

IMPLEMENTATION OF THE AUTHORITY OF THE PARLIAMENT OF TRENGGALEK REGENCY IN THE FORMATION OF REGIONAL REGULATIONS

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ABSTRACT

Implementation of the Authority of the Regional Parliament of Trenggalek Regency in the formatting the Regional Regulation is still considered less than maximum. Therefore the authors formulate the problems that cause the implementation of the authority of the Regional Parliament of Trenggalek Regency in the formatting the regulation less than maximum and Steps (solution) so that the implementation of the authority of the Trenggalek Regency in the formatting the regional regulation run maximally. The results of this research are expected to be used as a material for further study for developing the law science related to the Implementation of the Region Parliament Authority of Trenggalek Regency in Formatting the Region Regulation, and to contribute thoughts in developing the law of government administrative related to the implementation of government in the main areas in the formatting the region regulations and is expected to be an advice for the relevant parties including the wider community and the regional government officials especially Region Parliament, in the case of the Implementation the Region Parliament Authority of Trenggalek Regency in formatting the region regulation. And the results of this research can be used as a consideration in the process of policy making and the law signs for the formatting the region regulations. This research uses empirical juridical research method by taking research object in Parliament of Trenggalek Regency supported by primary data and secondary data.

Keywords: Authority, Trenggalek Regency, Establishment, Regional Regulation.

INTRODUCTION

In implementing the function of formatting region regulations, the Region Parliament is prosecuted to respond to the interests of community which it represents so that the resulting regulation is a representation of the interests of the people. However, in reality, the Region Parliament in implementing its authority in formatting the region regulations often runs less than maximum. For example, as the fact the author will convey that in Region Parliament of Trenggalek Regency there are still many products of region regulations which are proposals from region government, not from Region Parliament. Whereas if we refer to Indonesian Regulations Number 23 on 2014 about Region Government which has changed the paradigm of Region Parliament function which previously it has function of legislation become function of forming of region regulation. Thus, stated firmly that “Region parliament have the power to form a regional regulation”. It means that the “leading sector” of local regulations should be handled by Region Parliament (Philipus, 2005).

Based on Indonesian Regulations Number 12 on 2011 about the Establishment of juncto Legislation Regulation of the Minister of Home Affairs Number 80 on 2015 about the Establishment of Region Legal Products, ideally Region Parliament in this case the Agency Deformation of Region Regulation of Region Parliament has 2 (weeks) in the calendar of Region Parliament fittings activities for harmonization Local Regulation Draft (Reny, 2009). In fact, only 2 (two) days draft of region regulation that conducted harmonization in the Regional Regulatory Agency of Region Parliament of Trenggalek Regency. The allocation of time in discussion within 2 (two) days is a very short time so it is very difficult for the Region Parliament to carefully review the substance of the draft of the Regional Regulation Plan. However, very short time seems have to become a habit of hereditary, every year always like that. Under such conditions, the Region Parliament of Trenggalek Regency is also unable to extend the discussion time because if it is delayed one day it will affect the Region Parliament activities schedule¹.

At the end of 2016, Documentation of the Legal and Trial Section of the Secretariat of the Region Parliament of Trenggalek Regency, even though the Region Parliament has successfully approved 23 (twenty three) Draft Regulations, but in its formation dynamics which in this case relates to the deliberations of local regulations by the Special Committee of the Region Parliament and the Assistance Team of Discussion of the Region Regulations Drafts seemed to be faced with time chasing.

METHOD

Parliament Trenggalek District is the location of Research in with research variables on the implementation of the authority of Region Parliament of Trenggalek regency in formatting the Regional Regulations. Population and Sample are some members of Region Parliament and some civil servants Secretariat of region parliament of Trenggalek Regency, collecting data by direct interview and data analysis using legal system theory.

RESULT AND DISSCUSSION

The Matters which Caused the Implementation of the Authority of Region Parliament of Trenggalek Regency in Formatting the Regional Regulations Less than the Maximum

Region regulation has a strategic position in the life of nation and state. With the strategic position of this regulation, if the process of its formation has done well it will be a means in order to run the government affairs to the better, but otherwise it would be a boomerang if the formation is done badly. Therefore, in implementing the function of the formation of region regulations, Region Parliament is prosecuted to respond to the interests of the people they represent so that the resulting regulation is a representation of the interests of the people (Abdulkadir, 2017).

Based on the interview result of the writer with one of the members of the Regional Regulatory Agency of Trenggalek Regency from the Golkar Faction (Drs Samsuri, M.Si), he said:

“It is undeniable that the educational background of DPRD members is mostly derived from education managed by State Universities or Private Colleges that actually implement the formal education process,

so that the orientation of region Parliament members is not to gain knowledge but only to get a degree. Besides the education of Region Parliament member, the quality of the region regulation result is also influenced by the professional background of region parliament members”.

Thus the educational background of leaders and members of Parliament Trenggalek greatly affect the quality of human resources (HR) members of the DPRD in implementing the formation of local regulations.

Seen from the 11 members of parliament who sit in the Regional Regulatory Agency of the Region Parliament of Trenggalek Regency only 2 members who have educational background in the field of law. There are even members of parliament who only have a high school education background. In order to compensate for the Human Resource capability among regional governments, all board members should have a formal education level of S1, because according to the function of council members which includes the formation of local regulations, supervision and budget, the background of secondary education is inadequate.

Starting from the education quality of Region Parliament members who are inadequate this causes the knowledge and understanding of legal drafting is very less. Seen from the number of Region Regulation draft which is proposed by the Region Parliament of Trenggalek Regency shows that the formation of region regulation that should be the authority of the Trenggalek Regency is still not maximal.

At the end of 2016, the Region Parliament of Trenggalek Regency has succeeded in approving 21 (twenty-one) drafts of Region Regulation from 24 (twenty four) draft of Region Regulation which priority discussion in Program of Formatting the Region Regulation of Region Parliament of Trenggalek Regency. However, in the journey of the formulation of local regulations in this case the discussion of the Regional Regulation by the Special Committee of the DPRD together with the Assistance Team for Discussing the Draft of Perda as if it were confronted with time chasms so that the 8 (draft) Perda of 21 (twenty-one) draft Local Regulation approved by DPRD in plenary session on 30 December 2016².

The success of the local regulation is not enough even though the indicators of DPRD performance success are measured by the number of local regulations that have been made. Interview with the Chairman of Legal and Trial of Region Parliament Secretary of Trenggalek Regency (Siwi Wahono), he said:

“Besides to the lack of Human Resources of Region Parliament of Trenggalek regency, the low number of region regulations produced by the Region Parliament of Trenggalek Regency is due to budget limitedness. The budget is the budget for the drafting process of the academic draft and the region regulation draft which is proposed by the Region Parliament and the budget at discussion of the Region Regulation on the Special Committee level, how not 1 (one) Special Committee in 1 (one) trial period is only rationed around Rp. 100,000,000.00 (one hundred million) for the Special Committee work visit. Whereas the Special Committee is given the task for the discussion of more than 1 (one) Region Regulation Draft. The budget is about Rp. 100.000.000,00 (one hundred million) is only enough for 1 (one) destination, sometimes the area not all have Region Regulation which will be in study compare. These causes the Special Committee get less discussion references”.

Obstacles are never utilized the Support Facilities and Expertise Personnel (source of discussion of Regional Regulation Draft) make the resulting regulation become less qualified. Facility and Skills Support is needed to provide input in the content of a Region Regulation that is discussed to improve the quality of region regulations.

In general, experts are someone who possesses knowledge or broad abilities in a particular field of study. Expert's opinions are heard in their fields of expertise, but they do not always agree in the particular field of study. Through training, education, profession, publication, and experience, an expert is believed to have specialized knowledge in their field above the average of others³.

The author's research, environmental factors that affect the authority implementation of the Region Parliament in the formulation of region regulations in addition to environmental factors that are less supportive such as the availability of special rooms in the formation of region regulations as well as supporting facilities and infrastructure in the formation of region regulations. Equally important is the supports of the faction to its members who sit in parliamentary fittings are considered less professional (Tedi, 2014).

This reality which causes the election is no longer based on free and honest principles. Election is no longer free, it mean that the choice of a person no longer in accordance with his wishes. Someone gets pressure and coercion to vote for legislative candidates. Election, no longer honest, it means there has been fraud in the election by buying votes. If it let be, the practice of money politics will be settled and embedded within the Indonesian nation. The practice of money politics has resulted in poor imaging and the collapse of political parties. And Indonesia will be further away from the designation of the State of Democracy⁴.

Steps (Solution) taken so that the Authority Implementation of the Region Parliament of Trenggalek Regency in the Formatting the Region Regulation Runs Optimally

Establish minimum requirements in the form of educational level, work experience, possess knowledge and ability on legislation or provisions relating to the formation function of Region Regulation. Be delivered by Chairman of Region Parliament of Trenggalek Regency (Samsul Anam):

"It is important to the role of Region Parliament members for the sustainability of the democratic climate in our country makes the recruitment process of these legislative members is important as well because of the good or bad of parliamentary legislative members. Candidates for legislative members must fulfil the minimum requirements in the form of educational level, work experience, knowledge and ability on legislation or provisions relating to the formation function of the region regulation".

To carry out the task-deployment activities and to improve the capacity of leaders and members of the Region Parliament of Trenggalek Regency through workshops, training and seminars intended for the leadership and members of the Region Parliament of Trenggalek Regency.

Recruiting or bringing in an experts team from a nearby university experts or a local who has the ability in law and legislation to be positioned as expert staff or resource persons in order to help the tasks of Region Parliament Member of Trenggalek Regency primarily in the formation of region regulations, it is a solution in order the implementation of the authority of the Region Parliament of Trenggalek Regency in the formation of Region Regulation runs optimally.

CONCLUSION AND RECOMMENDATION

Conclusion

Authority implementation of the Region Parliament of Treanggalek Regency in the formation of regional regulation less than the maximum caused by the level of education of members of Parliament Treanggalek not yet sufficient, Mastering the legal drafting techniques by members of Region Parliament of Treanggalek Regency is still low, The Region Parliament members are less effective in using the time for discussing the Region Regulation, less effective in utilizing the support of expert facilities in the discussion of Region Regulation Draft, the Political Party Culture that still adheres to the fragmentation and the lack of professional fraction in placing its members who sit in the Region Parliament(special committee).

Authority implementation of the Region Parliament of Treanggalek Regency in the formulation of region regulation run maximally can be reached by the following steps: Establish minimum requirements in the form of education level, work experience, knowledge and ability about legislation or provisions relating to the formation function of region regulations, to carry out the task-deployment activities and to improve the capacity of leaders and members of the Region Parliament of Treanggalek Regency through workshops, training and seminars intended for the leadership and members of the Region Parliament of Treanggalek Regency, and Recruiting or bringing in a team of experts from a nearby university or local expert who has the ability in law and legislation to be positioned as expert staff or resource persons in order to help the duties of Region Parliament of Treanggalek Regency in the formation of region regulations.

Recommendation

From the conclusions and descriptions of the previous chapters, then in this occasion the authors provide suggestions that may be useful and a consideration of the Parliamentary bodies so that in carrying out its authority in the formatting the region regulations can run optimally. As for suggestions given by the author are as follows:

- Political parties should conduct a fit and proper test against their cadres in the framework of recruitment of legislative candidates, in addition must establish minimum requirements in the form of education level, work experience, knowledge and ability about legislation or provisions related to the formation function of the region regulation.
- The Chairman and members of Region Parliament of Treanggalek Regency in carrying out the tasks and improve the capacity through workshops, training and seminars, especially relating to the formation of region regulations should be sincere and focus on following a series of activities not only to play their own mobile phone.

ENDNOTE

1. Interview with Chairman of Law and Trial of Treanggalek Regency Parliament Secretariat on 28 November 2016.
2. Interview with Secretary of Treanggalek Regency DPRD on 6 January 2017.
3. <http://pengertian-artinya-adalah.blogspot.co.id/2016/06/pengertian-tenaga-ahli-adalah.html> accessed on 7th January 2017 on 11.06 AM.
4. <http://www.hukumpedia.com/hasunachan/sebab-akibat-politik-uang-pada-pemilu> accessed on 7th January 2017 on 11.20 AM.

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