

Role of Local Institutions in Improving Human Resources At Government System in Indonesia

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Abstract

This article is taken from the research dissertation titled Effectiveness of the Implementation of the Authority in the Local Government System In Indonesia, which consists of four formulation of the problem and are discussed in this paper is the Role of Local Institutions in Improving Human Resources, held in South Sulawesi with a sample of five local districts / town, approach the research method used is juridical, sociological and philosophical. The data obtained through the study of literature, documentation, questionnaire, interview and observation. The data were analyzed qualitatively.

The results demonstrated that the institutional role has not been effective. One reason is the imbalance is not improving the quality of human resources to the tasks to be carried out to execute good governance. In addition, public service tool concerning infrastructure, facilities, structures, infra structures, and other facilities all of which is not optimal but it is absolutely necessary to create a government that is effective, efficient and reliable.

Keywords: Role of Local Institutions, Human Resources, Government Systems

1. Introduction

Based on the explanation of Article 18 of Law 1945 recognized the fact that the diversity and the rights of local origin which is part of the long history of the Indonesian nation. The Republic of Indonesia to the principle of the unity of the country where power is at the center of the central government, but by being aware of the various heterogeneity of the Indonesian nation better social, economic, cultural, and educational level of the community, the diversity of the decentralization of power is a necessity.

Central Government to Local Governments always moves at a different balance point. The difference was clearly visible by using the concept of pendulum that always moves symmetrically on the two sides of the central and regional governments. In other words, at a time weighting of power lies in the Central Government on other occasions there is the weight of authority in local government. Such a condition is caused by two things, *first*, because the regulation of the Law on Local Government. *Secondly*, due to different interpretation and implementation of the Act that resulted in the interests of the rulers. In the Local Autonomy Law, the implementation of government based on the principle of decentralization and de-concentration and co-administration, and governance principles that implement regional autonomy should remain within the spirit and corridors to strengthen the Republic of Indonesia.

In general, some basic principles that must be held by all the parties in the implementation of regional autonomy based on Law Number 32 Year 2004 This is at least *the first*, regional autonomy should be implemented in the context of a unitary *state*, *secondly*, the implementation of regional autonomy using the decentralized procedure thus The area is very decisive role; *Third*, the implementation of regional autonomy should start from defining authority, organization, followed by personal finances, not the other way; *fourth*, which meant financial balance is horizontal equalization between regions (inter-provincial and inter-district / city in the province) , in addition to the balance of the vertical, between Center and Regions; *fifth*, the function of the central government is still very vital, both in strategic authority (monetary, defense, foreign affairs, and law), as well as to address regional disparities.

The purpose of granting autonomy to the region is to develop democratic mechanisms at the regional level in the form of the community and share their aspirations, both for the benefit of the local area as well as supporting the national political wisdom in the current era of reform. Local government and all other public institutions should have a human resources professional, capable, reliable and steady in overall organizational performance, so that area becomes more sensitive in response to any acceleration of progress and dynamism in national and global politics. Resources that support the financing and funding of regional government enforcement activities need to be optimized so as to contribute positively to improving performance in a comprehensive Local Government organizations, in addition, it will provide reinforcement to the system of national government. So in this article is based on the formulated pembahasa "*How is the role of regional institutions in enhancing human resources for the implementation of the local government?*"

2. Theory Study

2.1 Juridical Basis

Implementation of Local Government in accordance with the mandate of the 1945 Constitution of the Amendment in particular Article 18 (1) says that the Republic of Indonesia is divided into provinces and regions province is divided into districts and cities, while subsection (2) says that the provincial government, district, and the city set up and manage their own affairs in accordance with the principle of autonomy and assistance. Besides the Law No. 22 Year 1999 on Regional Government and Law No. 25 of 1999 on Fiscal Balance between Central and Local Government.

In the journey of Law Such above there are still weaknesses that are not accommodated that need to be revised then out of Act No. 32 of 2004 on Regional Government and Law No. 33 of 2004 on Fiscal Balance between Central and Local Government. The logical consequence is the need to restructure the various elements relating to local government as a manifestation of regional autonomy.

Other juridical basis to handle the system of government is Law No. 10 Year 2004 on the Establishment Regulation Legislation, in addition to the law above, there is Government Regulation No. 8 of 2003 regulating the regional Organization guidelines. Another thing that set the tone for the author is Law No. 34 of 2000 on regional taxes and Levies.

2.2 Local Institutions

Institutional area will accommodate the competencies of local government, the authority will in turn give birth to organizational structure and governance work, various alternatives can be offered in the institutional aspects. Are we going to choose public institutions in the form of the establishment of autonomous agencies, or to submit the matter to dilaksanakan by the private sector (privatization) or partnerships between local governments and private parties (public private partnership). Criterion is how the matter can be done effectively, efficiently, economically and accountable.

During these common symptoms is the tendency to perform division (*proliferation*), institutional environment of local government. Redistricting is done more due to accommodate pressures of a growing bureaucracy constantly compared to accommodate the development of function due to the real needs of the communities to be served.

Institutions of local government personnel system today is not conducive to clinch a reliable and professional personnel are able to bring ideas to the competitive and comparative advantages in accordance with the demands of globalization. *Seniority system* and *echelon* bureaucracy has spawned a busy chasing seniority ranks and echelons are often not associated with improved performance. Mutation system that is not based on skill, but rather on the basis of trust will lead to personnel begin his new position without adequate expertise.

2.3 Improving Human Resources

One of the factors encountered in the implementation of regional autonomy is the ability of human resources, is quite able to manage the natural resources of the region. We need to agree that all parties need to work hard to prepare human resources because we do not want exploitation of natural resources, the public should not be alien or estranged in its own country, the host communities should be in her own home.

In the global situation required the ability to compete and work hard all levels of society including establishing government bureaucracy in the implementation area. Competitiveness is determined by the quality of human resources, has a high skill, creative, innovative, disciplined, mastery of technology, professional and leadership (leadership).

Matters relating to the intangible resource is human resource skills and capabilities in the context of an individual or group. Competencies associated with both the context of human resource development include: (1) the achievement of competence, (2) problem-solving competence, (3) interactions among the competence and teamwork competencies. *Intangible assets* to be a very expensive resource because it involves aspects of science mastery, collective learning and reputation. However, in certain circumstances intangible resources, one of which is more prominent.

Knowledge (*knowledge*) is the ownership of the organization or territory for the information, skills, awareness, recognition, experience, acquaintance, and understanding. This knowledge is categorized into three groups, namely (1) *Human capital* is the knowledge possessed by the workforce of an organization or region obtained from education and training. (2) *Structural Capital* is the ways in which systematized, internalized and processed. While (3) *relational capital* is the relationships that exist between the components within the organization or in the region and its relationship with the international community.

2.4 Legal Theory

Legislation is a legal product, made with the intent to be obeyed by the people or with other words or the law to effectively act according to its function. If the problem were discussed or effective functioning of law in society generally directed attention to the fact that the law does not really apply or not.

In theory the law is usually distinguished between three kinds of things force of law as a principle, namely:

1. Juridical law, when its provisions are based on the principle that higher level (Hans Kelsen), or when formed in a predetermined manner (W. Zevenbergen), or if it shows the necessity between a condition and a consequence (JHA Logemann).
2. Sociologically applicable law, if the rule is effective. That is, the rules enforceable by the authorities although accepted or not accepted by the public by the (theory of power), or the rule was valid because it is accepted or recognized by the (theory of recognition).
3. Applicable laws philosophically, that is, in accordance with the ideals - ideals of law as the highest positive value (Soekanto, 1979; 46-47);

According to Achmad Ali (2002), "The law is a set of rules or sizes that are arranged in a single system, which determines what is allowed and what should not be done by humans as citizens in the life community, sourced either from their own communities as well as from other sources, which is recognized by the enactment of the highest authority in the community, as well as actually applied by members of the community (as a whole) in his life, and if the rules are violated will give authority to the supreme authority to impose sanctions that are externally".

3. Research Methods

Juridical approach is the approach taken with the look of the aspects of the legislation applicable in the implementation of the Sociological District. Government approach is the approach taken by the community to see how the condition Government System. Philosophical approach is the approach taken in depth the meaning and nature of authority in the organization of the system of government which was also once a referral to interact in society.

The research was conducted in the province of South Sulawesi, especially in 5 regencies / cities namely Makassar, Gowa, Sinjai, Bone County and North Luwu, chosen as the study sample is the first consideration, based on the map implementation issues that local authorities have not implemented in full. Second, the study area has the level of intensity of the progress in the field of development of the various sectors.

Besides, this research also uses field studies and comparative data in the literature as theoretical aspects. Type of data required in this study are:

1. **Primary data** is data obtained directly from the respondents who had been designated as a sample, to those held by structure interviews, this data source also has high validity in order to find solutions issue raised in this study.
2. **Secondary data** was collected by studying documents, literature and official archives, including legislation that is collected through local government agencies associated with this research. In strengthening the accuracy of the data, the observation held when holding both the design and implementation of the implementation of the local government authority.

The overall study population that is both executive officers, legislative officials, and the general public involved in the design and impact of the implementation of the regional regulatory authorities in all the local government areas research. Technique sampling of the study population in each county and city studied and determined by purposive sampling the areas of research as follows:

1. Makassar city by 10 people
2. Gowa as many as 10 people
3. Sinjai 10 people
4. Bone districts as many as 10 people
5. North Luwu 10 people

The total number of samples from the relevant government officials as many as 50 people, in addition to the researchers also conducted interviews of the community leaders and area businesses from the impact of implementation of the system of local government authority.

4. Discussion

Provisions of Law No. 32 of 2004 established that the organizational structure of the regions defined by the Regional rule (Government) in accordance with the guidelines set by the Government, the Government Regulation No. 84 Year 2000 on Guidelines for Organization of the Region. A new thing in the Law 32/04 is about applying the *Minimum Service Standards* (MSS) in the administration of Local Government. Article 11 paragraph (4) states that "*the implementation of a mandatory government affairs should be guided by the SPM*

gradually implemented and adopted by the Government" .. With the SPM, the local bureaucracy can provide services to residents in accordance with the most minimal SPM is in any kind of ministry bureaucracy. SPM is a minimum standard of public service that must be provided by the local government to the community. SPM will ensure the existence of minimum service are entitled to community and local government. In other words, SPM is a benchmark to measure the performance of the implementation of the responsibilities relating to basic public services, such as health, education, drinking water, housing and others.

4.1 Log on institutional

In line with the enactment of Law No. 32 of 2004, the changes in national and local government authorities that have implications for changes in workloads and organizational structure. Especially with regard to the authority and the institutional arrangement in accordance with the Circular Letter of the Minister of Home Affairs and Regional Autonomy No. 118/1500/PUMDA dated December 22, 2000, regarding the authority and institutional arrangement can be described as follows:

- a. Structuring the field of governance authority to local authority carried out by local government with Parliament.
- b. Referral arrangement activity is Law No. 22 of 1999 and Government Regulation No. 84 Year 2000, the parts and the various areas of government (which at that time was called the affairs of government) and other authorities that have been submitted to the district / city that does not conflict with Law and Government.
- c. Authority structuring principles are:
 1. Accordance with the determination and ability of the Region, there are areas of government that are not fully implemented based on the principle of decentralization.
 2. Based on Government Regulation No. 25 of 2000, the Departments shall prepare Guidelines for Minimum Standards and shall also specify the next Provincial Minimum Service Standards (MSS).
 3. Under Law No. 32 of 2004, the fields and areas under the authority of local governments to be implemented by the District / City of delivery is not done actively by the central government, but through recognition by the Government.

Implementation of these policies depends largely on the ability of state officials at central and local level in preparing for the implementation of the provisions and prepare human resources (HR) as the implementation of regional autonomy in creating a broad, realistic and responsible.

However, according to the author after reviewing more depth we can not ignore that there are prerequisites that must be met as an autonomous region, namely: *First*, the readiness Apparatus skilled human resources. *Secondly*, the definitive source of funds to finance various government affairs, development and community service according to the needs and characteristics of the area. *Thirdly*, the availability of facilities to support the implementation of Local Government. *Fourth*, that the Regional Autonomy is implemented regional autonomy in the corridors of the Republic of Indonesia (Republic of Indonesia).

4.2 Institutional Limits

Article 140 of Law No.. 32 of 2004 stated, paragraph (1) The draft legislation can come from Parliament, the Governor, or Regent / Mayor, and Article 141 paragraph (1) The draft law submitted by the members, committee, joint committee or Parliament fittings are specifically addressing the field of legislation, with the following mechanism:

- a. Concept Draft Regulation compiled by the Department / Bureau / Unit relating to the substance to be regulated.

Before the preparation is done, the Department / Bureau / Unit concerned notify the Bureau of Law or the Law Department. Drafting by the Department / Bureau / Unit does not mean always by the Department / Bureau / Unit. The preparation can also be done jointly Office, Bureau, and the Department of Work Unit or some, or a bureau, or office, the Bureau of Labor and other units. Joint preparation can be done because it is possible (in fact almost always) the substance of the Regulation relating to the various tasks the Department, Bureau, and so on. In fact it's good preparation by a team like Inter-Departmental Team or the preparation of the Draft Regulation. The team may involve parties outside the relevant local governments as experts from the University, the judiciary, prosecutors, police, banks and other institutions that are considered to contribute ideas to give birth to a good local regulation. This is in line with the practice of the Interdepartmental Team for the preparation of the draft law or draft Regulation. Although named Tim (Committee) Interdepartmental, but membership is not limited to the Department and representatives of Non department. Team members (committee) may consist of representatives of the judiciary, professional associations, experts from universities, or practitioner. This approach is a good practice, because it will get

- some insight as to a material law or government regulation. The same thing should be done also on the establishment of regional regulation.
- b. Concepts that had been developed Office / Bureau / Unit was submitted to the Bureau of Labor Law or the Law Department for technical inspection as compliance with other laws and regulations, compliance with public policy the Government (Central or concerned Regions)
 - c. Legal or Legal Bureau will invite the Department / Bureau / work unit to draft and other work units to participate perfected the concept. Since drafting, other work units were included, then the discussion will be facilitated with possibly even eliminated . By including the various units in the preparation of the concept, the discussion with the concept may only be necessary if the Bureau of Law or the Law Department after examination found things that needed changing changes (especially changes in substance or material).
 - d. Bureau of Law or Legal compose refinement of perfection (final draft) to be forwarded to the Regional Head of an inspection (aided Sekwilda).
 - e. Concept Draft Regulation has approved the Regional Head turned into a Draft Regulation. The Draft Regulation submitted to the Regional Head of the Regional Representatives Council Chairman accompanied Memorandum Introduction to Board approval.

4.4 Research Results

Of 5 study sites namely Makassar, Bone regency, Sinjai, Gowa regency, North Luwu then indicated that the condition of government services provided by the local government after the enactment of Law no. 32/04 in terms of the time there are 2 areas classified as satisfactory (Makassar, Gowa regency) and 3 areas classified as less than satisfactory (Regency Bone, Gowa regency, North Luwu). Of each of the 50 respondents in the two study sites (businesses or private), as many as 15 or 30 percent (the city of Makassar) and 19 or 38% (Gowa) assess the services provided by the government after the enactment of Law no. 32/04 satisfactory. As many as 10 or 20 percent (Makassar) and 13 or 26% (Gowa) which assesses classified as less satisfactory. Being a judge does not satisfy as much as 16 or 32 percent (Makassar) and 10 or 20% (Gowa) of the respondents found that respondents did not provide answers to a variety of reasons of which 16 or 32% (Makassar) and 8 or 16 (Gowa). According to the author of the two study sites over which the answers of the respondents give a satisfactory answer because each local government has put the elements of quality and responsibility of the employee to serve the community, but is still general services such as licensing and so forth.

For Bone regency, Sinjai, and North Luwu where respondents give answers that are categorized as less than satisfactory. For the location of each study there were 50 respondents from the three study sites as much as 18 or 36% for Bone regency, 16 or 32% for Sinjai and North Luwu 13 or 26% of respondents answered less than satisfactory, being a judge does not satisfy as much as 10 or 20% to Bone regency, 20 or 14% for Sinjai, and North Luwu 15 or 30%. Where the author argues that for North Luwu because the area is still in the process of revamping a result of the expansion area, for both districts Bone and Sinjai teradapat things that still an issue due to excessive bureaucracy and regional atmosphere is still thick.

Similarly, if viewed in terms of the costs of services provided by the City of Makassar, Sinjai and North Luwu after the enactment of Law no. 32/04 in general provide an assessment that is not quite satisfactory. This is according to the author due to some of the costs incurred by the society which should be borne by the government. As with the area of Bone and Gowa people do not need to spend additional costs because it has become a burden for local governments.

5. Conclusion

Institutional role is also not effective. One reason is the imbalance is not improving the quality of human resources to the tasks to be carried out to execute good governance. In addition, public service tool concerning infrastructure, facilities, structures, infra structures, and other facilities all of which is not optimal but it is absolutely necessary to create a government that is effective, efficient and reliable.

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