



DPRD in Regional Autonomy Analysis of the Role of the Bekasi City DPRD in the Drafting and Supervision of Regional Regulations concerning the Implementation of Public Services

Sri Sahlawati

Political Science Study Program, Faculty of Social and Political Sciences, Syarif Hidayatullah State Islamic University Jakarta

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ABSTRACT

The journey of regional autonomy in Indonesia is an interesting issue to observe and study, because since the founders of the state developed the state format, issues concerning local government have been accommodated in Article 18 of the 1945 Constitution and its explanations. Regional government in the regulation of Article 18 of the 1945 Constitution which has been amended recognizes the diversity and rights of origin which are part of the long history of the Indonesian nation. Even though the Republic of Indonesia adheres to the principle of a unitary state with the center of power in the Central Government, due to the heterogeneity of the Indonesian nation in terms of social, economic, cultural and educational conditions, regional autonomy or decentralization is the distribution of power/authority from the Government. central government needs to be channeled to autonomous regions.

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Corresponding Author:

Sri Sahlawati,
Political Science Study Program, Faculty of Social Sciences
Political Science Syarif Hidayatullah State Islamic University Jakarta,
Email : srisahlawati@gmail.com

1. INTRODUCTION

The reforms that occurred in Indonesia in 1997-1998 have changed the life system of the nation, state and government. This system change is reflected in the change of Law No. 5 of 1974 concerning the Principles of Regional Government to Law No. 22 of 1999 concerning Regional Government which brought major changes in the administration of local government in Indonesia. (Manan, 2014). This change appears to be more oriented towards participatory governance and democracy rather than administrative efficiency. Although the Act has been refined into Law no. 32 of 2004 concerning

In local government, the spirit of community participation is maintained by emphasizing the need for efficiency in its implementation. Now regions have a greater number and weight than before politically, and regions have greater independence than before (Ridwansyah, 2018).

The fall of Suharto with a centralized government brought fresh air for the improvement of regional and central relations, because the demands for regional autonomy and improvements to the regional government system were presented in Law No. 22 of 1999 concerning Regional Government.(Samsudin, 2017). The terms regional autonomy and decentralization in the context of discussing governance systems are often used interchangeably. The two terms can be distinguished academically, but practically in the administration of government they cannot be separated. In fact, according to many circles, regional autonomy is decentralization itself(Brith, 2017). Decentralization is the delegation of authority and responsibility from the central government to regional governments(Christia & Ispriyarso, 2019).

Regional autonomy is defined as a manifestation of decentralization. Autonomy in a narrow sense can be interpreted as "independent" while in a broader sense it is defined as "powerful".(Arifin, 2016). Regional autonomy thus means the independence of a region in terms of making and making decisions regarding the interests of its own region. If the region has reached these conditions, then the region can be said to be empowered to do anything independently without pressure from outside(Tama, 2018).

Regional autonomy is granted through political decentralization and administrative decentralization. Political decentralization is contained in Law No. 22 of 1999 concerning Regional Government which strengthens the position of DPRD, which was later revised by Law No. 32 of 2004 concerning Regional Government, one of which mentions the election of heads of state. regions and DPRD democratically through direct elections. Meanwhile, administrative decentralization is the granting of authority to local governments in managing regional budgets and regional resources. This brings government services closer to the people in the regions in the administrative process, regional autonomy in this regard must ensure the smooth implementation of national economic policies in the regions.(Simanjuntak, 2015).

Government and political theorists put forward a number of arguments that form the basis for choosing decentralization-autonomy, namely: first, to create efficiency-effectiveness of government administration, the government functions to manage various dimensions of life such as social, public welfare, economy, finance, politics, social integration. , defense, domestic security and others(Iswahyudi, 2020). Therefore, it is not possible to do everything in a centralized way, so that there is a division of tasks between the central government and regional governments which are regulated in regional autonomy. Second, as a means of political education, many political scientists argue that local government is an arena for training and developing democracy in a country, local governments will provide opportunities for citizens to participate in politics, either in terms of voting or the possibility of being elected in a political office, and those who do not have the opportunity to be involved in national politics, have the opportunity to participate in local politics(Rizqi, 2018). Third, local government as preparation for a further political career. because local government (local executive and legislative), is land that is widely used to tread a higher political career from local domination to national domination(Samah, 2019). Fourth, political stability. National stability should start from political stability at the local level. Fifth, political equality. With the establishment of local government, political equality among the various community components will be realized. Because people at various levels of the region have the opportunity to be involved in politics, through elections for village heads, regents, mayors, and even governors. And the community is involved in influencing their government to make policies, especially those concerning their interests(Maiwan, 2016).

In line with the amendments to Law No.22 of 1999 concerning Regional Government which was replaced by Law No.32 of 2004 concerning regional governance, there have been a number of changes concerning the concept of institutions in regional government.(Syahputra, 2018). According to Law No. 32 of 2004, regional government is the Head of Region and the Regional People's Representative Council (DPRD) according to the principle of autonomy, and the task of assistance is with the principle of autonomy as wide as possible within the system and principles of the Unitary State of the Republic of Indonesia as referred to in the 1945 Constitution. Government Regions are governors, regents/mayors and regional apparatus as elements of government administration, while DPRD is a regional people's representative institution as elements of regional government administration.

With the existence of wide regional autonomy in this reform era, it gave the DPRD room to be equal to the Regional Head, previously the people's representative institution (legislature) was under the domination of the executive at the center and the regions, this is because President Soeharto built extraordinary hegemony over the legislative body.(Anggara, 2013). This can be seen in the strategy of strengthening its dominance, controlling and totally controlling the regions.

One example of the hegemonic design of the Suharto regime against regional people's representative institutions, for example, is the provisions of Articles 15 and 16 of Law No. 5 of 1974 concerning the appointment of regional heads. The final decision on the election of the Governor from the DPRD is submitted to the President, through the Minister of Home Affairs. This also applies to the appointment of the Regent/Mayor. This hegemony makes the DPRD so strong in the process of selecting regional heads, causing the DPRD to be sterile in carrying out its role as people's representatives to determine the regional leaders that the people want. After the fall of Suharto, there have been major changes regarding the relationship between the center and the regions. This spirit is accommodated by Law NO. 22 of 1999 concerning regional government which began to develop the terms democracy, community participation, and transparent power management. Article 18 Paragraph 1, Law no. 22 of 1999 gave very important authority to DPRD, among others, to elect heads of regional governments (governors/deputies, regents/deputies, and mayors/deputies), as well as proposing the appointment and dismissal of regional heads. In carrying out their duties and obligations, the regent/deputy regent and mayor/deputy mayor are responsible to the DPRD.

Even though there is a separation between the Regional Head and the DPRD, these two institutions are parallel and partnership, both have the same important position because they are directly elected by the people so that they have legitimate legitimacy. However, the Regional Head and DPRD have a working correlation with each other, for example in Law No. 32 of 2004, Article 24 states that leading the administration of regional government based on policies established with DPRD, submitting draft regional regulations to DPRD, and stipulating regional regulations that have been approved by DPRD. DPRD approval. With this, it is seen that the work of the regional head cannot be separated from the role of the DPRD(Nawawi, 2015).

2. RESEARCH METHOD

To collect data for the research of this thesis, the author uses library research, namely collecting data by reading scientific works, books, mass media, journals, and using the interview method to sources who understand this discussion. . and other sources related to the discussion as the author's reference material in reviewing the discussion, the author will also go to the DPRD to get accurate data regarding the discussion of this theme. This type of research is using descriptive-analytic method, which is an approach by describing or parsing elements related to the theme in question and analyzing it. So that there is definite data regarding regional regulations and other references, in order to obtain a definite answer, This thesis uses qualitative analysis, because it will process data, subjectively, conduct interviews and use a theory. Because quantitative analysis is generally used to make questionnaires, objectives, scales and generate theories.

3. RESULTS AND DISCUSSIONS

3.1 Factors Behind Regional Regulations concerning the Implementation of Public Services

Public service is one of the implementations of regional autonomy that must be provided by the regional government to its citizens. Public service is one of the arguments in the implementation of regional autonomy where local governments must be able to provide public services according to the needs of their citizens. The level of community welfare will greatly depend on the level of public services provided by the local government, with the broad autonomy granted to the regions, the regions, especially regencies/cities, have a high duty to provide public services that are in accordance with the needs of the community.

Riant Nugroho said that public service is the most basic task in public policy, because it provides services to the public without discrimination and is provided free of charge or at such a cost that even the poorest groups can afford it. With the existence of Law No. 22 of 1999 concerning Regional Government, it opens a discourse on public administration that must be carried out by local governments for the welfare of their citizens. Because the task of local governments with regional autonomy is to provide services, namely in the form of public services or public services. The public here are people who have the right to receive good service regardless of the status of their citizens.

Service or service is the key word of regional autonomy. Because regional autonomy belongs to the local community which is run by the local government, the accountability of local government to its people can be seen from the type and quality of services provided to its citizens. DPRD as a political institution must make local regulations regarding public services aimed at the welfare of its citizens. The Bekasi City DPRD made a regional regulation regarding the implementation of public services because there had not been this regulation in Bekasi City before.

The implementation of public services in the regions becomes an absolute because of the obligations of the government, both central and regional, as public service providers to meet the basic needs of the community. And to fulfill the basic needs and civil rights of every citizen for goods, services, and administrative services, the implementation of public services must provide quality public services.

On this basis as well as the increasing demands of society, especially in the field of providing increasingly transparent and quality public services, it must be accompanied by the availability of guidelines/movable foundations for each service provider institution/organization, including individuals to meet the needs of the community according to the desired service sector.

It is realized that the conditions for the implementation of public services in the regions are still not effective and even tend to lack quality, including aspects of human resources and inadequate government apparatus. To overcome these conditions, it is necessary to make efforts to improve the quality of public service delivery on an ongoing basis in order to realize excellent public services. In an effort to improve the quality of the service, it is carried out through a comprehensive and integrated improvement of the public service system as outlined in laws and regulations in the form of regional regulations.

In Law 32 of 2004 concerning Regional Government there is something new, namely the implementation of Minimum Service Standards (SPM) in the administration of regional government⁵, SPM is the minimum standard of public services that must be provided by local governments to the community. The existence of SPM will guarantee the minimum service that the community has the right to obtain from the local government.

In principle, there are many types of services provided by the government, but generically the services provided by the government are divided into two public services. Namely: basic services and core competence development services, which are basic services such as citizenship, health education, transportation, housing, the environment, road facilitation, etc. Leading sector services such as agriculture, mining, tourism, trade etc. Leading sector services are supporting services in the regions. However, each autonomous region is obliged to provide basic services in accordance with the SPM set by the central government.

Based on the importance of a service that must be provided by the local government to its citizens, the Bekasi City DPRD made a program for the Bekasi City regional regulation draft regarding the implementation of public services. So that basic public services can be fulfilled and can be felt evenly by elements of the community, with a bureaucracy that facilitates the process of regional regulations. And the formation of regional regulations regarding the implementation of public services is also to actualize Law 32 of 2004 concerning regional government which requires every autonomous region to provide public services to its citizens.

3.2 The Role of DPRD in Drafting Regional Regulations concerning the Implementation of Public Services

Planning for regional formation is carried out based on the regional legislation program (prolegda). Prolegda is a program planning instrument for the formation of regional regulations that is prepared in a planned, integrated, and systematic manner. One of the objectives of the preparation of the prolegda is to keep the products of regional regulations within the unity of the national legal system. According to the chairman of the special committee, the DPRD must ensure that these regional regulations do not conflict with the law, statutory regulations, presidential decrees, ministerial decisions and regional regulations.

If the regional regulation turns out to be contrary to the regulations above, then the authority of the Supreme Court (MA) to exercise the authority is known as judicial review. The definition of judicial review is the right to test whether a law made is contrary to the regulations above it, namely the regulations under the law. Regional regulations regarding public services

are in accordance with the national legal system, and any regional regulations made must also be based on laws or laws that are in accordance with the unitary state of the Republic of Indonesia. Bekasi City regional regulations regarding the implementation of public services based on the law on:

1. Bekasi City DPRD Decree Number: 14/ 174.1/ DPRD/ 2007 dated July 13, 2007 regarding Special Committee (Pansus) 28, in the context of discussing the draft Bekasi City regional regulation concerning the Implementation of Public Services in the City of Bekasi.
2. In the discussion process, the special committee technically pays attention to the following laws and regulations:
 - a. Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles (State Gazette of the Republic of Indonesia Year 1960 No. 10, Supplement to the State Gazette of the Republic of Indonesia No. 349)
 - b. Law No. 9 of 1996 concerning the Establishment of the Second Level Regional Municipality of Bekasi, State Gazette of the Republic of Indonesia Year 1996 No. 111, Supplement to the State Gazette of the Republic of Indonesia No. 3821)
 - c. Law No.23 of 1997 concerning Environmental Management (State Gazette of the Republic of Indonesia 1997 No. 68, Supplement to the State Gazette of the Republic of Indonesia No. 3699)
 - d. Law No. 8 of 1999 concerning Consumer Protection (State Gazette of the Republic of Indonesia of 1999 No. 42, Supplement to the State Gazette of the Republic of Indonesia No. 3821)
 - e. Law No. 31 of 2000 concerning Industrial Design (State Gazette of the Republic of Indonesia Year 2000 No. 246, Supplement to the State Gazette of the Republic of Indonesia No. 4045)
 - f. UU no. 30 of 2002 concerning the Corruption Eradication Commission (State Gazette of the Republic of Indonesia Year 2002 No. 137, Supplement to the State Gazette of the Republic of Indonesia No. 4250)
 - g. Law No. 10 of 2004 concerning the Establishment of Legislations (State Gazette of the Republic of Indonesia Year 2004 No. 53, Supplement to the State Gazette of the Republic of Indonesia No. 4389)
 - h. Law No. 32 of 2004 concerning Regional Government (State Gazette of the Republic of Indonesia Year 2004 No. 125, Supplement to the State Gazette of the Republic of Indonesia No. 4437) as amended by Law No. 8 of 2005 concerning Stipulation of Government Regulations in Lieu of Law No. 3 of 2005 concerning Amendments Based on Law No. 32 of 2004 concerning Regional Government into Law (State Gazette of the Republic of Indonesia of 2005 No. 108, Supplement to the State Gazette of the Republic of Indonesia No. 4548)
 - i. UU no. 25 of 2007 concerning Investment (State Gazette of the Republic of Indonesia of 2007 No. 67, Supplement to the State Gazette of the Republic of Indonesia No. 4724)
 - j. Law No.26 Year 2007 concerning Spatial Planning (State Gazette of the Republic of Indonesia Year 2007 No.68, Supplement to State Gazette No. 4725)
 - k. Government Regulation No. 27 of 1999 concerning Environmental Impact Analysis (State Gazette of the Republic of Indonesia Year 1999 No. 59, Supplement to the

- State Gazette of the Republic of Indonesia No. 3838)
- l. Government Regulation No. 79 of 2005 concerning Guidelines for the Guidance and Supervision of Regional Government Administration.(State Gazette of the Republic of Indonesia Year 2005 No. 165, Supplement to the State Gazette of the Republic of Indonesia No. 4593)
 - m. Government Regulation No. 38 of 2007 concerning the division of Government Affairs between the Government, Provincial Government and Regency / City Government (State Gazette of the Republic of Indonesia Year 2007 No. 82, Supplement to the State Gazette of the Republic of Indonesia No. 4737)
 - n. Government Regulation No. 41 of 2007 concerning Guidelines for Regional Apparatus Organizations (State Gazette of the Republic of Indonesia of 2007 No. Supplement to the State Gazette of the Republic of Indonesia No. 4741)
 - o. Presidential Decree No. 34 of 1992 concerning the Utilization of Land, Cultivation Rights and Building Use Rights for Joint Ventures in the Context of Foreign Investment
 - p. Decree of the Minister of Empowerment of State Apparatus No: 63/KEP/M.PAN/2003 concerning General Guidelines for the Implementation of Public Services.
 - q. Decree of the Minister of State Apparatus Empowerment No. 26/KEP/M.PAN/2/2004 concerning Technical Guidelines for Public Service Transparency and Accountability.

Regional regulations on the implementation of public services, which were rolled out during the 2004-2009 DPRD period, were a legislative program that had to be ratified by the DPRD. In accordance with Law No. 10 of 2004 Article 15 paragraph 2 which states: "planning for the preparation of regional regulations is carried out in a regional legislation program".¹⁸ Draft Regional Regulations concerning public services are the initiative of the DPRD, so the Draft Regional Regulation (raperda)¹⁹ is prepared by members of the DPRD, commissions, joint commissions, or DPRD apparatuses that specifically handle legislation programs.

Then the Raperda on the implementation of public services is conveyed by the leadership of the DPRD to the Mayor, after the Raperda enters the leadership of the DPRD, and submits it to the DPRD deliberative committee which then discusses this Raperda, the activities of the deliberative committee when obtaining the Raperda are administering, holding meetings and scheduling meetings and forming a Special Committee. The deliberative committee submits the Raperda to the special committee, it would be better if when the deliberative committee received the Raperda proposal, the committee did not only conduct administrative discussions, but also carried out field checks to confirm the truth and accuracy of the Raperda in accordance with the needs of the community, so that the deliberative committee had more complete information to schedule a discussion of the draft regional regulation,

In the discussion of the Bekasi City Raperda regarding the implementation of public services in the Bekasi City, the 28 Special Committee also carried out several series of activities. Namely: internal special committee meetings, discussion meetings with the Mayor/Deputy Mayor, in planning regional regulations on public services, discussion meetings with state-owned enterprises (BUMN) in Bekasi City which have the main tasks and functions of public services, consultation meetings with organizational and agency bureaus. one-stop service in West Java Province, working visits in the context of comparative studies to the Yogyakarta City government, consultations with the office of the Minister for Administrative Reform, internal meetings in their respective factions in the context of discussing public services, and finalization meetings with the executive.

4. CONCLUSION

There was a wave of reforms in 1998, which brought changes to the government system, demands for the return of the function of the DPRD as part of the regional government to be accommodated by Law No. 22 of 1999. The role of the DPRD was then very large. DPRD has a duty to provide public services to its people, excellent and quality services. In 2007, when the 2004-2009 DPRD members served, the Bekasi City DPRD carried out a legislative program for the implementation of public services. The role of the DPRD is large in its formulation, starting with establishing the legal basis for regional regulations, forming a special committee, conducting working visits, meeting with the executive and legislature. Conduct outreach to agencies related to public services. The supervision of the Bekasi City DPRD on the regional regulations for public services is not maximized properly, on the grounds that there are many regional regulations produced by the DPRD, making it difficult to control the supervision of each regional regulation. However, the DPRD supervises public services by conducting working visits to related agencies from the BPPT, the Dinas to the kelurahan.

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