

THE ROLE OF REGIONAL HOUSE OF REPRESENTATIVES IN CARRYING OUT GOOD GOVERNMENT (GOOD GOVERNANCE) IN REGIONAL AUTONOMY ERA

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Abstract: *Giving services to community is one of obvious form of public service that receives serious attention from various groups, both practitioners, academics, and observers of public services and issues of injustice due to its complicated procedures, convoluted, old, wasteful, inefficient and annoying. By the existence of the role of Regional House of Representatives as a symbol of democracy in the region, which is institutionally as a representation of sovereign people, in reality it is powerless to face the executives.*

Keywords: *Regional House of Representatives, government, regional autonomy*

Introduction

The Regional House of Representatives (hereafter, DPRD) is as a symbol of democracy in the region, which is institutionally a representation of a sovereign people, in reality it is powerless to face the executives. The causes are first, the old paradigm of the government in the region that the Governor/ Regent /Mayor is the sole authority still continues; Second, the quality of Regional House of Representatives (DPRD) members is still limited; Third, the dominant personal interests of board members; Fourth, the weakness of civil society; Fifth, the influence of Feudalism remains strong; and Sixth, the authority of the members of the council is still limited to carry out the functions in using the rights regulated through the rules of the council (Juanda, 2004: 86). In carrying out the role of the Regional House of Representatives (DPRD) in terms of the number of regional regulations, it turns out that the Regional House of Representatives (DPRD) in the reformation era was not much different from the new era. Likewise in using the rights of the council, and the implementation of the duties and authority

of the Regional House of Representatives (DPRD) as a whole remains a concern. However, in terms of using the Regional House of Representatives (DPRD)'s rights, especially the courage of the members to make changes to the regional regulation plan and the implementation of direct supervision there was a quite significant improvement.

The establishment of regional regulations, there is no difference between the Regional House of Representatives (DPRD) in new era and the Regional House of Representatives (DPRD) in the reformation era, because many regional regulations were derived from executive initiatives compared to Regional House of Representatives (DPRD) initiatives. As a result, regional regulation products generally lack of the nuances of community empowerment both in social, economic, political and so on. Products of regional regulations are alleged to impose the people and for the interests of the authorities. That is why, the community considers that the Regional House of Representatives (DPRD) has not played an optimal role in encouraging the improvement of people's welfare, they are busier managing their own interests.

Regarding to the representation of the people in Regional House of Representatives (DPRD), political progress has begun to be demonstrated in the process of nominating Regional House of Representatives (DPRD) members who are elected from the sub district or village. The process towards people's representation stopped after the election, discontinuing in Regional House of Representatives (DPRD) through the struggle to advance the people's welfare which is reflected in the process of various regulations, the preparation of the Regional Budget, effective supervision, and the distribution of people's aspirations and interests. In practice, good interactions can be witnessed between Regional House of Representatives (DPRD) and the executives, its benefit has not yet realized obviously to improve people's fate. Likewise, the interaction between Regional House of Representatives (DPRD) and the people is dynamic, only the level of people's dissatisfaction with Regional House of Representatives (DPRD) is still high. The indicator can be shown, among others, that there are still many people demonstrating in the Regional House of Representatives (DPRD) office. According to the assessment of the leadership of the Regional House of Representatives (DPRD) and the heads of the Regional House of Representatives (DPRD) factions that this is evidence people trust the DPRD and vice versa.

While the role of Regional House of Representatives (DPRD) experienced ups and downs, because it followed the dynamics and political policies carried out at the national level. If the central government runs democracy, the impact will spread to all regions in the form of decentralization and broadest possible autonomy, it will have a positive impact on the people and Regional House of Representatives (DPRD) because they participate and play an active role in carrying out their functions. For the vice versa if the central government carries out an authoritarian policy, the impact to various regions is manifested in the form of centralization and deconcentrating of the government, which has a negative impact on the people and the Regional House of Representatives (DPRD) itself, because democracy is caged. However, experience shows that the politics of decentralization in the implementation of local government is not always successfully utilized by superpower people and the politics of both the executives and the Regional House of Representatives (DPRD) to develop civil society. This is where the urgency is to build public awareness (common consciousness) so that they realize that the sovereignty that has been directed towards their representatives in the DPRD through elections must always be controlled, so that they carry out their functions optimally and well.

In connection with efforts to strengthen the role of the community in Regional House of Representatives (DPRD), in the context of implementing regional autonomy, the importance of building the strength of educated civil society and democracy is increasingly felt. For this reason, local cultural values that contain elements of democracy that are deeply rooted in the community must be developed and cultivated. The reform movement that grew and developed ahead of and after the collapse of the new era power, has inspired regions that have been plagued by various pressures, appearing to voice demands and aspirations. The demand can be divided into three types, namely: first, demanding to broaden regional autonomy; Secondly, demanding independence from the Unitary of the Republic of Indonesia. To accommodate and at the same time reduce various demands from regional aspirations, then in the Particular Session of People's Consultative Assembly (MPR) in 1998, the Decree of the People's Consultative Assembly of the Republic of Indonesia Number XV / MPR / 1998 was issued concerning to the Implementation of Regional Autonomy, Regulation, Distribution and Use of Equitable National Resources and Balance of Central and Regional Finance.

To follow up on the implementation of the People's Consultative Assembly (MPR), regulation number 22 year 1999, then it is replaced by regulation number 32 year 2004 concerning to Regional Government, replaced by regulation number 12 year 2008 concerning to the Second Amendment to regulation number 32 year 2004 concerning to Regional Government, then replaced by regulation number 23 year 2014 concerning to Regional Government promulgated on 30 September 2014 which constitutes a complete change in the implementation of regional government because in the previous provisions namely regulation number 32 year 2004 and regulation number 12 year 2008 are considered not in accordance with the state of administration and demands for the administration of local government, replaced by regulation number 2 year 2015 concerning the Establishment of Government Regulation as replacement of regulation number 23 year 2014 concerning to Regional Government, finally regulation number 9 of 2015 concerning the Second Amendment to regulation number 23 year 2014 concerning to Regional Government and regulation number 25 year 1999 (later replaced by regulation number 33 year 2004) concerning to Financial Balance Between Central and Regional Governments. The two regulations are the cornerstone of the implementation of decentralization because they contain extensive and comprehensive reforms on the implementation of regional autonomy, not only in the field of government politics, but also in the political economy placed in the regency and city areas, with broad authority. By this regulation, the function of the region is transformed into an autonomous region that is free to make every effort to encourage the progress of the community and its region, including in seeking regional budget revenues and expenditure. Authority that cannot be carried out by the regions, only in the fields of foreign politics, defense security, justice, monetary, fiscal, religious, and other fields of authority which include policies on national planning and macro development control, financial balancing funds, the state administration system and economic institutions of a country, fostering and empowering human beings, utilizing strategic natural resources and high technology, and national standardization.

The amount of authority given to regency and city areas, automatically there is a buildup of power in the hands of regents and mayors as rulers in the regency/city. These conditions can lead to the growth of absolute rulers in the regions, which is in turn can further aggravate the situation because it is difficult to avoid the rampant practice of abuse of power in the form of corruption, collusion and nepotism in the implementation of regional autonomy. Lord Acton

once said that "power tends to become corrupt, and absolute power becomes absolutely corrupt as well (in Soemardi, 1986: 31). That opinion, which is so yesterday, is still actual and relevant for recent, because power is accumulated and centralized to a person or an institution will turn into absolute power, and absolute power wherever and whenever it becomes absolutely corrupt. In the contemporary history of Indonesia, there are known two regimes that were quite long in power, namely the Old Era and New Era, because of the power accumulates and the centralization in the hands of President Soekarno and Suharto caused them to sink into various abuses of power, without being able to be controlled or prevented.

To prevent the power centralization, which was previously centralized in the hands of the President of the Republic of Indonesia, there is no choice but to create a security fence that is able to fence off so that the centralization of power does not move in the hands of the Regent and Mayor in the implementation of regional autonomy. The only security fence that is considered effective and can create a balance of power is Regional House of Representatives (DPRD) itself as an official institution that represents the people in the regency or city. Because, it is an institution that constitutionally represents the functional legality for controlling the government and development in particular area.

The above conditions must be overcome by optimizing regional legislative institutions. The Regional House of Representatives (DPRD) is required to play a role in creating good governance in accordance with the norms and is based on the fact that the Regional House of Representatives (DPRD) functions in decency in society. This carries out one of the functions of the government, so that the implementation of the Regional House of Representatives (DPRD)'s role in the future must rely on the general principles of good governance. The concept of being able to create a good government is first realized by a good Regional House of Representatives (DPRD), accompanied by more concrete efforts in carrying out its duties and functions. This step is the initial capital in realizing the independence and professionalism of the Regional House of Representatives (DPRD) itself.

In terms of its interests, good governance can be interpreted as ideals and as a condition. As an ideal because it is the desire of a government to be cleanly implemented, in the sense that it is free from irregularities that can harm the State or society. A government is said to be good (good governance), if the government is held in a transparent, responsive, participatory, obedient to the rule of law, consensus-oriented, there is togetherness, accountability and has a strategical vision. To realize good governance does not only become the task of the government (executives), but also must be supported by House of Representatives (DPR), both at the central government level and in the regional government, so that the role of the Regional House of Representatives (DPRD) is very large in creating good governance.

Concept of Representation

In his writings on Political Representation Theory, Alfred de Grazia (in Arbi Sanit, 1985: 1) argues that representation is defined as the relationship between two parties, namely representatives with representation where the representative holds the authority to carry out various actions relating to agreements made by representatives. This is very general understanding when it is tested by the reality of facing a large number of questions. Because the parties that are bounded in the representative relationship itself need an explanation.

In relation to political representation, Pitkin formulated two assumptions, first, political representation basically has an understanding that is used differently and all the meanings are tested and developed in various contexts; second, there is a lack of uniformity of theorists (Arbi Sanit, 1985: 2).

Based on the opinion above, it can be interpreted that representation is a process of human relations in which a person is not physically present but he is responsive to do something because his actions are carried out by other people who represent him. The problem that arises is what is considered so that the party represented is considered to be represented and who is doing the consideration.

A systematic and all-round study of political representation has developed from research on the legislatures better known as parliament. Studies of the parliament have made various advances, both in terms of implementation (practice) and in terms of theory. The approach or orientation of the study of the legislative body has developed in three stages, namely research that is oriented to the institutional, the process and behavior (Jhon Whalke in Samuel Patterson, 1975: 1).

In terms of institutions that the legislative (parliament) if it is reviewed from its structure and function, and from the process approach it can be seen the object of study through the decision-making process as its main function, and from the behavioral point of view the attitudes and behavior of legislators in producing each decision.

The institutional approach relating to political representation is to provide an understanding of the formal relationship between representatives and represented as tangible voters, but it does not explain the relationship in reality, in addition to not explaining the actual interaction in the legislatures. In addition to the collective relationship within the institution, the process approach takes into account the collective relationship between the legislatures and the voting community.

In the process of its implementation, to representatives who are elected and are in the representative institutions (legislative), they are given the power to take action in accordance with the provisions or rules that govern/give power. The power to be exercised by the legislatures is a power which is born by political representation.

The definition of power is actually implicitly covered in terms of politics, because politics is an art to foster power. Power has a very important role, because it determines the fate of citizens. Good or bad power is always measured by its usefulness or function to achieve goals that have been previously determined or realized by the community. Eventhough it is always there, the power cannot be shared equally among all community members, because precisely from the uneven distribution arises the main meaning of power, namely the ability to influence other parties according to the will that is in the power holder.

The existence of power depends on the relationship between those who have the ability to wield influence from other parties who accept the influence willingly or perhaps because they have to. If the power is associated with law, then the legal relationship with power can be briefly

formulated in the slogan: " Law without power is wishful thinking, power without law is a disorder " (Mochtar Kusumaatmadja, no year: 5)

In its application, the law requires a power to support it. This main characteristic that distinguishes between law on the one hand and other social norms and also religious norms. Power is needed because the law is coercive. Without power, the implementation of law in society will experience obstacles. The more orderly and orderly a society is, the less support power is needed. The latter type of community is said to have high legal awareness in its members.

The element of power holders is an important factor in terms of the use of the power which is in accordance with the wishes of the community. Therefore, in addition to the necessity of the law as a limitation tool for other holders of power, other conditions are needed, such as having an honest character and a sense of dedication to the interests of the community. High legal awareness from the community is also a powerful limitation for power holders. Between law and power there is a close relationship. Peperzak (in Lili Rasjidi, 1996: 80-81) argues, the existence of this relationship can be shown in two ways as follows:

1. By examining the concept of sanctions.

The existence of behavior that does not meet the rule of law causes sanctions to enforce the rule of law which requires the function of sanctions, providing energy support and protection for the legal system along with sanctions.

2. By examining the concept of constitutional enforcement.

Fostering a system of legal rules in an orderly country is in the constitution in the country itself. It is assumed, when the authority is being used means the constitutional people agree with the procedures.

The forms of power in society are diverse with its patterns. However in general there is a general pattern that exists in every society, even though basically the community has undergone changes. It is usually the form and system of power are always adjusting to society along with their customs and patterns of behavior. The possibility is that in critical situations, the boundaries can experience changes, but in general the division line between the rules and the controlled is always there. This symptom raises layers of power based on a sense of public concern that disintegration will occur if there is no power. Therefore community integration is maintained by the social order carried out by the authorities, so the community recognizes the existence of these layers of power even though it is sometimes to be heavy burden on the community concerned.

The need for power or strength as a supporter and protector of the system of legal rules for the interests of its enforcers. means that the law must ultimately be supported and protected by an element that is not legal, namely that power itself. The strength needed in reality can be realized through these ways:

1. Moral beliefs of the people
2. 2 Consensus from all people
3. The authority of a charismatic leader,
4. Strength is merely arbitrary (sheer violence)
- 5 Combination of the factors mentioned above (Lili Rasjidi, 1996: 82)

From the description above it appears that there is a close and strong relationship between regulation and power, because power like above mentioned will allow a person or group of people who have power to be able to move someone or a group of other people to realize certain behaviors, namely legal behavior.

Concept of Democratic Governance

The emergence of the concept of democratic governance has gone through a fairly long process. According to Plato (in Juanda, 2004: 54-55) there are 5 (five) types of forms of governance, namely:

- a. **Aristocracy**, it is understood as a form of government held by cleverly guided by justice and for the common good,
- b. **Timocracy**, containing the understanding that clever people have come to power turned their interests, it arises rich rulers.
- c. **Oligarchy**, wealthy rulers continue to corrupt so that people become poor
- d. **Democracy**, government which is run by the people and for the benefit of the people;
- e. **Anarchism**, the society acts freely without limits which ultimately causes chaos.

In democratic governance, the interests of the people become a central point that must be fought for and protected. Hope it is very ideal and supported by an adequate system, but because the government is run by people with minimal education, lack of mission and vision also does not guarantee the responsiveness and ideal government as desired.

The views of various experts on democratic governance are vary, such as Plato's placing democracy in the form of government that was proclaimed (good, nice). While Aristotle put democracy in a corrupt government group (not good). The differences views on democratic governance as above mentioned are influenced by difficulties in providing a complete understanding of democracy. Francois Venter (in Juanda, 2004: 59) states that "*Everyone knows what democracy is, but nobody can define it to general satisfaction*" (Everyone knows what democracy is, but no one can define it to satisfy society).

Henry B. Mayo (in Moh. Mahfud, 1993: 19) says that a democratic political system is a system that shows where general policies are determined on the basis of a majority by representatives who are monitored effectively by the people in periodic elections based on the principle of political equality and it is held in an atmosphere of guaranteed political freedom.

In terms of its origin, democracy comes from the Greek word "*Demokratia*" which means power or rule (*kratos*) by the people (*demos*). So democracy in the literal sense is having a lot of meaning, namely not only the election of leaders by the people but the denial of the separation of both. Apart from the terminology of the people to show a few or many people or even the whole person, Abraham Lincoln's (in Juanda, 2004: 61-62) asserted that the word people in relation to democracy was developed into a philosophy of government, namely "*government of the people, by the people, and for the people* (government of the people, by the people, and for the people) ".

So far, democracy has been classified into two senses, namely material and formal. In material terms, democracy is an ideology, a view of life, or a theory. And in a formal sense, that is

democracy in practice. In a material sense democracy is divided into three categories, which are based on independence, based on economic progress, and based on independence and economic progress. While in terms of formal form in the state system adopted by each country that is not always the same, namely there is a system of parliamentary government system presidential government, dictatorial system, mixed government system, the existence of a unitary state and federal state, the existence of a royal republic and state, and others.

From the various views above, it appears that how difficult it is to define democracy, because in addition to the word democracy can include multi aspects, both aspects of government, politics, independence, equality, justice, social, economic, cultural, and legal, also due to the notion of democracy and will experience development. Therefore Moh. Mahfud (1993: 48) views democracy as ambiguity. The ambiguity lies in whether democracy is good or not and on how to implement democracy.

The Concept of *Good Governance*

The emergence of the concept of *good governance* is originated from the interests of donor institutions such as the United Nations, the World Bank, ADB and the IMF in providing capital loan assistance to developing countries. In subsequent developments of *good governance* is defined as a condition for countries that need loan funds, so that *good governance* is used as a determining standard for achieving sustainable and equitable development (Hafifah Sj. Sumarto, 2003: 5). World donor institutions oriented to alleviating poverty, and poverty is one of the inhibiting factors for development in a country.

The concept of *good governance* appears to be a paradigm that cannot be separated from the concept of *governance*, which according to history was first adopted by practitioners in international development institutions, which contain effective performance connotations related to public management and corruption. In the literature *governance* is defined varied by several authors and several national and world institutions. As stated by the *United Nations Development Program* (UNDP) which defines *governance* as "*the exercise of political, economical, and administrative authority to manage a nation's affairs at all levels*". Thus the word *governance* means the use or implementation, namely the use of politics, economics, and administration to manage national problems at all levels. pressure on authority, legitimate power or legitimate power (Sadu Wasistiono, 2003: 30).

The Institute of Public Administration (LAN) defines governance as the process of administering state power in implementing the provision of *Public Good* and *service* (LAN, 2000: 1). Pinto (in Nisjar S. Karhi 1997: 119) defines *governance* as the practice of administering power and authority by the government in managing government affairs in general and economic development in particular.

From some of the definitions above, it can be explored, that in carrying out the interests determined the involvement of several elements as stakeholders, not limited to *government* or state but also non-government elements and the community So that *governance* can be created well if the elements are intended as a synergy and mutual support and have a voice in influencing decision making.

The process of carrying out such power and authority requires accountability, transparency, openness and responsibility. This is in line with what was put forward by the *Ford Foundation* as one of the institutions that pioneered the *governance* program that effective government depends on the legitimacy derived from broad-based participation, justice and accountability. Moving on from the notion of *governance* as a method or use or implementation of the above mentioned, thus good *governance* implies a meaning and implementation of good governance, both in terms of the actions or behavior of stakeholders in carrying out *government* based on both ethics or morals.

The terms of *governance* and *good governance* began to be published by the World Bank in 1992 which was published under the title: *Governance and Development*. Then in 1995 the *Asean Development Bank* (ADB) had a Policy Paper entitled *Governance: Sound Development Management*, and articulated the four essentials of *good governance*, namely *accountability, participation, predictability, and transparency*. Furthermore, UNDP mentioned the characteristics of *good governance*, which include all, transparency, and responsibility, effectiveness and fairness, guaranteeing the rule of law, guaranteeing political, social and economic priorities based on community consensus and taking into account their best interests and paying attention to the poor and weak in the decision making process concerning to the allocation of resources development (Joko Widodo, 2001: 3).

Conclusion

The legal culture of bureaucracy in services is very important and decisive. The expected bureaucratic legal culture is justice for the community, later on the services to the public will be satisfying and accepted by the community. Once the importance of the legal culture of bureaucracy in services is the reason for this research. A big hope of the regional government and its bureaucracy is to improve public services, including being very reasonable because so far (before the era of reform and decentralization), public servants are very slow and annoying because they have to ask for directions or approval from their top-level leaders, namely the central government. Through the delegation of authority of public services to the regions, it is assumed that public services will be faster, cheaper and satisfying the public because the implementers of public services are close to the people and are very familiar with the wishes of the community. Furthermore, fast, cheap and satisfying services will be in turn to encourage people's passion to strive and increase production and productivity of their business. This condition is expected to accelerate efforts to improve community welfare, and regional competitiveness and it will increase by itself.

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