

THE DETERMINANT FACTORS TOWARD THE EFFECTIVENESS OF SUPERVISION FUNCTION OF LOCAL PARLIAMENT (DPRD) IN SINJAI REGENCY

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ABSTRACT

This research was conducted in Sinjai regency entitled the determinant factors toward the effectiveness of supervision function of local parliament (DPRD) in Sinjai regency. This research aims at finding out the factors which determine the effectiveness of supervision function of local parliament (DPRD). The data were collected by using in-depth interview of the informants consisting of legislators, executives, LSM members, community leaders and politicians. The data were analyzed by using descriptive –qualitative technique with the interactive model. The research finding shows that determinant factors consist of internal and external factors. The internal factors are (1) the legislator's ability (education, experience, and skill), (2) the legislator's behavior, and (3) legislators' demanding needs. The external factors are (1) political recruitment process, (2) executive intervention toward the legislators, and (3) Changes of regulation or rule of law.

Keyword: *determinant factors and Effectiveness of supervision function of local parliament (DPRD).*

INTRODUCTION

Development is stated successful when it can be achieved efficiently and effectively without there is a party which is harmed either materially or non-materially and either from the actor (subject) or the public (object) of the development itself. The definition of the development in this paper is the development implemented by the local government as a configuration of regional autonomy implementation widely and responsibility which has normatively been regulated in the Law Number 32 in 2004 about local government.

The success indicators of the development in a region are not only determined by how to plan and execute it well but also determined by strict supervision factors conducted by the institutions that have the authority conducting supervision in the region. The institutions are functional supervision agency consisting of and Development Audit Agency (BPK), Corruption Eradication Commission (KPK), local inspectorate, and the others important

supervision are public supervision and political supervision of local parliament (DPRD).

Although supervision function of local parliament (DPRD) is philosophically political supervision, DPRD in the Law Number 32 in 2004 and law Number 27 in 2009 concerning the composition and position of the MPR, DPR, DPD and DPRD is clearly explained that DPRD has three functions namely legislation functions, budget functions and supervision functions. These three functions play an important in determining the success of development in the region. However, the supervision functions often get attention and criticism from the society because this function tends to be assessed that the implementation is not optimal which certainly have an impact on the poor performance of local governments in implementation its function as the implementer of the development.

The function of supervision owned by DPRD is oversight political supervision. It means that DPRD conducts

observations and instructions on local government performance based on the existing framework and existing provision. The problem is whether the policy implemented has been based on work plan of local government (RKPD) or not.

Theoretically supervision conducted by each institution which has authority conducting supervision including DPRD supervision aims at pressing, directing, monitoring, supervising and auditing executive in implementation policies which have been determined by the government by expectation that the objectives will be achieved efficiently and effective (Jimung: 2004).

Factually the supervision function which has been conducted by DPRD toward the executive is still assessed by the society far away from the expectation. Therefore, the legislative members in region especially in Sinjai regency often get attention. They are assessed weak because they are not able to perform pressing and controlling toward the executive in the region. On the contrary, some cases of DPRD are regulated by the executive. Therefore, the position of DPRD is becoming weaker (Silaban: 2009).

Based on the above phenomenon, the writer tries to analyze the determinant factors toward the effectiveness of supervision function of DPRD to the executive in Sinjai regency by using descriptive –qualitative analyzing with the interactive model (Miles & Huberman: 1992) after conducting in-depth interview to some informants consisting of legislative members, politicians, LSM members, society leaders, and executives.

DISCUSSION

a. Supervision Function of DPRD

Based on the nature of DPRD as local legislative institution, supervision of executive is another function of DPRD. The supervision is conducted through the use of the rights which are owned by

DPRD. The implementation of supervision function is very important. The implementation of supervision function by DPRD toward the formulation state policies implementation greatly interested the attention of researchers of political science and public administration. Therefore, this is an indicator of sovereignty society implementation which becomes the main of five principle democracy system (Effendi: 2004).

Some supervision functions including legislative supervision are needed because this function is an internal function in order to manage the development. The legislative supervision is one reflection of five principle democracy. Therefore, it needs to be implemented so that the society can participate in managing the development.

Thereby, supervision by DPRD toward the governance implementation is very important in order to maintain a harmony of the implementation of government duty, effective and efficient development, and it can avoid and solve all forms of deviation which can damage the rights and the interests of state, region and society. The supervision by DPRD is one of the most important forms of supervision required in the implementation of development management as a reflection of the public participation and the nature of five principle democracy.

The performance of DPRD especially in the supervision field in political system is a reflection of the implementation level of democratic statehood. Therefore, the study of the factors influencing toward the institution performance is very important considering that the duties and functions performed by the local legislative institution in the autonomy era now are very large. Johnson and Lenvine stated that there are two main factors influencing a person's performance. The first is individual factors consisting of attitudes, personality characteristics, physical characteristics, desires or motivations, ages, genders,

educations, work experiences, cultural backgrounds and other personal variables. The second factors are social and organization factors consisting of policy of organization, type of training and supervision, wage system, and social environment.

The weak of the role of local legislative institution based on the society expectation is caused by two main factors. Both of those factors are internal and external factors. Fried in Isra (2002) proposes 10 factors that can inhibit the function of political institutions including DPRD. Those factors are information, expertise, social power, popularity, legitimacy, leadership, violence, rule, economic power, man power, and job title. Curtis in Cipto (1995) identifies some the weaknesses source of legislative institution consisting of the lack of work facilities, the lack of research and library facilities, the lack of secretariat personnel, and existing commissions in the institution. Sanit (1985: 79) classified factors that can inhibit the function the legislative members in the implementation of their function into two factors. They are internal and external factors. The internal factors are: (a) the regulation of the rules: the rules aim at conducting the duties orderly and efficient. However if the rules are too detailed, it may inhibit the implementation of a duty. The rules which are too detailed faced by the legislative members to implement their duties, (b) Data and information: the most prominent thing in this topic is that the legislative members in receiving data and information needed are slower than the executive. Beside that in deciding a policy which is collective in organization is more difficult than in executive party considering the number of interests which exist in legislative institution, and therefore it needs a bargaining of members/groups, and (c) the quality of legislative member: formally, the quality of legislative member has increased however, this did not have an implication significantly toward the

improvement of legislative members' performance. The problem is situated at the legislative members' mental to be truly representing the society. Because they are nominated by party, and therefore many legislative members do not have root in society. This conditions cause many legislators who act like a bureaucrat. They think that they have to be served by the society and not on the contrary.

The external factors are: (a) Mechanisms of the General Election: the general election system which we have adopted is actually very adequate to obtain a representative leader. However, the mechanism implemented has produced the instant society leader. The use of vote getter has given an opportunity for rising unknown leaders by the society, (b) the Position of the Executive and Legislative: in Indonesian governance system, the legislative institution is placed as executive partner. The partner in this context is practically considered that the position of executive is stronger than legislative. Therefore, this condition is most influential on the implementation of duties and functions of each institution.

In accordance with the above opinion, Thaib (2000: 65) suggested that at least there are internal and external factors influencing toward the legislative members' performance in performing their duties and functions. The internal factors are (1) the disciplinary rules: the work mechanism of internal legislative institution is regulated by a disciplinary rule. This rule is considered too complex and therefore the legislative members are difficult to implement their duties and play a bigger role. As an illustration, the use of right owned by DPRD can be implemented if it is proposed by at least 20 members belonging to at least 2 fractions. There are two problems arising. The first, the minimum number of legislative member conducting the right is too big. The second, the involvement of fraction is at least two fractions. This involvement can cancel the implementation of the DPRD rights if there

is only one faction which wants the use of the rights owned by DPRD. Rejection of the other faction is a natural thing because every faction wants the use of the rights derived from his own faction. Unfair competition like this according to Maswadi Rauf is the factors hindering the use of the rights of DPRD, (2) members' quality: the factors of members' quality are an important factor in optimizing the role of legislative institution. Greater role of these institutions will not be achieved if these legislative members of the institutions do not have ability for it. The quality of DPRD members until now is under the quality of the executive and therefore the DPRD members can not entirely compensate the governments' ability to implement their function. The qualities in this context is considered in terms of a political career formal education, (3) the limited of available facilities and budgets can inhibit the development of supporting facilities required the working fluency of this institution. The supporting facility is working room for each members and staffs. In addition, the other facilities needed information service which will provide a variety of information required by the members. Without adequate information which is easily to be found, the legislative members have difficulty in discussing various issues with the partners. The internal factor is contained in the Law No. 32 in 2004 which puts local parliament (DPRD) as an equal partner with the local government. Thaib (2000; 60) stated that the external factors are: (1) general election system: as we know that in the Indonesian politic system, the candidates of legislative members are the candidates proposed by each political organizations. This mechanism has produced instant society leaders so that the elector sometimes does not know the candidates proposed.

Therefore, the general election system implemented is not yet entirely supporting a high quality of legislative member. In addition, the dominance of

political leaders of social organization makes the legislative members felling not freedom in the implementation of their duties. This condition makes the legislative members feeling closer to the political leadership of social organization than the society as the voters, (2) Historical Background and the Current Political Climate: in the Indonesian political system the dominance of executive toward the legislative is very strong. It can be seen since the Declaration of Independence until the era of new era (Orde Baru). The top occurs at the demobilization of Constituent Assembly election results in 1955 by Soekarno as President on July 5, 1959. In addition, our constitutional system really wants this thing as indicated in Article 4 (1) UUD 1945 which explains that "the President has the power of government", and therefore the President (executive) plays a central role in the implementation of country life. In the context of local parliament (DPRD), this condition is based on the Law Number 5 of 1974 especially in article 80 which states that the Regional Head has more power than local parliament (DPRD) because this law adopts dualism of regional head's role namely the regional heads which also serves as Regional Head who represents central government in the district, (3)the Lack of Awareness toward the Constitutional Mandate: the constitution UUD 1945 explained that " ...the most important thing in the governance and country life is the spirit consisting of country implementers spirit, country leaders spirit...". In fact, the local government has not been entirely supporting the working relationship with local parliament (DPRD) which the votes of local parliament (DPRD) are often not paid attention by the local government. Therefore, this condition is on the contrary to the spirit of kinship mandated by the constitution. In addition the suggestions given by legislative institution should be paid attention by the executive.

Based on the description above, the researchers get an idea that there are some factors which have been proposed by some researchers and authors earlier. They said that the things which affect the performance of legislative in the implementation of their main duties and functions consist of internal and external factors. The internal factors consist of the disciplinary rules, data and information, education level, experience, and facilities. The external factors consist of mechanism of general election system, and suitability of relationship between the executive and the legislative of governance implementation system.

From the above statement, the author would make a comparison in analyzing the factors which become the inhibit factor for DPRD in performing the supervision function toward the the governance and the development in Sinjai regency.

b. The Determinant Factors Toward The Effectiveness of Supervision Function of Local Parliament (DPRD) In Sinjai Regency

The low quality of DPRD performance of Sinjai regency in performing the supervision function toward the agreement between the government and third parties in Sinjai regency is not only caused by the unclear concepts and mechanisms of supervision toward that agreement but only based on the research finding. It shows that there are at least two constraints experienced by DPRD in performing the supervision function namely internal and external constraints. The internal constraints are: (a) the ability of legislative members (education, experience and skill), (b) the characters of legislative members (Ethics and Moral), and (c) the demanding needs of legislative members. The external constraints are: (a) political recruitment process, (b) intervention of the legislative toward the executive, (c) regulation of the Law. For more details, the author will explain those constraints.

1. The Internal Constraint

a. The ability of legislative members (education, experience, and skill)

The abilities of legislative members which consist of education, experience and skills are a determinant factor toward the success in performing the supervision function of the governance. Therefore, low levels of education, less experience and low skill will certainly be the constraint factors in performing the duties and the supervision function. In order to improve the ability of legislative members in performing them, the ability, experience and skill of legislative member should be improved. The education level of legislative member is still low. It is characterized that there is still less than 50% who had high school education or equivalent. There are about 50% who had undergraduate (s1) and post graduate (s2). It means that there are many legislative members who are low in education. In addition, some legislative members who are at the moment not as a legislative member was never registered as a student but they are suddenly become a scholar for more than two years. It means that the quality of their graduate is questionable. Moreover, some of them stated that their colleague becomes a scholar in short time. They do not attend the lecture activities.

In connection with the influence of educational level on the ability to supervise, then ideally the political aspects of the recruitment process needs to be a priority of education. The ability of members of Parliament in terms of the experience is also important and affect its ability to conduct oversight of government functions, whether it is the experience of a political party that carried him or

experience in organizing a very influential and important, therefore, should any political party, who want to do recruitment of candidates for the parliament, should pay attention to aspects of the experience.

Skill or skills of a member of parliament is also an important indicator and a determinant factor in determining the ability of Parliament to carry out oversight functions, while in some facts indicate that many district councilors Sinjai has skill and low skill in carrying out the functions and its role as a member of parliament, so that it is an obstacle for them to carry out oversight functions and other tasks. This can be justified by looking at the facts on the ground, among others, such as the still low level of education, less experience, and professional backgrounds are diverse, there is work as a driver, professional trader, a retired teacher, former head of the village, homemaker stairs, and other professions that are less relevant to his role as a member of parliament.

Based on the above facts, the legislators should be improved through training or technical guidance is good and right, because there is an impression, that the technical guidance activities undertaken by members of the local parliament Sinjai just a formality and just spend the budget, how much training is not funded tens of millions , with a duration of execution time for two to three days, it is shortened to one or half a day, so with this condition, would be difficult for us to expect high quality and skills of the members of Parliament, because they are products of a system that is not true, especially training and technical guidance if it is only done in cooperation between the parliament with existing NGOs in the center with the main purpose of mutual benefit materially.

b. Behavior of Legislators

Unfavorable behavior of members of Parliament, is an inhibiting factor internally for them to carry out oversight functions, it is impossible because we expect that legislators are less good behavior and integrity to perform oversight functions, while based on fact, there are some unscrupulous members of parliament that character and integrity is doubtful, and it happens since they have not become members of parliament and ironically until now they've become members of parliament, the behavior is still carried. As evidence is when they have not been a member of Parliament, was drinking alcohol habits, style thugs, to impose its will on education to get some cover behind the project with NGOs. and until now still behave like that, but the difference, if now they often overbearing, intimidating or on education agencies to get the project to take cover behind his power as a member of parliament. The above behavior is a violation of the norms and ethics as a member of Parliament, as has been described in Law No. 27 of 2009, in particular Article 351 paragraph g and h which states that a member of parliament should obey rules and keep the ethics and norms in working relationships with other agencies in the administration of the district / city.

The incident is a fact that as it is common knowledge and allowed to proceed without any attempt to stop, because the agency does not honor Sinjai regency able to do much, even as if they do not know this, while party leaders ignored that and carried it, and most fatal is concerned has been expelled from the party however, still sits as a member of parliament. In terms of the rules of this law is a

capital offense, especially Law No. 27 of 2009 concerning the composition and position of members of Parliament and., And Law No. 32 of 2004, concerning local government, as it is said in the law firm the law that the legislators quit his membership if he was discharged or dismissed from the party.

Behavior of the member is at the top of an unfavorable traits and a violation of the norms and ethics as a member of Parliament, in order to avoid him was accommodated legislators who have poor character and dubious integrity, should any political party candidates who want to recruit members legislature, so that the character and integrity of the candidate, to be considered in applying the list of names of candidates to be proposed.

c. Necessity Demands Legislators

Become a member of parliament for many people is a prestige quite encouraging, so many people willing to sacrifice their possessions and objects in order to perform as a member of parliament. For those who have sufficient financial, of course, have the opportunity to elect, and vice versa for those who have limited financial capabilities, would also have a small chance.

Number of facilities, as well as high reward legislators revived a motivation for the people who are involved in taking care of the party or the people whose properties financially to advance to the legislature, although not all of them accommodated a member of parliament, for those who had netted a member of parliament is a matter of pride, because then they have the opportunity to enjoy the facilities provided by local public officials. The facilities are prepared is the home

office, service vehicles, and a variety of other benefits, this is certainly a very lucrative opportunity, especially for those who had not previously enjoyed such facilities.

Being a member of parliament is a supreme appreciation for certain people, so with the position of making their lifestyle to be transformed from ordinary life into an exclusive lifestyle, making it less of them as a member of parliament to force myself to stylish living Luxury-round, although in terms of the ability is still full of limitations. With status as a member of Parliament as there is a presumption of the public that everything should be all-round more than others, so that not a few of them to force myself to meet him personally, for his family and even his group needs to berbgai way, although they do often less rational, for example, for instance there is the assumption that legislators are not shy when driving to the office, if not embarrassed expensive dress, as well as many other needs which if measured in financial terms is quite burdensome and difficult to reach them, such as this needs which often makes them dark eyes by performing actions that are sometimes contrary to the rules and norms, such as corruption budget, look for a realtor and projects, and technical guidance to travel is not in place, study visits and received gratuities from the agency heads , and to make matters worse many of those who mortgaged his salary for five years in order to meet the demands and needs even more than that there is nothing to add to his salary to cover the credit in the bank.

Above conditions is a reflection that demands so much influence legislators, so often they act and behave outside the boundaries of reasonableness, which ultimately led to their behavior like this is difficult to

think clearly and act independently, so difficult for him to do control and supervision of the government, precisely because they are more foul than the government or the executive.

Based on the data and the facts above, then steps must be taken to parliament against the government's oversight functions can be run optimally are: 1) to enforce the rules on the permissibility of legislators not taking care of the project 2). reduce the level of dependence on the executive Council; 3) the need to make the fact of integrity for the candidate before being elected member of parliament, that it includes on its readiness to not do things that are contrary to the rules and code of ethics councils. 4). Created the need for rules governing a member of Parliament is not allowed to borrow more than the basic salary and allowances to be received on a monthly basis; 5) the need to consistently enforced the rule against for each candidate to make such money in politics and campaigning.

2. External Constraints

a. Political Recruitment Process

Recruitment process candidates for the parliament is the determinant factor of the effectiveness of the oversight function of Parliament, because if the candidate recruitment process conducted both legislators and selectively based on rational consideration of objective, then it certainly will produce legislators who are capable and have high integrity, otherwise if peroses recruitment prospective members of parliament do not be selective, it will produce legislators who are less capable. Therefore as a condition of a good recruitment is doing networking peroses by considering aspects of education, experience, skill and ethical

aspects as well as morality, which would give birth to legislators who have high integrity

One of the disadvantages faced by political parties in the district partly Sinjai is when they do the recruitment process by ignoring the values of cadres, the aspect of education, experience, skills, and ethical and moral character of the candidates so that there is a tendency that the candidates elected are those which has a low integrity so very hard we expect legislators who are able to carry out oversight functions to the fullest.

To avoid netted his prospective legislators who do not have enough education competence, low integrity, as well as the experience and skill is low, then the political parties in the conduct peroses crawl candidates, should be done selectively taking into account aspects of ethics, morality, integrity, education , skills and experience, and most importantly are required to test and proper test for any candidate who will register as a member of the legislature, because based on the observations and statements of some leaders of the party, in general, they said that the candidates-candidates they put forward and has a member of parliament through peroses never test and propertest, so it is natural when we encounter a Sinjai district councilors who have a very low capacity.

Recognized or not, consciously or unconsciously, against legislative intervention eksekuif party in carrying out its functions is still difficult to avoid, this is the case because of the limited ability of legislators resources, both in terms of quality and in terms of quantity, also due to the desire of the government itself to always dominate parliament, since the parliament means mastering

will rejuvenate all matters relating to the functions and role of parliament, so it is certainly not surprising to us if the government officials (Regent) often struggle to sit in parliament members via fraction or Komis-committee considered strategic .

Another form of intervention by the government to the parliament is seated confidant as secretary of Parliament (Sekwan) because although Sekwan politically responsible to the chairman of the parliament but is structurally responsible to the district through regional secretary (Secretary), this means that in terms of financial administration and regents are still major intervention against Sekwan, while all the needs of legislators both in terms of administration and finance is still under the control of the regent through Sekwan. It means that the Parliament in carrying out their duties is intervened by the regent, so that the independence of the parliament's position both in terms of budget and in terms of administration and resources are low so it is still difficult we expect to perform optimally control

One of the main efforts should be made by the Parliament to reduce the level of dependency of the parliament or the government's interference in terms of the quantity of human resources, then the legislators should have expert staff to help perform administrative tasks legislators, it's just that this has not been done because it is constrained by budget, and of course it is up again to the government or the district as a budget manager. In addition because of budget constraints complained of by the government so that the procurement staff of experts is not done, also because there are other indications, that the government was afraid to rivaled by members of parliament, because by having the

expert staff means more powerful that legislators increasingly difficult for the government diinterfensi (A.Ir, January 12, 2013).

b. Changes in Regulations or Rules of Law which is not enforced

Along with demands for reform, then as one of its effects is the change in a variety of regulations, including the occurrence of changes in the law No. 5 of 1974 concerning local government into law number 22 of 1999, in which these changes have provided more servings Regions of the government to take care of the autonomous region, which later helped in this change and also provide space for wider powers to the parliament, because as we understand together that since berlakuknya local government legislation in the new order, the role of Parliament as only as dolls and mine the rubber stamp for the government or executive, supervisory functions because parliament was then just a term, in fact there seems to be an impression that it is a supervised legislators themselves, this can be proved by the many members of parliament were banned at the time, if they criticism to the executive.

The impact of the implementation of Law No. 22 of 1999, is a greater authority to the Council to carry out the executive functions of monitoring, which eventually became a threat to the existence of the government for not a few of them (Regent) which denied accountability report by Parliament , because it is considered problematic or not in accordance with the implementation of the plan, even more than that many heads of regions at risk (impeached) in the middle of the road before his term ends. The above fact reaping a lot of criticism from the executive, so that later gave birth to

the idea to conduct a review and revision of local government legislation which marked the birth of the Law No. 32 of 2004, in which the law has been set out clearly, especially Article 40 states that the Council is the representative body of the people and the area serves as an element of the regional administration, this article makes it clear that the position of Parliament with the local government is the same, so none of the regional administration of the activities that qualify and run by government without the knowledge of Parliament

Parliament the same position and balanced with the government in terms of the delivery of local government aims to avoid either of these two institutions that dominate, and it is politically and practically can run, which is characterized by more intense both organizations to build synergies, only the cooperation would open a gap for both the conspiracy and collusion is mutually beneficial to both institutions, so that the supervisory function which is owned by the Council be infertile, as eliminated by the pull of personal and group interests of both parties.

Efforts to change regulations in order to force the two institutions, in order to carry out the functions and roles of each can have a balanced force, apparently not much of a positive impact, because it turns out these two institutions with the power that I owned each feels has the authority to influence, because on the one hand, the executive is still a great desire to dominate the parliament, while on the other hand with the position of parliament as government partners feel they have the authority as a determinant for any policy to be taken by the local government.

The facts described above, shows that although the rule changes have been made several times, but can

not give assurance that the oversight function of parliament will run effectively, if the people who participate in these institutions do not have high integrity and commitment to perform the function and each task based on the existing rules and regulations.

The conclusion that can be drawn from these facts is that regulatory changes provide a balanced position between the Parliament and the government (executive) without being accompanied by a consistent application of sanctions against those who violate both the parliament and the executive, then the result will still not give effect significantly to the implementation of the oversight function of Parliament, even with a balanced position as a partner will open up opportunities for synergy in conducting cooperation in terms that are less favorable for many people, for example, is the number of legislators who requested the project or grafitifikasi to local governments, and governments with what it had to serve the wishes of Parliament, because otherwise it would get in trouble in the discussion of the budget in parliament, and thus it is our hope to make the parliament as an institution independent control even further.

CONCLUSION

Determinant of the effectiveness of oversight functions legislators in performing oversight functions of Parliament, consists of internal factors include: 1) The ability of members of parliament (education, experience and skill). 2) Conduct legislators (Ethics and Moral) 3 Demands needs and interests of members of parliament. The external factors include: 1) peroses political recruitment, 2) Dominance or executive intervention against members of

parliament and, 3) Changes in regulation or rule of law.

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