

Performance of the Provincial House of Representatives in Carrying out Legislative Functions in Southeast Sulawesi Province

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Abstract

The purpose of this study is to analyze personality traits and the work of the Provincial Regional People's Representative Council (DPRD) in carrying out the legislative function in Southeast Sulawesi Province. This research uses the method. This research is a qualitative research that aims to analyze a phenomenon, event, social activity, attitudes, perceptions, and thoughts of people both individually and within the scope of the group. This research was carried out in Southeast Sulawesi Province, precisely at the Regional House of Representatives of Southeast Sulawesi Province. The results of the study show that it is related to the personality and behavior of DPRD members in carrying out their legislative functions who behave well in several cases of the Ministry of Law and Human Rights. the need for regulations, each article by article can be implemented properly and increase the capacity of the DPRD members of the Southeast Sulawesi Province. From the agenda for the ratification of this regional regulation, it is considered capable of increasing capacity, DPRD members in carrying out their functions and carrying out supervision to make budgeting more responsive. The capacity of DPRD members in carrying out legislative functions in Southeast Sulawesi Province is still not effective, this is due to the educational background and work background of current DPRD members, which incidentally come from businessmen and officials' wives.

Keywords: House of Representatives, Performance, Legislation

Introduction

The Republic of Indonesia builds its institutions based on state administration practices that apply internationally. National government bodies can be grouped into two types, namely in a broad sense and in a narrow sense. In a broad sense, the central government includes the MPR as a consultative institution, the People Representative Council (DPR) and Regional Representative Council (DPD) as a legislative body, the president as an executive body, and the Supreme Court and the Constitutional Court as a judicial institution, while in a narrow sense the central government consists of the president and vice president assisted by ministers and heads of state. Non-ministerial institutions. Furthermore, at the regional level there is an executive institution, namely the regional head and regional apparatus organizations, as well as the DPRD as an element of regional government organizers whose position is in the executive line as stated in Law 23 of 2014 concerning regional government article (1) paragraph 4 that the people's representative council Regions, hereinafter abbreviated as DPRD, are regional people's representative institutions that are domiciled as elements of regional government administration.

The indicator of the success of the Regional People's Representative Council (DPRD) in carrying out the people's mandate cannot be separated from human resources, integrity, and credibility of the leadership and members of the DPRD (Abdul, 2021). To support this, it is

necessary to coordinate between the DPRD and the local government so that a good, harmonious relationship occurs and does not dominate each other (Huda, 2019; Nuraini, 2006). Increased institutional cooperation is carried out through a balance between managing political dynamics on the one hand and maintaining the stability of regional government on the other, so that the balanced pattern of regional government management that is carried out can provide significant benefits for improving the welfare of the people in the area (Sari et al., 2020).

The DPRD institution is obliged to absorb and collect all the aspirations and interests of the community at the regional level, the aspirations of the community will be one of the important indicators that form the basis for the preparation of regional regulations, for the progress and prosperity of the people at the provincial and district/city levels. So that the function of Law Number 23 of 2014 concerning Regional Government can bring changes and new paradigms to the administration of regional government. To strengthen the implementation of Law Number 23 of 2014 in the administration of regional government, as a consequence, it explicitly gives authority to the autonomous regions of the Province, Regency/City, to make Regional Regulations concerning the implementation of Regional Government.

Law No. 23 of 2014 concerning Regional Government Article 101 states that the Provincial DPRD has the following duties and authorities; (1) Establish a provincial regional regulation with the governor; (2) Discussing and approving the draft provincial regulation on the provincial APBD submitted by the governor; (3) Carrying out supervision on the implementation of provincial regulations and provincial budgets; (4) elect governors; (5) Propose the appointment and dismissal of governors to the president through the minister for approval of the appointments and dismissals; (6) Provide opinions and considerations to the provincial government on the international agreement plan in the province; (7) Approving the international cooperation plan carried out by the provincial government; (8) Requesting a report on the accountability of the governor in the administration of provincial government; (9) Approval of plans for cooperation with other regions or with third parties that are a burden to the community and the provincial government; (10) Carry out other duties and authorities regulated in laws and regulations.

The legislature or the House of Representatives is the basis of a democratic political system. Imawan (2000), formulated that the DPR/DPRD are people's representative institutions. This means that the DPR/DPRD is a forum where people's representatives speak on behalf of and for the good of the people. Therefore, what the community expects most from the members of the council is to feel the interests of the people as their own interests, not the other way around, shifting their own interests on behalf of the people.

In the preparation of the program for the formation of regional regulations in accordance with the Minister of Agriculture Regulation No. 80 of 2015 article 15, it is stated that the preparation of the regional regulation is based on; (1) Orders of higher laws and regulations; (2) Regional development plans; (3) Implementation of regional autonomy and assistance tasks, and; (4) The aspirations of the local community.

So that this community-oriented policy is produced by accommodating the aspirations that develop in the community, where to get this participatory policy carried out through direct communication activities to the community in the area, this form of activity is carried out during recess in the form of dialogues with various elements of society, visits to the field, and collect public opinion as a place to accommodate aspirations.

Although they have taken various ways, often the decisions taken by DPRD members have not been able to reflect the aspirations of the wider community, this shows the ineffectiveness of information coming from the community as an input in influencing public policy making. The

ineffective use of the recess period by DPRD members has an impact on the inability of DPRD members to capture aspirations, and this has an impact on the institutional performance of DPRD (Setiawan et al., 2013). The performance of DPRD members can be a measure of whether they are able to carry out the mandate that has been given to them by the people (Benardin and Russel in Faustino Cordosa Gomes: 2001).

On the other hand, the issue of the DPRD institution is also being questioned, because its members prioritize the interests of the parties and groups they represent rather than the interests of the community so that it has an impact on not channeling people's aspirations properly and effectively in accordance with the desired demands.

DPRD Southeast Sulawesi Province As the focus of this research object, because the DPRD Southeast Sulawesi Province is a government organization that has a strategic role in the administration of local government. The policy for making regional regulations organized by the DPRD of Southeast Sulawesi Province and the governor is oriented towards the community, this is produced by accommodating the aspirations that develop in the community.

The results of preliminary observations carried out based on the initial data in the Aspiration section of each DPRD Commission of Southeast Sulawesi Province regarding the performance of the DPRD regarding the absorption of community aspirations as one of the important indicators in designing regulations at the regional level, shows the accumulation of Aspiration documents that have not been followed up. DPRD in the context of absorbing, collecting, and accommodating, as well as following up on the results of community aspirations through efforts to make regional regulations that can be the legal basis and also protect the interests of the community as a form of moral and political accountability to the community.

So in general, it can be said that the performance of the DPRD of Southeast Sulawesi province is still very low, this low performance is seen from the awareness of the personality of the leaders and members of the DPRD in carrying out their duties and functions properly. The problem of the low performance of the DPRD can be reviewed from its legislative function, starting from discussing with the governor, and approving or disapproving the draft regional regulation, submitting a proposal for a provincial regional regulation draft, and preparing a program for forming a regional regulation with the governor (Hapsari & Wisnaeni, 2018; Bachmid, 2017).

The results of the follow-up carried out by members of the DPRD of Southeast Sulawesi Province only stopped during work visits, and hearings (RDP). Some problem topics such as the follow-up hearing of the Aspiration of the Kendari Branch of Student Association (HMI) to the Provincial DPRD. Southeast Sulawesi related to the alleged misuse of the rehabilitation budget for the Mental Hospital Prov. Southeast Sulawesi, (during the 2nd Session of the 2019-2020 Session Year Hearing Meeting), and the community's aspirations regarding environmental pollution caused by mining companies in Torobulu Village, Konawe Selatan, so it is necessary to stop the mining activity and has been accepted by one of the functionaries of the DPRD Institution, namely the Deputy Chairman of the DPRD of Southeast Sulawesi Province H. Herry Asiku, SE but have not received a positive response or follow-up based on the provisions of the applicable regulations regarding environmental pollution in the South Konawe Regency.

Methods

This study will examine issues related to the institutional performance of the Provincial DPRD (DPRD) in carrying out the legislative function in Southeast Sulawesi Province which is based on the aspirations of the community. So to get a detailed and in-depth description and

explanation of the problems related to the problems of this research, a descriptive research was carried out with a qualitative approach.

This research is a qualitative research that aims to analyze a phenomenon, event, social activity, attitudes, perceptions, and thoughts of people both individually and within the scope of the group. Qualitative research is expected to be able to reveal the facts as a whole and comprehensively regarding the performance of DPRD which includes personality trait, behavior and results in carrying out the legislative function in Southeast Sulawesi Province. This research design poses several main issues: what questions to ask, how relevant data is to be, what data to collect, and how to analyze the results. The selection of this research design is intended as an action plan to depart from a series of initial research questions that must be answered towards a series of conclusions about these questions, where it is possible to find a number of main steps for collecting and analyzing relevant data.

This research was carried out in Southeast Sulawesi Province, precisely at the Regional House of Representatives of Southeast Sulawesi Province. This province is growing both in terms of investment, mining business, commodity trading, as well as increasing infrastructure development, as well as its economic activity. So that in such conditions it will certainly cause many problems and problems, both political issues, social inequality, economics, legal problems and local government policies towards people's aspirations which must be accommodated as a form of accountability of local governments to their people.

The informants of this research are individuals who have information about the performance of the DPRD of Southeast Sulawesi Province in carrying out the legislative function. Based on the identification made by the researcher, the research informants were formulated as follows.

No.	Informant	Sum
1	Leaders and members of the Regional People's Representative Council (DPRD) of Southeast Sulawesi Province	3 people
2	Secretary and employees of the Regional People's Representative Council (DPRD) of Southeast Sulawesi Province	4 people
3	Ngo	2 persons
4	Staff of the Law and Legislation Bureau of the Southeast Sulawesi Provincial Government	2 persons
4	Community Leaders / Community Representatives of Southeast Sulawesi	3 people
	Number of Informants	

Source: Processed data, 2022.

Results and Discussion

Based on the results of research on the performance of the Provincial House of Representatives (DPRD) in carrying out the legislative function in Southeast Sulawesi, the authors compiled research results based on 3 (three) dimensions of the performance measurement approach (De Vries et al., 2009) which include : (a) Personality traits; (b) Outcomes/Outcomes.

In the phenomenon of measuring the performance of the Provincial House of Representatives (DPRD) in carrying out the legislative function in Southeast Sulawesi, the explanation of each dimension in using performance measurement is related to the phenomenon studied by the author. From the results of research in general will be analyzed in depth on each of the dimensions below.

Personality Traits

Personality Trait relates to measuring how leadership, initiative, as well as the attitudes and abilities of each Member of the DPRD of Southeast Sulawesi Province in carrying out the legislative function (De vries, 2009). In relation to the phenomenon of measuring the performance of the Provincial House of Representatives (DPRD) in carrying out the legislative function in Southeast Sulawesi, this personality trait is interpreted as the capacity of DPRD Members in carrying out the legislative function, how the birth of a Regional Regulation, whether from the DPRD or Executive initiative, to how is the productivity of DPRD in making legal products (De vries, 2009). Below are the findings and responses of informants about personality traits.

Based on the results of the interview, the chairman of the Bapem Perda of South Sulawesi Province stated that in analyzing the capacity of DPRD members in carrying out the legislative function, it can be said that it is still far from the expectations of the community, this is due to several factors, one of which is the background of work by DPRD members who incidentally work as Businessmen and officials' wives.

In the first dimension proposed by Devries (2009), explaining that in measuring the performance of the Provincial DPRD in carrying out the legislative function in Southeast Sulawesi, this personality trait is interpreted by how the capacity of DPRD members in carrying out the legislative function, how the birth a Regional Regulation whether from the initiative of the DPRD or the Executive, to how the DPRD's productivity is in making legal products. From the results of the above interview, which was conducted with the Chairman of the Regional Regulation Bapem of Southeast Sulawesi Province, the Head of the Sub-section for Drafting Legal Products, the Secretary of the DPRD of Southeast Sulawesi Province, the Ministry of Law and Human Rights, and the Head of the Legal Division of Proledga stated that the leadership, initiative, as well as the attitudes and abilities of each member of the Provincial DPRD Southeast Sulawesi in carrying out the function of legislation is still not effective and is still far from people's expectations.

The capacity of DPRD members in carrying out legislative functions in Southeast Sulawesi Province is still not effective, this is due to the educational background and work background of current DPRD members, which incidentally come from businessmen and officials' wives. Then the results of the study also found that members of the DPRD of Southeast Sulawesi Province in carrying out their current legislative functions, especially in terms of the fact that DPRD members who have different backgrounds are placed in one of the DPRD's equipment, for example in commissions, honorary bodies, regional regulatory establishment bodies, in the formation of regulations. This area is the heart of the local government because it is the DPRD that produces legal products that are discussed together in the context of finalizing academic manuscripts or draft regional regulations. However, it seems that in the context of its implementation when there are demonstrators they do not respond well even though they have to listen to the aspirations of the people because the DPRD is the people's house. Even if there are DPRD members who are elected in the next period, it means that they really respond to the needs of the people.

The birth of a Regional Regulation compared to whether it is more dominant from the DPRD initiative or is it more dominant than the Executive. The results of the research show that indeed in the preparation to the formation of the Regional Regulation, there are two parties, namely the initiative of the DPRD and the Executive or Regional Government. This DPRD initiative departs from visits or seeing from the field situation. From there, DPRD members draft and form Propem Perda to be discussed at the end of the year and ratified the following year. The contents of the Propem Perda have included the initiatives of DPRD members and the reasons for proposing the Propem Perda. This is different from the Executive or Regional Government

which proposes a Perda or has the initiative in submitting a Perda by accepting submissions from each OPD based on conditions in the field which each OPD observes based on the aspirations of the community. In making regional regulations, of course, based on what the needs are in each region.

The productivity of DPRD Members in making legal products in Southeast Sulawesi Province is based on research findings that have been carried out showing that both DPRD and Executive (Local Government) Members in 2021 have been discussed regarding the determination of Propem Perda and what needs are needed by the community, especially Southeast Sulawesi Province. One example is the draft regional regulation on legal aid to the poor, why this regional regulation was born because of experience that teaches in the field that it turns out that many people in the field are being treated unfairly, one example is people who own land, then the village government wants to ask for permission to use it. build a school, one day the government will buy it, there will be many cases like this, then when they object and want to file a lawsuit with the village government, they get hit with funds, they don't have the money. Based on this phenomenon, the government has an obligation to provide assistance in the form of facilitating legal assistance through existing legal institutions.

Wrapped in a rule, that every year there are several regional regulations made and passed. It has been stated in the rules that there are legal products that must be made at 25% for the following year. Until now, especially in Southeast Sulawesi Province, local regulations that do not refer to Law Number 11 of 2020, should be reviewed so that the performance of DPRD members can be productive, especially in making legal products.

Results / Outcomes

Outcomes are related to measuring production capabilities, the ability to complete products according to schedule and increasing the production of members of the DPRD of Southeast Sulawesi Province in carrying out their legislative functions (Devries, 2009). In relation to the phenomenon of measuring the performance of the Regional House of Representatives of Southeast Sulawesi Province in carrying out the legislative function, this Outcome is interpreted by how the ability of the Southeast Sulawesi Provincial DPRD Members in designing a Regional Regulation and how the ability of Southeast Sulawesi Provincial DPRD Members to ratify Regional Regulations every year. year (Devries, 2009).

The Ministry of Law and Human Rights as one of the designers of Legal Products in North Sulawesi Province explained regarding the legislative ability to draft and ratify Regional Regulations.

The third dimension in measuring the performance of the DPRD members of Southeast Sulawesi Province in carrying out the legislative function proposed by Devries (2009) related to the outcome/outcome dimension is interpreted by how the ability of DPRD members of Southeast Sulawesi Province in designing a Regional Regulation and how the ability of DPRD members of Southeast Sulawesi Province in to ratify Regional Regulations every year. The results of the above interview were carried out with academics, the Head of the Sub-Division for Legal Product Preparation, the Ministry of Law and Human Rights, the Secretary of the Southeast Sulawesi Provincial DPRD and Social Media Activists.

The research findings are related to how members of the DPRD of Southeast Sulawesi Province carry out the legislative function, especially in designing Regional Regulations. At the stage of designing to ratifying Regional Regulations, especially in Southeast Sulawesi Province, there are 5 drafts contained in Law Number 12 of 2011 that every year there must be a draft of legislation. In drafting the legislation (Regional Regulations) of course not only the DPRD involved in it, but the Ministry of Law and Human Rights to academics. The Ministry of Law

and Human Rights and academics were involved in the preparation of the academic manuscript, but it all started from the initiative of the DPRD.

In designing regional regulations, it is necessary to strengthen the concept of harmonization carried out by related parties (Henderson et al., 2003; Borchini et al., 2005), such as DPRD, the Ministry of Law and Human Rights and academics. However, there are obstacles in this regard, including support from experts and the secretariat. In some cases, it turns out that problems have been found, namely the DPRD has proposed several regional regulations whose authority is not handled by the Regional Government. However, at this time the DPRD of Southeast Sulawesi Province in drafting Regional Regulations has often been consulted together regarding the limits of the authority of the Regional Government, which are included in the realm of the Central Government, Provincial Government, to District/City Governments.

In the process of ratifying Regional Regulations, talking about the output or Regional Regulations made and issued by the DPRD of Southeast Sulawesi Province. Before being stipulated as a Regional Regulation, a Facility Number from the Ministry of Home Affairs is first given to be reviewed through a judicial review because the Ministry of Home Affairs has the authority related to this matter. When a judicial review was conducted by the Ministry of Home Affairs, the DPRD was given an understanding of the commitment to implementing the Regional Regulation in its territory, especially Southeast Sulawesi Province. In this stage the Regional Regulations that will be ratified are reviewed regarding what is regulated in it, how the facts occur and the impact to be achieved, then what needs are needed so that the Regional Regulations that are ratified can be understood together.

The hope of each Regional Regulation is made to provide services and meet the needs of the community to the fullest (Barber et al., 2007; Sumartono & Hermawan, 2020), although not 100% of the community's needs can be met. So that the need for regulations every article by article can be implemented properly and increase the capacity of DPRD members of Southeast Sulawesi Province. From the agenda for the ratification of this regional regulation, it is considered capable of increasing capacity, DPRD members in carrying out their functions and carrying out supervision to make budgeting more responsive.

Conclusion

Regarding the personality and behavior of DPRD members in carrying out their legislative functions, they behaved well in several cases of the Ministry of Law and Human Rights. The need for regulations, article by article, can be implemented properly and increase the capacity of the DPRD members of the Southeast Sulawesi Province. From the agenda for the ratification of this regional regulation, it is considered capable of increasing capacity, DPRD members in carrying out their functions and carrying out supervision to make budgeting more responsive. The capacity of DPRD members in carrying out legislative functions in Southeast Sulawesi Province is still not effective, this is due to the educational background and work background of current DPRD members, which incidentally come from businessmen and officials' wives. Members of the DPRD of Southeast Sulawesi Province in carrying out their current legislative functions, especially in terms of the fact that DPRD members who have different backgrounds are placed in one of the DPRD's equipment, for example in commissions, honorary bodies, regional regulation formation bodies, in the formation of regional regulations this is the heart of the regional government. because it is this DPRD that produces legal products that are discussed together in the context of finalizing academic manuscripts or draft regional regulations. however, it seems that in the context of its implementation when there are demonstrators, they do not respond well even though they have to listen to the aspirations of the people because the DPRD is the people's house. Even if there are DPRD members who are elected in the next period, it means that they really respond to the needs of the people.

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