

STRENGTHENING FUNCTIONS OF LOCAL INSTITUTIONAL REPRESENTATIVES

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ABSTRACT

In the system According to the Local Government Act No. 32 of 2004, Parliament was an element of the regional administration. As an element of the regional administration, the position of parliament and an equal partner Regional Head. In order to Strengthen the institutional functions of Parliament required that progressive programs and supports. The research was conducted in the local parliament Ngawi East Java. The method used is the method of empirical legal research. In order to improve the institutional function there are three functions that must be strengthened. First is the function of legislation. Council Legislation Committee is a permanent fittings and a think tank Council in performing a legislative function. Second is the function of budgeting. Budgeting functions have a role very dizzy in the welfare of the people and improve competitiveness. Budgets at the local level (budget) has a significant relationship with the national budget (Budget) is as a tool to address issues of vertical fiscal imbalance. Third is the oversight function. One of the functions of monitoring the implementation of the Council is to investigate a policy on the regional head of strategic importance.

Keywords: strengthening, functions of institutional, local representatives

INTRODUCTION

The Law must be adequately accessible: the citizen must be able to have an indication that is adequate in the circumstances of the legal rules applicable to a given case ... a norm cannot be regarded as a law unless it is formulated with sufficient precision to enable the citizen to regulate his conduct: he must be able – if need be with appropriate advice – to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail (Sunday Time v United Kingdom in Tom Bingham, 2010). The government has two different functions (two distinct functions of government) is the function of political and administrative functions. Political function has to do something to do with the making of policy (public policy making) or a statement of what the state desires (has to do with policies or expressions of the state will), while administrative functions are connected with the implementation of those policies (has to do the execution of these policies). Thus is the power to make public policy to political power (political masters), and implement public policy was a state administration authority. But because the state administration in implementing policy in general had the authority called the "discretionary power", the discretion to interpret the policy in the form of programs and projects, then a question arises, whether there is security and how to ensure that the authority is used "correctly" and not be "wrong" or "good" and not "bad". Based on this behavior of politicians in making public policy and the administrative state (public bureaucracy) in implementing public policy had to be controlled and evaluated their performance in carrying out its duties and functions of each.

The Legislature in the area or regional parliament was formed, both at the provincial and regional districts and municipalities. In general, the legislature is called the agency that runs the power legislative, and is therefore commonly called legislative institutions in the area. However, it should be noted that the actual legislative function in the area, it is not entirely in the hands of Parliament as functions of the House of Representatives in relation to the President. As specified in Article 20 paragraph (1) in conjunction with Article 5 paragraph (1) of the 1945 Constitution the results of the First Amendment. Article 20 paragraph (1) of the 1945 Constitution, the House determined holds the power to make laws, and in Article 5 (1) states that the President has the right to the bill to the House. While the authority to establish regional regulation, both the provincial and district levels, remain in the hands of the Governor and Regent / Mayor with the approval of Parliament as well as the provisions of the 1945 Constitution before it was amended. Therefore, it can be said that the Governor and Regent / Mayor remains the holder of the executive power and legislative at the same time, despite the implementation of the legislative function is to be done with the approval of Parliament which is the controlling body of the local government authority.

Therefore, behold, the Council serves as an agency control over the power of local government rather than as a legislative institution in the true sense. But in the reality of everyday life, it is the local legislative bodies commonly referred to as the legislature. It is true, as well as the regulation of the function of the Parliament in accordance with the provisions of the 1945 Constitution before the amendment, the representative body of the people are entitled to propose a legal product design initiatives. Under the terms of the old 1945 Constitution, Parliament has the right to submit proposals Law design initiatives. Similarly Parliament, both at the provincial and district / city, under the provisions of the Law No.22/1999, the right to submit draft local regulation to the Governor. However, this initiative is not really the right seat parliament led to major legislative authority. The main authority in this field remain in the hands of the government, in this case the Governor or Regent / Mayor.

Therefore, the main function of Parliament is to control the governments in the region, while with regard to the legislative function, Parliament is not the position of the dominant actors. The holder of the dominant powers of the legislative branch was still governor or regent / mayor. Even in the Law No.22/1999 Governor and Regent / Mayor is required to submit a draft Regional Regulations and assign a local regulation with the approval of Parliament. That is, Parliament was merely acting as a regulatory agency or a controller which can approve, deny or approve with changes, and occasionally his own initiative may propose a draft regional regulation.

RESEARCH METHOD

This study used empirical methods or non-doctrinal juridical intended as an attempt to approach the problem studied by the nature of the law in accordance with the realities of life in the community. The approach is sociological / empirical non-positivistic approach and uses qualitative analysis. The descriptive nature of developmental research that provides a systematic overview of the object to be studied, developed a model that can be further developed to solve problems in the field. The research approach using qualitative research approach. Research location in Ngawi parliament. In this study the data needed include primary data and secondary data. Primary data, ie data obtained directly from the data source or first hand, especially concerning aspects of behavior, perception, attitude, and motivation of the legislature in lawmaking. Secondary data can be magazines, reports, results of previous research, legislation, and other publications. Secondary data sources include primary legal materials, secondary and tertiary. In this study, researchers used a qualitative analysis techniques, given the data collected largely qualitative data. This technique is appropriate for research that results are qualitative data, ie data that can not be categorized as statistically qualitatively.

DEMOCRACY OF PANCASILA

The Constitution of the Republic of Indonesia, which is referred to as the 1945 Constitution as Staat Fundamental Norm (Grund Norm) which in Article 1 Paragraph (3) makes it clear that the state of Indonesia is State Law. Satjipto Rahardjo said that the Law of Indonesia is not only a brand, but is really meant as proceeds into Indonesia. Being Indonesia, is grounded in the habitat, traditions, values, cosmology and ideals of modern Indonesia (Satjipto Raharjo, 1996). Existing law in Indonesia is a reflection of the Pancasila as a form of democracy that the people who wanted the sovereignty of justice, in accordance with the values of Pancasila Precepts to be realized in the life of the state through the governance to achieve the objectives of the state and the nation as a result of Democracy.

Mahfud MD, found that in general, the principles of democracy, it has four main pillars of the Legislature or Parliament as a Representative, the Executive Agency as organizers state Government in the narrow sense, judicial institution as a place to deliver a verdict of law and justice in the implementation of the Act and the press as a means of control (Mahfud MD, 1999). Can further clarified that the mechanism of Pancasila Democracy has been set in the 1945 Constitution, as discussed in the National Seminar on Democracy Pancasila that mechanism in the public sector according to the 1945 Constitution and to develop mechanism Pancasila (Barda Nawawi, 2008). Democracy requires setting the whole socio-political life of the community that includes all elements of power and institutional, which manifests the role of citizens in realizing the objectives of the people's struggle for independence contained in the Preamble of the 1945 Constitution, freedom fight goal contained in the Preamble of the 1945 Constitution more lead to the fourth paragraph that expect / aspire to achieve a welfare state / welfare (Welfare State).

To achieve a welfare state in a country that has a pluralistic society should have a progressive law as it is said that the State Law Satjipto Rahardjo Indonesia not seen as final or complete building since birth but a country that continuously built (state in the making). The same thing was said by Roscoe Pound that the law as a tool of social engineering, that the law is an engineering tool for law reform (Mochtar Kusumaatmaja, 2006). In order to realize the goals / ideals of a just and prosperous society (welfare), Pancasila Democracy mechanism implemented by the Preamble, the body of the 1945 Constitution as a whole, including the mechanism of the central government, the local level up to the village level. In this framework contained in the widest possible autonomy contained performance Article 18A and B.

The grounds in view of the above it becomes clear that the principles of democracy are almost entirely agreed upon as the best model for the basic organization of the state and was able to show how the people put in an important position in the principles of democracy. Some understanding of democracy from the opinions of the experts, but as a guide is a system that Pancasila Democracy here is a series of interactive activities are abstracted from all social behavior through which the values embodied in the five basic principles (Pancasila) defined and allocated to decisions were valid and binding upon every citizen of Indonesia, providing benefits for the greater prosperity of the community. Limitation thus clearly not value free. However, he was not free of intervention ideas that come from outside (the West). Pancasila democracy in order to run optimally on a persistent and lasting (sustainable), then the system must have a wide range of capacities. Theoretically capacity consists of: 1) extractive capacity, the ability to collect and utilize the resources of national and international; 2) regulatory capacity, ie the ability of a system to regulate and control the behavior of individuals and groups; 3) distributive capacity, ie the ability to allocate the things of value to the community, 4) symbolic capacity, the ability of the system to formulate various aspects of the political activities in the symbols that directly or indirectly suggests authority, power, strength and power. Pancasila Democracy true where, according to the Pancasila philosophy enshrined in the Preamble of the 1945 Constitution.

GOOD GOVERNANCE PRINCIPLE

Good governance is when those responsible in running the financial management of the company did well, showed good ethics, and also realize that they have a rule protecting the environment, and in bridging economic and social). Governance is the exercise of authority or power in the economic, political and administrative measures to manage the affairs of the state at every level and is an instrument of state policy to encourage the creation of conditions of prosperity, integrity and social cohesion in the community. Here, in general, there are three parties involved, directly or indirectly, ie: government, private and community). So the importance of a leader to understand and implement the principles of this because it will be able to bring the company or organization achieve good financial management, business ethics presents a true and is also able to maintain the business or

organization through the division of authority and responsibility and manage all the resources in an optimal, so as to bridge the gap of economic, social, and technological knowledge. Good governance is a combination of the basic principles in order to build a work ethic and cooperation in order to achieve a sense of unity, justice, optimization and harmonization of relations that could lead to a full level of development within an organization.

The basic principles are include the following:

(A) Vision. The development of an organization or business entity shall be based on the existence of a clear vision and strategy and is supported by the participation of all members in decision-making, implementation and development, then all parties will feel ownership and responsibility in the advancement of the organization or business.

(B) Participation. In the process of decision making and implementation of the decision of an organization or business entity if possible involving stakeholders and relevant through an open system and to guarantee the right of association and the delivery of opinions.

(C) Equality. In everyday language is defined as equality or equality. An entity or organization that either always be give and provide equal opportunity for all members or parties related to the increase prosperity through joint efforts in good business ethics.

(D) Professional. In everyday language professional means "One who engaged in a learned vocation (A person engaged in a job)." In this context more associated with increased professional competence and moral capacities so that the service can be done easily, quickly and accurately. Policy, strategies, programs, activities, and reporting of an organization or business entity shall be conducted in a professional manner based on competencies, standards and professional ethics are normally effective, so that what is done properly qualified, effective, efficient and ethical. Bad management will lead to inefficiency, dispute, failure and destruction.

(E) Supervision. Increase efforts to supervise all activities of the business or organization so that goals can be achieved with an optimal, effective and efficient, as well as to minimize potential errors or irregularities that may arise.

(F) Effective & Efficient. Effective means "to do the things right", more results-oriented, while efficient means "do the right things", more process-oriented. Whatever is planned and run by an organization or business entity shall be effective and efficient.

(G) Transparent. In general terms, transparent means "Permitting the passage of light so that objects can be seen (Allowing light to penetrate so that the object can be seen). Absolutely clear (obvious really). Be open so that the content and the process clearly visible".

In the context of good governance, transparency means more to build mutual trust between the government and its management by the community or its members by the availability of information that is easily accessible, complete and up to date. Policy, strategies, decisions, programs, activities, and reporting of an organization or business entity must be executed in a transparent manner so that all stakeholders can clearly know, understand and avoid suspicions are not misplaced.

(H) Accountability. In the context of this discussion is focused on increasing accountability responsibilities of the decision maker is more geared to address the needs of the public or members. Policy, strategies, programs, activities, and reporting of an organization or business entity shall be directed to meeting the needs of the public or members and can be described and explained clearly and systematically so that all stakeholders can understand, accept, support, monitor and measure, so that all can be accounted for and avoid suspicions were not in place.

(I) Fairness. In the context of good governance, fairness means more as the rule of law must be enforced fairly and impartially for anything, to anyone, by any party. Policies, strategies, programs, activities, and reporting of an organization or business entity must be able to accommodate and engage all relevant stakeholders in accordance with their competence, either in the decision making, duties, responsibilities and even to receive benefits according to the principles of fairness and decency, so as to avoid suspicions were not in place.

(J) Honest. In honest colloquially defined as "Trustworthy (Worth / trustworthiness), True, Sincere and Open. Policy, strategies, programs, activities, and reporting of an organization or business entity shall be run honestly. Any type of dishonesty will always come out eventually, and destructive to the efforts and partnerships that have been and are being built. Without honesty impossible to build trust and long term partnership.

(K) Responsibility and Social Responsibility. Responsibility and social responsibility. Institutions and processes of care for the interests of all relevant parties should be run within a clear time frame and systematic.

STRENGTHENING THE FUNCTION OF LEGISLATIVE

Parliaments are key to Achieve embodies the democratic potential in elections. Indonesia's decentralization reforms have devolved new authorities to legislative and created a system of checks and balances with local Governments. The subsequent direct elections of Mayors and governors (elections and the direct accountability of local executives to citizens) marks a move to a new political Dynamism within local governance. The capacity and performance of local councils is critical to democracy and development. Citizens have high expectations of their council members. The nation state clearly remains the primary focus of legal regulating. But nation states recognize federal or subordinate jurisdictions and they participate in transnational legal regimes or coexist legally with such regimes. Equally, there are now aspirations for more diverse and in some sense, local processes of creating, interpreting and applying regulation. The aim is to make this regulation more morally meaningful, closer to the lived experience of citizens, than much state law (Roger Cotterrell, 2006). A core function of legislature is to craft sound policy and regulations that are based on local circumstances and reflect Constituents' needs and concerns - a role denied to them under decades of authoritarianism. In spite of being a law-making function of the legislative core, there is very limited material available guiding. The effectiveness local legislatures can carry out these roles depends on their capacity to reach informed, independent and comprehensive decisions. This necessitates independent-mindedness, impartially, freedom of intervention as well as access to research and office facilities. Weak legal authority, ineffective leadership, poorly trained administrative staff and lack of information are all factors that may impede effectiveness and democracy. Once elected into power, the legislative is

the institution at the local level where citizens interests and preferences are Expressed and transformed into policy. Legislatures represent citizens and their needs, aspirations, concerns and priorities. They do so by articulating citizens input and preferences and transforming them into policy. Legislators should respond to the needs of citizens when they are drafting laws, and government budgets. also practice legislative oversight, Ensuring the political and financial accountability of the executive.

CONCLUSION

Parliament was an element of the regional administration. As an element of the regional administration, the position of parliament and an equal partner Regional Head. In order to Strengthen the institutional functions of Parliament required that progressive programs and supports. One of this program in Ngawi Parliament is initiative of local regulation called Perda. In order to improve the institutional function there are three functions that must be strengthened. First is the function of legislation. Council Legislation Committee is a permanent fittings and a think tank Council in performing a legislative function. Second is the function of budgeting. Budgeting functions have a role very dizzy in the welfare of the people and improve competitiveness. Budgets at the local level (budget) has a significant relationship with the national budget (Budget) is as a tool to address issues of vertical fiscal imbalance. Third is the oversight function. One of the functions of monitoring the implementation of the Council is to investigate a policy on the regional head of strategic importance.

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