consists of functional supervision, legislative supervision and community supervision (Presidential Decree No.

8 *Ibid.*, page. 298.

9 Mashdurohatun Anis, Aslam Ridlo, Gunarto, Supervision of The Regional People's Representative Assembly (Dprd) Special Region of Yogyakarta on Justice-Based Privileges Funds, *International Journal of Business, Economics and Law*, Vol. 24, Issue. 4, June 2021, page 92-99.⁸

10 Aminudin, Fungsi Pengawasan Dprd Dalam Mewujudkan Tata Kelola Pemerintahan Yang Baik, *E-Jurnal Katalogis*, Vol. 12, No. 3, tahun 2015, page. 21.

11 Schermerhorn, *Pengawasan dalam Manajemen*, Bina Aksara, Jakarta, 2002, page. 34.

74 of 2001 Article 2) Supervision carried out by the DPRD is legislative (political) supervision which requires DPRD members to take concrete steps to supervise the implementation of regional government. The performance of the local government on behalf of the people who have voted for it. The scope of supervision covers the entire budget cycle, starting from the planning, implementation, and accountability stages.

Almost all countries in the world adhere to the rule of law, including Indonesia. One of the main characteristics of the rule of law is the separation of the branches of state power, the most common being the separation between the executive, legislative, and judicial branches of power (*trias politica*).¹² The concept of separation of power divides power into executive, legislative and judicial branches power is exercised, how decisions are made, and how citizens have their say).¹³

B. RESEARCH METHODS

This study uses a normative law study, where the author only considers legal theories related to the rule of law. The data in this study is secondary data obtained from various books, journals, research reports, or news reports obtained through print and online media.

C. RESULTS AND DISCUSSION

1. Functions of the Regional House of Representatives in the Elements of Regional Government

The regional government system is closely related to regional autonomy which is currently taking place in Indonesia. Prior to the introduction of regional autonomy, all government systems were centralized or centralized. With the implementation of regional autonomy, it is hoped that the regions will be able to regulate their own government system by maximizing the potential of the region they have. However, some things are still controlled by the central government. Such as diplomatic relations, trade cooperation, and others.

The local government system is actually a form of effective and efficient government administration. Because basically it is impossible for the central government to regulate and manage the country with all the complex problems. Meanwhile, local government is also a development of democracy in a country. Whether we realize it or not, the local government system is actually a preparation for an advanced political career that is usually found in the central government.

Carrying out a strategic role in the administration of regional government, constitutionally the Regional People's Representative Council has the duties and authorities, the rights of the Regional People's

12 Labib Muttaqin, Andy Omara, M. Junaidi, Alfia Alfenina and M. Iqbal Firmansyah, Directions for Structuring Non-Structural Agencies (NSA) In the Structure of State Institutions in Indonesia, *International Journal of Social Science Research (IJSSR)*, Vol. 4 No. 1, March 2022, page.279-292

13 Syakrani dan Syahrani, *Implementasi Otonomi Daerah dalam Perspektif Good Governance*, Pustaka Pelajar, Yogyakarta, 2009, page. 121.

Representative Council as well as the rights and obligations of the members of the Regional People's Representative Council. In addition, the Regional House of Representatives has three basic functions, namely the function of forming regional regulations, the function of the budget, and the function of supervision. These three functions at the empirical level are often called the three functions of the Regional People's Representative Council.¹⁴

The Regional People's Representative Council is a regional people's representative institution as an element of regional government administration. Based on Act No. 23 of 2014 Article 96, DPRD has 3 functions, namely:¹⁵

a. Legislative Function

As a legislative body, the Regional House of Representatives also functions as a legislature. Through this function, the Regional People's Legislative Assembly actualizes itself as the people's representative, the Constitution and laws regulate the right to initiative on the Draft Regional Regulation (*Raperda*) and the right to change (*Raperda*).¹⁶ The ability of the legislature to carry out representative functions and legislative functions can be seen from the perception of members in raising various issues in society to be discussed in legislative forums or the ability of the legislature to aggregate and articulate the interests of the people they represent.¹⁷

Legislation is the authority to form laws (legislative power).¹⁸ Legislation or in English Legislation has the meaning of making legislation. Meanwhile, according to the Big Indonesian Dictionary, the legislature is the body authorized to make laws.¹⁹ The function of legislation is to regulate all regional interests, including regional household affairs (autonomy) and central government affairs which are handed over to the regions for implementation (co-administration tasks).

The definition of legislation in a narrow sense means the product or process of making laws, while in a broad sense it also involves other regulations that get delegated authority from the law. If the legislation is only related to the Act of Parliament, then the legislation can be understood as a parliamentary product or a product of the legislative body. Sometimes the word legislation or in English legislation is sometimes almost similar to the word regulation, both of which lead to regulations and arrangements, but in reality the

¹⁴ Dadang Suwanda dan Akmal Malik Piliang, *Penguatan Pengawasan DPRD Untuk Pemerintahan Daerah yang Efektif*, Remaja Rosdakarya, Bandung, 2016, page. 2.

¹⁵ Yulia Ningsih, Dany Widyastuti, Dprd Supervision Function on Drainage Development in Bukittinggi City, *Asia Pacific Journal of Business Economics and Technology*, Vol. 2, Issue. 3, 2022, page 98-108

¹⁶ Armen Yasir, *Op. Cit.*, page. 19.

¹⁷ *Ibid.*

¹⁸ Armen Yasir, *Hukum Perundang-Undangan*, Lembaga Penelitian Unila, Unila, 2008, page. 77.

¹⁹ *Ibid.*

meaning of the word regulation has a broader connotation, legislation is only limited to products produced by parliament as a legislative institution.

In addition, in carrying out this legislative function, the DPRD also plays a role as a policy maker, and not a policy implementer in the regions. That is, between the DPRD as a public official and the community as stakeholders.²⁰ To carry out the legislative function, the DPRD is given the task and authority to form regional regulations with the Regional Head. DPRD stipulates regional regulations for the benefit of the region or to implement laws and regulations at a higher level whose implementation is delegated to the regions. The DPRD can defend the interests of the region and its population before the Central Government and the DPR with the knowledge of the Regional Head concerned.²¹

b. Supervision Function

The supervisory function is one of the management functions to ensure the implementation of activities in accordance with the policies and plans that have been determined and to ensure that the objectives can be achieved effectively and efficiently. This third function is important, both for local governments and supervisors. For local governments, the supervisory function is an early warning system, to oversee the implementation of activities to achieve goals and objectives. To carry out the supervisory function, DPRD is given the task and authority to carry out supervision over the implementation of regional regulations and regional revenue and expenditure budgets. This authority is also complemented by the DPRD's right to apply for the right of interpellation, the right of inquiry and the right to express an opinion. In addition, the authority and rights of the DPRD are also added to the rights of DPRD members to ask questions, request information, submit statements of opinion and conduct investigations.

The right of interpellation is the right of the DPRD to request information from the Regional Government regarding important and strategic regional government policies that have a broad impact on the life of society and the state. The right of inquiry is the right of the DPRD to conduct investigations into important and strategic regional government policies that have a broad impact on the life of society and the state which are suspected to be contrary to the laws and regulations. The right to express opinions is the right of the DPRD to express opinions on local government policies or regarding extraordinary events that occur in the country accompanied by

²⁰ *Id.*

²¹ C.S.T. Kansil dan Christine S.T. Kansil, *Pemerintahan Daerah di Indonesia*, Sinar Grafika, Jakarta, 2008, page. 41.

follow-up solutions from the right of interpellation and the right of inquiry.²²

The supervisory function of the DPRD requires the DPRD to always supervise the products of legislation established by the regional government. Therefore, legislative review can be interpreted as a process of reviewing the *Raperda* by the DPRD before it is ratified into a *Perda*. In practice, the term legislative review is not popular because it requires capable human resources for DPRD members.²³

c. Budget Function

The budget function is a function carried out by the DPRD together with the regional government to prepare and determine the APBD. The supervisory function is a function carried out by the DPRD to carry out supervision over the implementation of laws, regional regulations and regional head decisions as well as policies set by the Regional Government.²⁴

The DPRD's supervisory function aims to ensure that all public policies related to the budget cycle are carried out in accordance with applicable laws and regulations and are oriented to public priorities. The existence of the supervisory function is only used as a tool to highlight the executive's mistakes, not on the role of assisting the executive in carrying out government duties as stipulated in Article 3 paragraph 1 of Act No. 32 of 2004 concerning Regional Government.²⁵

Based on the legislative function, the Regency/Municipal DPRD forms regional regulations with the regent/mayor. In Act No. 23 of 2014 concerning Regional Government, Article 236 paragraph (2) Regional regulations are established by the DPRD with the joint approval of the Regional Head. Meanwhile, in Article 154 paragraph (1) letter a, the duties and authorities of the DPRD are to carry out supervision over the implementation of regional regulations and district/municipal APBD. This means that the DPRD oversees the regional legal products that have been agreed with the regional head which is carried out by the regional head as the head of government in the regency/city area.²⁶

22 Titik Triwulan Tutik, *Konstruksi Hukum Tata Negara Indonesia Pasca Amandemen UUD 1945*, Kencana, Jakarta, 2010, page. 195.

23 Jazim Hamidi, *Optik Hukum Peraturan Daerah Bermasalah*, Prestasi Pustakarayah, Jakarta, 2011, page. 123.

24 Nomensen Sinamo, *Hukum Pemerintahan Daerah di Indonesia*, Pustaka Mandiri, Jakarta, 2010, page. 17.

25 Liky Faizal, Fungsi Pengawasan DPRD di Era Otonomi Daerah, *Jurnal TAPIS*, Vol. 7, No. 13, Desember 2011, page.15-29

26 Djauhari, Achmad Ridwan, Fungsi Pengawasan Dewan Perwakilan Rakyat Daerah (DPRD) terhadap Kinerja Pemerintahan Daerah dalam Mewujudkan Aparatur Pemerintahan yang Bersih Bebas dari Korupsi Kolusi Nepotisme (KKN) (Studi di Kabupaten Bombana), *Jurnal Pembaharuan Hukum*, Vol. II, No. 2, Mei - Agustus 2015, page.173-184

² The position and function of the Regional People's Representative Council is related to the regional budget, the DPRD has special duties and authorities related to the budget as mentioned, namely discussing and approving the draft Regional Regulation on APBD with the Regional Head, and carrying out supervision over the implementation of the APBD. In line with the political reforms implemented in Indonesia since 1998, there has also been a change in the management of regional finances in this change is the budgeting structure. The new format of the existing APBD will make it easier to calculate the balancing funds that are part of the region. Likewise in the case of the APBD draft which is prepared by the regional executive using a performance budget system model so that it makes it easier for the public to analyze, evaluate and supervise the implementation and management of the Regional Revenue and Expenditure Budget.

In line with what was stated above, budget reform is not only in the aspect of changing the structure of the APBD, but also being followed by changes in the budget preparation process. Regional Revenue and Expenditure Budgets in the era of regional autonomy are ¹³ prepared using a performance approach. As stated by Mardiasmo, the budget with the performance approach is a budget system that prioritizes efforts to achieve performance results or outputs from the planned cost or input allocations.²⁷

Efforts to optimize the use of the regional budget, in this case an important function of the DPRD in supervising so that the use of the budget that has been approved each year is truly in accordance with the performance targets to be achieved. The implementation of the supervisory function carried out by the DPRD is one of the functions of this institution in the administration of regional government. The supervision carried out by the DPRD is political in nature, the emphasis is on strategic policies and not technical or administrative supervision. In connection with the supervisory function of the Regional People's Representative Council, the DPRD must be able to make strong legalities to be used as the basis for any policies to be issued, where the goal is that every output can be accounted for.

⁴ The supervision of the Regional People's Representative Council on the implementation of the APBD can be implemented through the use of its rights in accordance with the authority of the DPRD as stipulated in the Regional Government Law. . In detail, these rights can be described according to the authority of the DPRD, namely the right to conduct investigations, the right to request information from the regional government, the right to submit a statement of opinion and the right to make changes to the draft regional regulation.

27 Mardiasmo, *Otonomi dan Manajemen Keuangan Daerah*, Penerbit ANDI, Yogyakarta, 2002, page. 28.

The existence of various rights owned by the DPRD so that this institution is not trapped in administrative technical tasks which in the end takes up a lot of time and neglected policy work. Effective implementation of the oversight function of the Regional Revenue and Expenditure Budget, the DPRD members are required to have administrative capabilities, namely knowing and understanding various policies regarding regional budgets as well as adequate technical capabilities. Through the budget function, it means that DPRD must be able to criticize local government budgets according to the priority scale of regional needs. Supervision of the implementation of the Regional Revenue and Expenditure Budget carried out by the DPRD basically aims to oversee the implementation of the budget in financing government and development activities so that it is in accordance with the expectations of the community, namely an increase in the welfare of the community itself and the running of government in accordance with good governance.

2. Forms of Supervision of the Use of Regional Budgets Performed by Local Government Apparatuses

Supervision of the APBD is a repressive supervision on the performance of the regent in one fiscal year. Thus, the supervision of the APBD is carried out by observing or reviewing what has happened through the APBD document, which is combined with observations in the field.

Supervision is one of the main functions attached to the House of Representatives (DPRD) in addition to the legislative and budgetary functions. The aspirations of the people in the field of supervision should have been institutionally represented through their representatives sitting in the DPRD. This supervisory function is expected to run effectively in accordance with the expectations of the community, applicable laws and regulations. DPRD supervision aims to ensure that local governments carry out their programs in accordance with the plans and provisions of applicable laws.²⁸

The supervisory function carried out by the DPRD in the context of a political institution is a form of political supervision that is more strategic in nature and not technical administrative supervision. This shows that the supervisory function carried out by DPRD is at the level of policy control in order to create checks and balances. One form of supervision is that the DPRD acts as a controlling or controlling institution that can approve or even reject altogether or approve certain changes to the draft regional regulations that will be stipulated as a Regional Regulation. However, the supervisory function carried out by the DPRD is considered by some people to be not optimal.

²⁸ Ali Hanapiah Muhi, *Optimalisasi Pelaksanaan Fungsi Pengawasan Dewan Perwakilan Rakyat Daerah Dalam Penyelenggaraan Pemerintahan*, Institut Pemerintahan Dalam Negeri (IPDN), Jatinangor, 2011, page. 2-4.

The community criticized that DPRD members were considered unprofessional. The DPRD is considered unprofessional because it has not/unable to optimize the supervisory function, so that budget absorption by the executive runs almost without significant supervision. In addition, it is indicated by the number of public complaints about irregularities in the implementation of development. However, it is unfortunate that the DPRD members did not receive adequate response and attention.

In its role as a representative body, the DPRD places itself as a balanced power that balances and exercises effective control over the Regional Head and all levels of the regional government. This role is manifested in the following functions:

- a. *Representation*. Articulate concerns, demands, hopes and protect the interests of the people when policies are made, so that the DPRD always speaks "on behalf of the people";
- b. *Advocation*. A comprehensive aggregation of aspirations and struggle for them through complex and often tough negotiations, as well as very strong political bargaining. This is reasonable considering that the aspirations of the community contain many interests or demands that sometimes conflict with each other.
- c. *Administrative oversight*. Assess or test and if necessary seek to change the actions of the executive body. Based on this function, it is not justified if the DPRD is "hands off" towards local government policies that are problematic or questioned by the community. DPRD can summon and ask for information, conduct questionnaires and interpellations, and in the end can hold the regional head accountable.²⁹

The supervisory function is one of the management functions to ensure the implementation of activities in accordance with the policies and plans that have been established and to ensure that the objectives can be achieved effectively and efficiently. This third function is important, both for local governments and supervisors. For local governments, the supervisory function is an early warning system, to oversee the implementation of activities to achieve goals and objectives. As for the supervisor, this supervisory function is a noble task to provide reviews and suggestions, in the form of corrective actions. It is also realized that to be able to make improvements, structuring, reforming, or transforming from the existing performance to the future performance of the DPRD, the right strategy is needed. The State Administration Agency in its working paper proposes several strategies that are expected to be implemented effectively in the public sector, namely as the Eradication of Corruption. As a prerequisite for the implementation of good governance is the existence of a clean government (dean government). To realize a

²⁹ H.A Kartiwa, *Implementasi Peran dan Fungsi DPRD dalam Rangka Mewujudkan "Good Governance"*, Alumni, Bandung, 2011, page. 5.

clean government, there needs to be a commitment from all components of the nation in efforts to eradicate corruption.³⁰

The form of supervision carried out by the DPRD is political supervision, namely supervision carried out by the legislative body (DPRD) on executive institutions (Regional Heads, Deputy Regional Heads and regional apparatus) which are more of a strategic policy and not technical or administrative supervision, because DPRD is an institution such as the use of the budget that has been allocated is misused for things that are detrimental to the people and the state. The goal is the realization of regional government that is efficient, clean, authoritative and free from various practices that indicate corruption, collusion and nepotism (KKN).³¹

D. CONCLUSION

The position of the Regional People's Representative Council in the structure of the Regional Government is as a people's representative institution in the region, and at the same time as an element of regional government administration, having a strategic role to oversee the running of regional government so that it can be managed properly in order to improve welfare for the community. The role of the Regional People's Representative Council is to oversee the management of regional government, especially those organized by regional heads and regional officials. The form of supervision in terms of preventing the occurrence of irregularities in the use of regional budgets carried out by regional government officials is by determining targets and standards for supervision related to concrete matters, for example monitoring and observing the implementation of projects carried out in one fiscal year, and further responding public complaints, supervision to service units through the Regional Technical Implementation Unit (UPTD), including schools, health centers, district/district offices, population and civil registration offices, and others, further supervision to SKPD (including service units) and supervision to District head.

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³⁰ *Id.*

³¹ Praptomo, *Implementasi Fungsi Pengawasan DPRD terhadap Pelaksanaan Peraturan Daerah dan Peraturan Bupati di Kabupaten Kutai Kartanegara*, UMM Press, Malang, 2016, page. 12-13.

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