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# The Development of The Model of Control of the Regional People's Legislative Assembly Based on Performance of Regional Regulation to Governance Accountability and Transparent Government in Barru Regency and Pangkajene Islands Regency of South Sulawesi Province

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**Abstract.** The supervision of the Regional People's Legislative Assembly as one of the functions of Parliament is the main pillar of democracy. The supervisory function should be measurable so that the performance of the members of Regional People's Legislative Assembly can be visible. The optimal performance of the members of Regional People's Legislative Assembly should be ensured in order that accountable and transparent governance can be achieved. On another dimension, members of Barru Regency Regional People's Legislative Assembly and members of Pangkajene Islands Regency Regional People's Legislative Assembly should have the same perception of the model of supervision of Regional People's Legislative Assembly. The same perception is expected to give birth to a positive synergy between Regional People's Legislative Assembly and Regional Government so that it will enhance an accountable and transparent governance that will ultimately enhance the welfare of society. The long term goal of this research is the inception of the policy in the for of Draft Model Regional Regulations (Ranperda) and the Code of Conduct Supervision Model of Regional People's Legislative Assembly based on performance against Regional Regulation in Barru Regency and Pangkep Islands Regency that has a good standard from legal and political side so that it can be manifest an accountable and transparent governance. The short term goals are (i) to develop a supervision mechanism of the Regional People's Legislative Assembly against the Regional Regulation in Barru Regency and Pangkep Islands Regency (ii) to develop performance supervision of member of Regional People's Legislative Assembly towards Regional Regulations in Barru Regency and Pangkep Islands Regency, (iii) to develop supervision model of Regional People's Legislative Assembly based on performance against Regional Regulation in Barru Regency and Pangkep Islands Regency, (iv) piloted supervision model of Regional People's Legislative Assembly based on accountable performance and valid through validation expert, practitioners review (Politician), response of Member Regional People's Legislative Assembly and a test model in Barru Regency and Pangkep Islands Regency. This studies was designed with qualitative method with data collection validation and techniques i.e., observation, in-depth interviews, and documentation. The stages are (i) data reduction, (ii) data display, (iii) verification and conclusion. Data analysis is done through : (1) analysis of validity, (2) analysis of practicability, and (3) analysis of effectiveness. The result of the research indicates that the Regional People's Legislative Assembly supervision mechanism against regional regulation in Barru and Pangkep regency is not optimal yet due to the absence of regulation which specifically regulates Regional People's



Legislative Assembly supervision mechanism through Faction, Commission, special committee, work meeting, working visit and hearing, (ii) Regional People's Legislative Assembly performance in both Barru and Pangkep regency, especially those related to productivity, quality, responsibility, accountability, qualification is low and limited

## 1. Introduction

In the Preamble of Constitution 1945 unequivocally and clearly there is a national goal which became the ideals of Indonesia. The national goal of which is "to protect the nation of Indonesia, to promote general welfare, to enrich the life of the nation". This objective then elaborated or translated into national development in the field of ideology, politics, and law.

In embody the goals of national development in the field of law and politics, various regulations on state institutions have been reformed. The purpose of such reforms so that a healthy and stable democratic life can soon be realized as well as the institutions of the country both formed before reforms and after reforms are able to improve governance as well as possible.

One of the most important regulations in the era of regional autonomy is the strengthening of Regional People's Legislative Assembly institutions. In Article 343, Act Number 27 Year 2009 on the Composition and Position of the People's Consultative Assembly, House of Representative, Regional Representative Council, and Regional People's Legislative Assembly states that Regional People's Legislative Assembly Regency/Municipal has functions (1) Legislation, (2) Budget, (3) Supervision. In relation to the implementation of the function, Article 344 (1) point c states that the Regional People's Legislative Assembly in regency/municipality has the duty and authority to exercise control over regional regulations and the regency/municipal budget revenues, other laws and regulations.

The substance of the above provision indicates that one of the important functions of the Regional People's Legislative Assembly in the implementation of regional government is the function of supervision. The Regional People's Legislative Assembly oversight function is a political and policy oversight rather than a functional technical oversight. Regional People's Legislative Assembly is essentially an organ of government at the local level that carries the hope of the people to act as representation and agenda of the people's interest through policy formulation and supervision of local government.

In Act Number 32 Year 2004 has been regulated normatively about the position of Regional People's Legislative Assembly as a partner of local government in carrying out the tasks of government and development. As a partner, the role and bargaining position of the Regional People's Legislative Assembly becomes balanced, so the position of Regional People's Legislative Assembly members is expected to exercise control or supervision over the local government.

In relation to the development of autonomous regions, the quality of the Regional People's Legislative Assembly is concerned with representation, control and legislation in the determination of policies and management of autonomous regional development. Jimung [1] states that the implementation of the functions of Regional People's Legislative Assembly, so far there are three assumptions that always appear. First, the Regional People's Legislative Assembly is considered to be less able to perform its function as a balanced and effective partner of the head of the region. This assumption tends to assume that the role of head of the region is still quite dominant in the implementation of regional government. Secondly, the Regional People's Legislative Assembly is considered too far interfere in the field of duties of the head of the region so that it tends to deviate from its main function as a regional government agency that organizes legislative functions. The new position of a strong Regional People's Legislative Assembly has led to a negative assumption, as if the legislature has become a new authoritarian political institution and agency, just like the executive institutions of the past. This is because the role of its members is considered excessive and can disrupt the government. The ideal position of the legislative and executive role in the conception of checks and balances, needs to be redefined. Thirdly, Regional People's Legislative Assembly is considered not to have equal opportunity with head of the region to participate in formulating local government policy.

The existence of Regional People's Legislative Assembly during this reformation period including Barru and Pangkajene Islands (Pangkep) Regency is very interesting to be studied. General impression on the optimization of the role of parliament is less common also in Barru and Pangkep Regency. The mechanism and performance of Regional People's Legislative Assembly especially in the field of supervision has been impressed as a vengeance event. This condition, of course, greatly affects the implementation of good governance principles in Barru and Pangkep Regency, namely accountable and transparent government.

At the empirical level, the Regional People's Legislative Assembly of Barru and Pangkep Islands Regency also get a lot of attention. The strong allegations of these legislators have not worked optimally against any use of the authority they possess. Another factor is the allegations of rivalry Regional People's Legislative Assembly and Barru and Pangkep Island Regency governments come from different parties (party bearers) can also disrupt the good governance wheel.

In the results of the first year of research in 2013 the data stated that there was empirically none of the rules that contain the pattern or supervisory mechanism that is standard guided by members of parliament. This condition makes the Regional People's Legislative Assembly members of Barru and Pangkep Islands Regency in the supervision of the government seem haphazard and without clear standards.

In addition, institutionalized organizational activities (Regional People's Legislative Assembly) are also found that supervision conducted by the Regional People's Legislative Assembly (fraction or commission) does not have a monitoring plan that will be done so that the implementation and evaluation of the supervision will not work. This condition resulted in supervision by Regional People's Legislative Assembly Barru and Pangkep Islands Regency are not running optimally.

Based on this background, it can be argued that the formulation of the problem is (i) mechanisms and procedures of Regional People's Legislative Assembly supervision of regional regulations towards accountable and transparent governance in Barru and Pangkep regency; (ii) the performance of Regional People's Legislative Assembly members' oversight of regional regulations towards accountable and transparent in Barru and Pangkep regency, (iii) a performance-based parliamentary oversight model of regional regulations towards accountable and transparent governance in Barru and Pangkep regency.

## 2. Literature Review

### 2.1. *Regonal People's Legislative Assembly*

Deeply discussed about the function and role of the legislature, theoretically there are several views of experts, among others, is the opinion Cipto [2] that to be able to carry out the duty as a representative of the people, the legislature has the main functions, namely: First, Determining Policy and the making of the law, for that as a representative of the people given the right of initiative to change the legal prepared by the government, and the budget right. Second, Control the executive body in the sense of keeping all executive actions in accordance with established policies, then to carry out this task, the legislature is granted special rights of control.

LaPalombara [3], says that legislators as the basis for the extension of the people's hand in political life have five functions: "Rule Making (enacting laws), Representation (representative or channel aspiration), Aggregation of Interest (unification of interest), Political socialization and education, Supervision and Secrutiny (supervision and investigation) then further La Palombara explains that there are many factors that affect the quality of Legislative members in performing their functions as people's representatives, Rule Orientation (orientation of power), Nature and the Timing of Issue (source and momentum that determines the issue to grow), Behavior, Enviromental and Political, all these factors are complementary.

While Imawan [4] said that the Legislative body has four functions, namely: "First, the Legislation Function (Legislation) includes: self-regulation, Being a mediator between the interests of the people and the government". Second, Budget Function (Budgeting ) includes: Designing and determining the

direction and activities of the government, this function is related to the ability of the Regional People's Legislative Assembly to distribute local resources (including budget and so on) on a politically determined priority scale. Third, Supervision Function (Control) Includes: activities to facilitate the development of the interests of the community based on the agenda set by the government, the representative body assesses whether the government's activities are still in harmony with the aspirations of the community and ensures that aspiration developments can still be accommodated in the government work plan. Fourth is the Conflict Regulators, including the activities to accommodate and absorb conflict of interest which develops in society so that conflicts at the community level can turn into internal conflict of representative institutions as part of a political system.

Regional legislative institution have the authority to legislate regional regulations together with head of the region, oversee regional budgets, and oversee the running of regional governments [2]. Regional People's Legislative Assembly in performing its functions, have rights and obligations in accordance with the formulation of applicable legislation, the essence of having rights and obligations is that in order to expand its duties as representative of the people, especially for the supervision function of the Legislative Institution can be measured from how far the institution the regional legislature has exercised its supervision rights, to supervise the execution of the course of governance in the Region.

In the context of the Regional People's Legislative Assembly as one of the institutions or representative bodies of the people in the regions, in which various activities are carried out by a group of people believed through a selection mechanism, thereby reflecting the structure and system of democratic governance in the region, it formally has the right, in carrying out the duties and authorities as representatives of the people as stated in Article 42 of Act Number 32 Year 2004 includes: a) together with the Regional Government to form a regional regulation; b) discuss and approve Regional Government Budget; c) supervise the implementation of Regional Regulation; d) propose the appointment and dismissal of head of the region and deputy head of the region; e) electing head of the region/deputy head of the region in case of vacancy; f) submit a Draft of Regional Regulation; g) determining the Regional People's Legislative Assembly Budget; h) stipulate the Regional People's Legislative Assembly Code of Conduct.

## 2.2. Performance Concept

The basic concept of performance (basic conception of performance) can be approached through the approach of performance techniques and economic market approaches. Performance by technical approach is defined as the standard of work units produced. While the economic market approach relates to the level of production produced by the use of certain resources [5].

According to Armstrong (in cite [6]) said that performance is the result of work that has a strong relationship with the organization's strategic goals, customer satisfaction, and contribute to the economy. From this understanding can be understood that the performance is determined by the goals to be achieved, as well as efforts to provide satisfaction to the community (consumer) so as to contribute to the organization. Furthermore, according to Keban [7] said that "Performance is not only judged from the side of personnel or employees only, but in general must also be interpreted as the degree of achievement of the results (degree of accomplishment) so that Keban also said that First Individual Performance Describe the implementation of task a person so as to provide the results set by the group or institution, the second Group Performance describes the implementation of the basic activities of a group so as to achieve the results set by the Institution, Third Performance of the institution with regard to the implementation of all the principal activities of the institution so as to achieve the Vision or mission of the institution, and the Fourth Performance Program / Policy concerning the implementation of activities in the program or policy that has been implemented so as to achieve the purpose of the program or policy concerned.

Levine and Forrence [8] proposes three concepts that can be used to measure the performance of public bureaucracy, namely:

- a. Responsiveness, namely the ability of the organization to recognize the needs of the community, preparing the agenda and priority services and develop public service programs in accordance with the needs and aspirations of the community. In a nutshell, responsiveness here shows the alignment between programs and service activities with the needs and aspirations of the people. In a nutshell, responsiveness here shows the alignment between programs and service activities with the needs and aspirations of the people. Responsiveness is included as one of the performance indicators because responsiveness directly illustrates the ability of public organizations in carrying out its mission and objectives, especially to meet the needs of the community. Low responsiveness is indicated by the dissonance between service and community needs. It clearly shows the failure of the organization in realizing the mission and objectives of the public organization. Organizations that have low responsiveness by themselves have a poor performance as well.
- b. Responsibility, which explains whether the implementation of the activities of public organizations is done in accordance with the principles of administration that is correct or in accordance with the policy organization, either implicit or explicit.
- c. Accountability, refers to how much the policies and activities of public organizations are subject to the political officials elected by the people. In this context, the concept of public accountability can be used to see how much the policies and activities of the public organization are consistent with the will of the public. The performance of public organizations can not only be seen from internal measures developed by public or government organizations, such as the achievement of targets. However, performance should be assessed from external measures, such as the values and norms prevailing in society. An activity of public organization has a high accountability if the activity is considered correct and in accordance with the values and norms that developed in the community.

Furthermore, Dwiyanto [9] adds several indicators that are usually used to measure the performance of public bureaucracy, in addition to those proposed by Levine and Forrence [8] namely:

a. Productivity

The concept of productivity not only measures the level of efficiency, but also the effectiveness of the service. Productivity is generally understood as the ratio between input and output. This concept is perceived as too narrow and then General Accounting Office (GAO) tries to develop a wider productivity measure by including how much public service has the expected results as one of the important performance indicators.

b. Quality of Service

The issue of service quality tends to become increasingly important in explaining the performance of public service organizations. Many of the negative views formed about public organizations arise because of the public's lack of service quality received from public organizations. Thus, the satisfaction of society to service can be used as indicator of performance of public organization. The main advantage of using public satisfaction as a performance indicator is that information about community satisfaction is often available easily and inexpensively.

### 3. Finding and Recommendation

- a. The results of the research indicate that the Regional People's Representative Assembly supervision mechanisms against regional regulations regulations in the regencies of Barru and Pangkep have not run optimally due to the absence of regulations that specifically regulate the Regional People's Representative Assembly supervision mechanisms through the Fractions, Commissions, special committees, working meetings, working visits and hearings ( hearing) so that the supervisory function runs rigidly, not systematic, biases interest (political).
- b. Based on the literature study, documentation and in-depth interviews and Focus Group Discussion, it is found that the portrait of Regional People's Representatives Assembly performance in both Barru and Pangkep regency is particularly related to productivity, quality, responsibility, accountability, low and limited qualification.
- c. In carrying out the Regional People's Representatives Assembly supervision function for the realization of accountable and transparent governance of course various kinds found in the field both internal and external. Other obstacles (i) The internal rules of the Regional People's

- Representatives Assembly in the field of supervision do not provide a great space for optimal supervision, (ii) Regional People's Representatives Assembly commissions filled by members of the House of Representatives from the Regent elected parties and non-party elected, (iii) the level of welfare of Regional People's Representatives Assembly members, (iv) quality of human resources (HR) derived from various scientific backgrounds, (v) less controlled of technical political oversight and technical supervision, (vi) the execution of recess which is not optimal. While the external constraints are (i) rules or regulations that have not been comprehensively supervised, (ii) Political temperatures have not subsided after the Regent election, (iii) Facilities and infrastructure to improve personal quality are inadequate, (iv) Placement of Regional People's Representatives Assembly positions as Regional Officials and the parallel counterpart has not run optimally, (v) The result of the follow-up of the Regional People's Representatives Assembly political oversight is a Recommendation that does not have any legal consequences.
- d. Monitoring functions of Regional People's Representatives Assembly Barru and Pangkep Regency will run optimally in carrying out supervision, striving for each fiscal year, should Regional People's Representatives Assembly institutionally create a supervisory agenda that will be done during the next year; at the commission level create an agenda appropriate to the field of assignment and the duration of his trial; in the Regional People's Representatives Assembly institutional manner, consolidating the monitoring agenda of each commission.
  - e. The regulation that gives too much authority to the Regional People's Representatives Assembly in the area of supervision not accompanied by technical supervision rules should be followed up by the Regional People's Representatives Assembly of Barru and Pangkep Regency by making further rules in the technical regulations such as the Regional Regulations.

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