DPRD Legislation FunctionAs a Response in Handling Issues in Community in DPRD of South Kalimanatan

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Abstract

The rationale of the study has been the issues of DPRD legislation functions as a response in handling issues in communityin DPRD of South Kalimantan. The study attempts to offer solutions towards resolving problems in handling issues of producing policies that can nurture community's trust and involvement as the target groups as a part of good governance principles implementation in order that public policy formulation can be seen as an instrument to achieve government objectives of public values.The study aims at describing and analysing: 1) The quality of legislation products produced by DPRD; 2) Issues in community that have been responded by DPRD; 3) People's trust and participation as a part of well-managed governance; and4) the factors that cause legislation failure in coping with issues in community. The results of the study shows that: 1) The quality of legislation products produced by DPRD is oriented to the needs in community; 2) fail legislation is the postponed legislative responses in coping with issues in community because the local regulation is clashed with central regulation, hence need to be completed in the following year 3) people's trust and involvement towards members of parliament, NGOs and community is sufficient, 4) the factors that are analysed show that legislation policies are not failed, they are only delayed.   It is recommended that to be able to overcome the problems of legislation functions of DPRD as a response of coping with community's issues in DPRD of South Kalimantan, the planning of regulation framework should be preceded with inputs from community in order that the quality of lehislation products produced by DPRD of South Kalimantan oriented to people's needs.

Keywords: Legislation function, issues in Community, Legislation Products Quality

1. Rationale

Legislative institutions in Indonesia are callled DPR at the central level and DPRD at the provincial and regential level. One of the crucial functions of DPR and DPRD is to conduct legislation function or the function to formulate regulation. But this roles arenot considered to be maximum in conducting legislation function. Community criticism on the institution often arise because the lack of quality of the legislation products made by DPR or DPRD that tend to refer to commynity needs, as explained in regulation number 27, 2009 about MPR,DPR,DPD, and DPRD as follows: "In the reinforcement of DPR legislation function as a way of conducting the amendment of Indonesian 1945 Constitution, it is necessary to further reinforce the roles of DPR in the process of formulation, formation and discussion of regulation framework. This is intended to answer the criticism that DPR has not conducted its legislation function maximally. It means that on the one hand, DPR performance that is related to legislation is attempted optimally, but on the other hand it demands individual responsibility to create highly qualified legislation products that are oriented to community and nation's needs".

Legislation function in the context of policies is a process to create government policy instruments, either central government or regional government. Regulations that is made by DPR and/or regional regulation made by DPRD as legislative institution is a government policy isntrument, the implementation of which is done by the executive. Legislative involvement in policy implementation is done in the form of socialization towards regional government because policy legislation process is made through legislative. It means that it is apparent that every member of legislative knows the substance of policy or program that is going to be implemented by the executive.   In relation to community, ideally every member of legislative pays attention towards community, because legislative institution is a representative of community that is voted through election. The concern is realised by socializing various policies towards community, especially towards the constituents as the supporter of legislative members. The objectives of the socialization is to let community know the substance of the policy and it is expected that they gain benefits of the policy that is implemented by the executives. Regional government policies in the provincial level comprise provincial regulation, governorial regulation and governorial decision. Based on regulation number 12, 2011 about the formulation of regulation, it is stated that in the formation of regional regulation, the framework of of regional regulation can be originated from DPRD or governor. Generally, regional regulation which framework is originated from DPRD is called initiative regulation, while the regulation which framework is originated from governor is called exsecutive regulation.

This study focuses on regional government policies in the form of initiative regulation. Based on the function, regional regulation has 5 functions as follows:

1. Regional regulation is a policy instrument to carry out local autonomy and the helping responsibilities as outlined in Indonesian 1945 Constitution and regulation about regional government;
2. Regional regulation is the regulation of the implementation of the regulation at the higher level;
3. Regional regulation is submissive upon the hierarchical rule of regulation. Therefore, regional regulation cannot clash with the regulation at the higher level;
4. Regional regulation as a medium to gather local specificity and diversity as well as to deliver community aspiration in various regions. However, the management complies to the corridor of Republic of Indonesia based on the principles of Pancasila and Indonesian 1945 Constitution; and
5. Regional regulation is a development instrument in improving regional prosperity.

The fact that happens in DPRD is that formulating policies that impact on community is done without considering community participation to explore the issues that need policy for their resolution. The formulation of policies that has been validated as a regional regulation is only conducted to achieve the target of the formation of a regulation that is programmed within prolegda.The framework of performance mesurements does not refer to output, outcome, or accomplishment in the matter of quality but refers more to quantity. The foregrounding issue lies in why DPRD policies become a mere documentation but cannot be implemented optimally to achieve the expected objectives. The main problem is DPRD's sincerity in formulating the policies. The formulation has so far been conducted without considering community interests and focus more on individual interests hence depriving the principles of good governance. The study will offer solution to resolve how to handle issues in community in creating a policy by growing community trust and involvement as the target group as a part of the implementation of the principles of good governance. It is expected that public policies can really be seen as an instrument to achieve government objectives in realizing public values. Therefore, the theme of the study is analysisng legislation function as a response in handling community issues in DPRD of South Kalimantan.

2. Statement Of The Problems
Based on the explanation of rationale at the section above, the statement of the problems of the study are:
1. Are the legislation products made by DPRD of South Kalimantan qualified and oriented at public needs?
2. Have the issues in community been responded well by DPRD of South Kalimantan by creating legislation products i.e. policy instruments in the form of regional regulation?
3. How can people's trust and involvement as a part of good governance principles create policies that change people towards better direction based on public values?
4. What are the factors that cause the failure of implemented legislation and how to handle them?

3. Research Objectives
The study is aimed at describing and analysing the phenomena of legislation policies in handling issues in community/constituents in the perspective of good governance, especially in relation to:
1. The quality of legislation products made by DPRD of South Kalimantan and the tendency of the legislation products that are oriented at people's needs.
2. Issues in community have been responded by DPRD of South Kalimantan by creating legisation products i.e. policy instruments in the form of regional regulations.
3. People's trust and involvement as a part of good governance principles create policies that change peopl towards better direction based on public values.
4. The factors that cause the failure of implemented legislation and how to handle them.

4. Literature Review
4.1 Good Governance
In English, Government is defined as "The authority direction and administration of the affairs of men/women in a nation, state, city, etc". Semantically, governance means the act of administering a government and good governance means a well-organized government. On the one hand, the term good governance can be understood differently, but on the other hand it can be defined as a performance of an institution for example the performance of a government, a company or community's organization. Referring to its root i.e. the word govern, the intended meaning is to direct or control, hence good governance can be defined as a conduct to direct, control or influence public issues. This means that the domain of good governance does not only cover a state or government bureaucracy, but also in civil society domain that is presented by non-government organization and private sectors. In sum, the demand of ofgood governance is not only required by state or government, but also people outside the structure of government bureaucracy.

4.2 Public Policies and Their Implementation
In regards to public policy concept, McConnell et al. (2007) suggests the perspective towards beneficial public policies i.e.: (1) public policy as authoritative decision; (2) public policy asoutcome;(3) public policy as process;

(4) public policy as power; and (5) public policy as ideas. While Smith dan Larimer (2009) propose a few questions in regards to public policy that need elaboration i.e.: (1) Does politics cause policy? or Does policy cause politics?; (2) Who makes decisions? (Actors and institutions); (3) What should we do? What have we done? (Impact analysis and program evaluation); (4) How does it work? (Policy implementation); dan (5) Whose values? (Policy design).

4.3 Impacts of Public Policy Implementation

Actual impacts are the end results of implementation process. It is, of course, expected that there is a harmony between implementation results and policy objectives.However, Browning and Annamaria (1996) found that the discrepancy between implementation results and policy objectives may happen due to changes of social, economic and technology condition as well as the impacts of long term changes of political powers and the currently competing interests. Therefore, actual impacts of policy implementation process are indicators of achievement level of the formulated policies. Subsequently, Islamy (2001) states that a few forms of policy consequences are: (1) Expected or unexpected policy impacts; (2) Residue of policy towards those who are not the target of policy; (3) Policy impacts towards the current or the future condition; (4) Policy impacts towards direct costs; and (5) Policy impacts towards indirect costs.

4.4 Public Policy Actors

Howlettand Ramesh (1995) argue that public policy actors are key variables in explaining the process of public policy.Below is the complete argument.

"In our view both actors and institutions play a crucial role in the policy process, even though one may be more important than the other in specific instances. Individuals, group, classes, and states participating in the policy process no doubt have their own interests, and the outcomes of their efforts, are shaped by institutional factors".

Policies are made by policy subsystem that comprise actors who are associated with policy issues. Policy sussystem is a forum where actors discuss, persuade and negotiate to fulfill their interests. The term "actor" covers social and governance actors twho are involved in policy process. The involvement can be a direct involvement, hence called the members of policy networks, or an indirect involvement i.e. involvement in a more general context hence called the members of policy communities.

5. Methodology

5.1 Kind of Research

Research methodology used in the study is a descriptive research with qualitative approach that is intended to gain meticulous meanings towards particular social phenomena. Qualitative research approach is based on phenomenological philosophy that place more emphasis on deep understanding. Qualitative approach attempts to understand and interpret the meaning of an event of human behavioural interaction in particular situation in the perspective of the researcher (Usman, 1996). In addition, the study is a case study, i.e. a research approach in which the analysis is intensively directed towards a case in deep details. Thispproach is a detailed examination of a setting or a single object, a document archive, or specific events (Bogdan and Biklen, 1982).

5.2 Research Site

This study is conducted in South Kalimantan, taking random samples from a few regency/municipality in the province to obtain valid data related to the benefits of regional regulation as policy instruments and public accessibility in the process of regional regulation forming. The exact sites of the study are the office of provincial DPRD of South Kalimantan on JalanLambungmangkurat Banjarmasin and the office of Law Bureau of South Kalimantan on JalanTrikoraBanjarbaru.

5.3 Data Analysis

The data analysis of the study uses interactive data analysis model from Miles and Huberman (1992).

6. Discussion

6.1 The Quality of Legislation Products Made by DPRD of South Kalimantan are Oriented at People's Needs

The quality of legislation products made by DPRD of South Kalimantan should be oriented at people's needs, for example regional regulation number 3, 2012. The regulation outlines the use of roads for mining and farming transport especially in commercial roads. However, misuses occur occasionally even though the government of South Kalimantan province provides a considerable funding for the implementation of the regulation.From the analysis, the issue occurs because regential/municipality governments are not involved in the implementation of the regulation although they are included in the supervising team. The quality of the regulation is good. This is because: a) the policy implemented is apt to people's needs; b) the policy implemented is based on people's interests, and c) the implemented policy is fully supported by the stakeholders.

6.2 The Implemented Policy is Apt To People's Needs

The implemented policy is apt to people's needs for example about the new market. Since community has not been involved, the list of the regulation was made and followed-up for this regulation. Unlike UKM that only referred to the existing regional regulation. While we actually need regulations such as local rice regulation for

instance, in order to protect local farmers to limit the incoming imported rice and improve local farmers' prosperity.

Based on the analysis above, the 1st minor psoposition can be formulated as follows:

> **If the legislation products made by provincial DPRD are oriented at people's needs, issues in community will be handled.**

6.2 The Failure of Implemented Legislation in Handling Issues in Community is Alegislative Response

It is assumed that some legislation has failed in the implementation of handling issues in community as a form of legislative response. Actually, this cannot be seen as failure, but a delay. This happens because the currently valid regional regulation is clashed with the central regulation or in progress of being done. Therefore, the new regional regulation should be carried out in the following year. In the future, it is recommended that before deciding on a regional regulation, communities are involved to confirm whether or not the regulation is crucially needed by the communities.

6.3 Political Policies as a Response in Handling Issues In Community

Political policies as a response in handling issues in community is normative in nature because of differences in communities, hence the appropriateness depends on the communities themselves. Normative can mean that communities have been given opportunities to participate in the mechanism of regional regulation both before and after the regulation is implemented i.e. through socialisation. From political perspective, the root of the issue might be because the voters were voting for representative on the influence of money politic. It means that most political policies have responded issues in community well. In addition, the curent political policies are valuable because they reflect community aspiration through the political parties.

6.4 Economical Policies as a Response in Handling Issues in Community

Some economical policies are well responded by the community because some programs are urgently needed by the community or even implemented by people's demand. For example the protection of the continuity of farming land i.e. that ensure the availability of food supply, therefore ensure the stability of price. In the long run, this ensures farmers' prosperity.

6.5 Sociocultural Policies as a Response in Handling Issues in Community

Some regulations protect cultural resources, while some others also provide support for education. A few matters are delegated to regional governments about social prosperity through the office of social welfare. This is important due to differences of culture in cimmuntity that may cause problems if disharmony happens. Government has also published policies about social ethics of daily conduct for instance regional regulation on cigarette and alcoholic drink to protect muslims in Kalimantan which make up most of the population.

From the analysis above, 2nd minor proposition can be formulated as follows:

> **If the failure of implemented legislation in handling issues in community is a legislative response, issues in community will be handled**

6.6 Community's Trust and Involvement

Community has put sufficienttrust and involvementtowards the members of representatives either from public, NGOs or other members of community. Community has also trusted and involved well, making the implemented policies run well that reflects community's trust towards the government. The level of trust depends on the level of understanding i.e. if a community understand the products of DPRD, it will not view the product negatively. We may assume that one institution is a person, and if a person does the responsibilities well, community will trust him. So far, community has put sufficient trust and involvement towards the produced regional regulations. It is recommended that there should be a socialisation about a regional regulation each month, for example socialization on regulation of farming should be done at the farming area to match the regulation topic with the subject and object of the regulation. It is expected that community becomes more critical towards the representatives by sharing ideas so that the representatives can facilitate the issues. The problem has been that community lacks understanding hence it is urgently necessary to come and talk to them.

6.7 Community Position and Their Level of Trust and Involvement

Community position and their level of trust and involvement can be seen from their participation in regional events. Mostly, there is a big number of attendance of regional events i.e. they expect to gain funding annually. Since there are 2000 villages in the region, funding should be given in turns and since 2005, 1200 villages have received funding.

6.8 Legislative Roles in Accommodating Community Trust and Involvement

Legislative roles in accommodating community trust and involvement can be seen from their participation in every event held by regional government. Other than that, they sometimes directly come to the community to know what they need so that legislative can propose what people need even if it means it can only be realized in the following year.

6.8 Community Roles in Monitoring Policy Implementation

Community roles in monitoring policy implementation in done through participation in socialization given by the regional government in seminars. Other than that, community observe the produced regulation through social

media such as newspaper and internet.

6.9 Problems in Policy Implementation and How to Handle Them

The problems in policy implementation are carried through a few regulation that community have not understood yet. For example most people do not understand the regulation on smoking prohibition causing passive smokers to become ill. This regulation is being progressed as aresult of regional government observation of smoking activities that impacts on passive smokers. The regulation is planned to be implemented in South Kalimantan i.e. to semua masyarakabe applied to all level of community owing to the fact that passive smokers suffer from bronchiatic or lung diseases. The regional governemnt has provided around 12 billion rupiahs to fund the health cover of passive smokers.

Based on the analysis above, the 3rd minor proposition can be formulated as follows:

If community fully supports with their trust and involvement, issues in community will be handled

6.10 Factors That Cause The Failure of Implemented Legislation Policy

It is seen that the factors that cause the failure of implemented legislation policies are not failure, but only delayed. For example regional regulation that is supposed to be implemented this year should be put back in the following year because the evaluation from the central government has not yet been completed, therefore it should be carried out in the following year. To the reserachers, it cannot be seen as failure, but a delay. This happens because the currently valid regional regulation is clashed with the central regulation or in progress of being done. Therefore, the new regional regulation should be carried out in the following year. Other possible factors that cause this may be the lack of acknowledgement from the community, the lack of socialisation or even discrimination. If there is a failure, the policy will be withdrawn and will be socialized through print media and internet. If there is a failure, there will be turmoil in community especially if the policy is not associated with the community. The reseracher personally thinks that the community highly care bout the failure.

6.11 Socialization of Regional Government Policy Towards Community

Socialization of regional government policy towards community is done through many ways. During recess period, members of representative make time to visit particular areas that have been planned to socialize the upcoming implemented regulations. Another way is through social media and banners. Recently, regional government has socialized to companies to build their own roads for mining and farming product transport. This regulation has been running well, with a few exceptions from small companies that cannot afford to build their own roads and a few road misuse cases in 2013. Other than that, law enforcement is done in the form of protection of rights and responsibilities and requirements and criteria that need to be fulfilled as well as in many other dimension that guarantee law enforcement in legislation products. A one-day socialization was participated by The Office of Regional Revenue,Satpol PP andThe Office of Health and Safety of South Kalimantan with keynote speakers from The Law Bureau of Setdaprovof South Kalimantan on Regulation number 9, 2013 from jurisdical aspects and The Office of Revenue of South Kalimantan on profit share and revenue utilization of cigarette tax.

6.12 Supervisory Function of Policy Implementation

Supervisory function of policy implementation can be explained as a way to observe policy implementation as some regional regulations are not yet optimumfor example the regulation of the use of roads which outlines that trucks carrying mining and farming products are not allowed to use commercial roads. It is found in the supervising that although regional government has spent large sum of money for the issue by paying the related members of stakeholders, some members are manipulating the authotiry by working with company owners causing flaw in the supervisory function.

Based on the analysis above, 4th minor proposition can be formulated as follows:

If the factors that cause the failure of the implemented legislation policy can be identified, issues in community will be handled.

Based on 1st to 4th minor propositions, major proposition can be formulated as follows:

If the legislation products made by provincial DPRD are oriented at people's needs, the failure of implemented legislation in handling issues in community is a legislative response, community fully supports with their trust and involvement and the factors that cause the failure of the implemented legislation policy can be identified, issues in community will be handled.

6.13 Recommended Model of DPRD Legislation Function As a Response in Handling Issues in Community in South Kalimantan

In the illustration given in figure 1. The recommended model of DPRD legislation function as a response in handling issues in community in South Kalimantan is as follows:
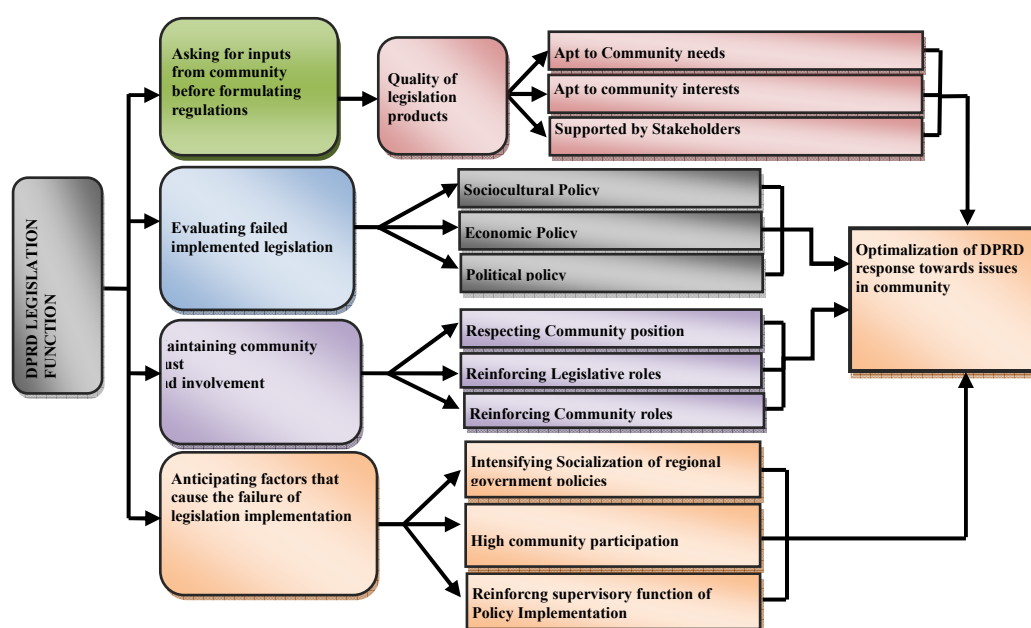
Figure 1. Recommended Model of DPRD Legislation Function

As a Response in Handling Issues in Community in South Kalimantan

7. Conclusion and Recommendation

7.1 Conclusion

1. The quality of legislation products made by DPRD of South Kalimantan should be oriented at people's needs for example regulation number 3, 2012.

2. The failure of implemented legislation is a form of legislative response. Actually, this cannot be seen as failure, but a delay. This happens because the currently valid regional regulation is clashed with the central regulation or in progress of being done. Therefore, the new regional regulation should be carried out in the following year.

3. Community has put sufficient trust and involvement towards the members of representatives either from public, NGOs or other members of community. Community has also trusted and involved well, making the implemented policies run well that reflects community's trust towards the government. The level of trust depends on the level of understanding i.e. if a community understand the products of DPRD, it will not view the product negatively.

4. The factors that cause the failure in legislation implementation is actually not failure, but only a delay. For example the regulation that should have been implemented this year should be put back to the following year because of unfinished   evaluation from the central government.

7.2 Suggestion and Recommendation

To be abletoresolve the problems identifiedabove, the practical from the researchers is that in the formulation of regulation framework, it is recommended to ask for inputs from communites. It is expectedthat by doing so, the quality of legislation products made by DPRD of South Kalimantanis truly oriented at people's needs.

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