Deconstruction of Bapemperda's Functions in Improving the Effectiveness of Establishing Regional Regulations

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Abstract

This article aims to analyze the function of Bapemperda in increasing the effectiveness of the formation of Regional Regulations in the Bone Bolango Regency. The Regional Regulations Formation Agency (Bapemperda) of the Bone Bolango DPRD is one of the council's equipments for forming regional regulations. The type of research used in this article is empirical normative, which combines a normative legal approach with the addition of various elements of empirical studies. The results show that the implications of political intervention sometimes affect the issues and local regulations issued and do not represent the community's interests but are dominated by political interests. Ideally, local regulations must be responsive and meet usual policy standards that at the implementation level can be used and can answer problems that develop in the community. Human resources have an essential role in an organization, such as the rapid development of information technology, globalization, and changes in the world of positions and work, and are tied to the existing system. Members of Bapemperda and local governments play a role in forming regional regulations and other policy designs. To increase the effectiveness of the formation of Regional Regulations, it is necessary to have a relationship between human resources and the objectives that apply to Bapemperda itself. The researcher then offers a prototype product called CIS-Approach, a development concept from the results of the research and data analysis of the previous authors, which is expected to be a consideration for the government in formulating regional regulatory policies. CIS-Approach indicators are: 1) human resources with the system; 2) human resources with the issue; 3) human resources with regulations.

Keywords: Regional Regulations; Effectiveness; Bapemperda

A. INTRODUCTION

The Regional People's Representative Council, as the people's representative institution in the regions, has a considerable role in coloring the course of the autonomous regional government. These roles include carrying out the legislative function by producing legal products of Regional Regulations, carrying out a supervisory position on the performance of executive institutions, and ensuring that the budgeting function in the regions runs effectively and efficiently as mandated in Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives. People, the Regional Representatives Council, and the Regional People's Representative Council.

Having such a significant role, the aspect of responsibility in carrying out tasks is one of the determining factors in interpreting and providing benefits to the running of local
government to create a prosperous and sovereign society. This understanding also presents the view that the legislative body needs to continue developing itself, which cannot be separated from the dynamics of the quality of political infrastructure and relations with other institutions within the framework of the Unitary State of the Republic of Indonesia. The complexity of the problems in the implementation of development, public services, and other government administration has implications for the increasingly heavy responsibility of the DPRD in carrying out its duties and functions. Therefore, steps to strengthen the role of DPRD, both in the legislative process, budgeting, and supervision of the implementation of development and regional government, are something urgent.

The authority is given to the regions, especially in making laws and regulations. In this case, Regional Regulations (Perda) have so far been overreacted. Regional governments are competing to make regional regulations according to the wishes of the region without paying attention to the provisions of higher laws and the interests of the general public so that many regional regulations are not well-targeted or ineffective, and even many regional regulations are made only to include regional original income. Thus burdening society. In addition, many local laws cannot be optimally implemented. There are local regulations that the residents of Bone Bolango Regency protested because they were not following the community’s aspirations. It is common knowledge that the participation of the people of Bone Bolango Regency in making public policies, both the provision of goods and services and regulations, is essential to ensure the effectiveness of every legal product produced. This is to ensure that the policies drawn up will accommodate the interests of the community and will not be detrimental.

So far, the effectiveness of the function of Bapemperda DPRD Bone Bolango Regency is still far from expectations, and this is because the performance aspect of council members who sit as members of Bapemperda is considered less than maximizing Propemperda. Propemperda is a controller for preparing regional regulations that bind the authorized institutions, namely the provincial government and DPRD, to form regional rules. For this reason, Prolegda is considered essential to keep the products of regional laws and regulations within the unity of the national legal system. For this reason, ideally, before a regional principle is to be drafted, there must be a plan for forming the regional regulation in the Prolegda so that its implementation will be more targeted (practical).

Based on initial observations made by the research team at the DPRD Bone Bolango Regency from January to March 2020, the number of regional regulations produced annually by the DPRD Bone Bolango Regency...
experienced a decline. According to the author's observations, there are several reasons:
1. There are still many DPRD members who do not understand the primary duties and functions of members of Bapemperda.
2. The performance of Bapemperda members who are less responsive to overcoming any problems that develop in the community.
3. DPRD members have not been able to embrace all relevant stakeholder elements to maximize regulations in their roles and functions as representatives of the people.
4. There is a lack of concern for the Bapemperda program.

According to the author's observations, several factors have contributed to the weak implementation of the regulations that have been passed, including 1) There is still limited ability to make regulations. In some cases, many local laws imitate those in other regions without adapting them to the local situation in that area. This impacts the difficulty of implementing a regional regulation due to the incompatibility of the situation and conditions of each region; 2) Incompatibility of local rules with the community and regional needs. This impacts the emergence of regional regulations that discriminate against SARA. In some other cases, the making of Perda did not go according to plan and was not agreed upon in the Propemperda; 3) Lack of understanding of the substance and context of local regulations by policymakers, both local governments, DPRD, and appointed teams.

The effectiveness of a regional regulation is not only measured by the number (quantity) of the provincial rules produced but also by the quality aspect, which can be assessed from the stages of the formulation of the regional regulations, who is involved in the formulation of the provincial laws, and to what extent the benefits derived from the regional rules are resulting from.

The number of Regional Regulations produced by members of the Bapemperda DPRD Bone Bolango Regency fluctuates every year. This proves that the performance of the DPRD has not been fully maximized. This can be seen from the data on the number of Regional Regulations produced every year, which has decreased. There are draft regional regulations that only stop until the discussion stage. Here, the researcher displays data related to the number of Regional Regulations produced between 2014-2018:

<table>
<thead>
<tr>
<th>No.</th>
<th>Year Arrangement</th>
<th>Usulan Propemperda</th>
<th>Realization Of Local Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2014</td>
<td>21</td>
<td>7 Perda</td>
</tr>
<tr>
<td>2</td>
<td>2015</td>
<td>20</td>
<td>6 Perda</td>
</tr>
<tr>
<td>3</td>
<td>2016</td>
<td>19</td>
<td>10 Perda</td>
</tr>
<tr>
<td>4</td>
<td>2017</td>
<td>21</td>
<td>5 Perda</td>
</tr>
<tr>
<td>5</td>
<td>2018</td>
<td>18</td>
<td>6 Perda</td>
</tr>
</tbody>
</table>

Disharmonization between the central government and local governments is also an important factor where the guidance steps taken by the central agency to local government officials in the preparation of regional regulations are still said to be not optimal and evenly distributed, and there is no clear frame of reference for provincial governments regarding the harmonization of the draft regional
regulations as one of the critical instruments to maintain harmonization of regional regulations as an essential instrument to maintain harmonization of regional regulations with other regulations.\textsuperscript{1} Furthermore, Law no. 12 of 2011 has had signs that direct the importance of harmonization of regulations, including the Perda.\textsuperscript{2} Harmonization of Draft Regional Regulations needs to be supported by clear and firm regulations. It is always integrated as a formal requirement for preparing Regional Regulations, as stated in Presidential Regulation no. 61 of 2005 concerning the process of harmonization, unanimity, and consolidation of conceptions in draft laws in Indonesia.\textsuperscript{3}

Responsiveness in local regulations can be interpreted to serve social needs and interests that are experienced and discovered, not by officials but by the community. As many experts related to responsive law have stated, that responsive law accommodates social values that favor the needs and justice contained in the laws and regulations and policies issued by the authorities. In terms of forming an effective or responsive regional code, the author translates that the regional rule must accommodate the social needs and interests of the community and not be based on political will alone. This responsive nature implies that a responsive law will be helpful for the community.

The problem now is to what extent the role and function of the DPRD are realized in the reform era that has been going on for no less than a decade. How about the performance of the DPRD institution concerning its duties and functions in the current implementation of regional autonomy. From public discussions, it is often revealed that there are weaknesses in the performance of DPRD functions, including the lack of capacity of this institution in carrying out its functions as a balanced and effective partner for local governments, where the executive role is still quite dominant in the administration of local government, often interfere too much in the affairs or areas of the executive's duties. Therefore it tends to deviate from its primary function as the organizer of the legislative procedure. Another problem has arisen the excessive role of DPRD members, which can interfere with daily government activities. As a result, the ideal legislative and executive positions in the conception of checks and balances become ineffective. Apart from the various problems of the DPRD institutions related to implementing these tasks and functions, it is difficult

\begin{itemize}
\item \textsuperscript{2} Undang-Undang No. 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan.
\item \textsuperscript{3} Peraturan Presiden No. 61 Tahun 2005 tentang Proses Pengharmonisasian, Pembulatan, dan Pemantapan Konsepsi Pada Draf Rancangan Undang-Undang di Indonesia.
\end{itemize}
to deny that the success of implementing development in the regions cannot be separated from the roles and parts of the DPRD.

Dwiyanto argues that "The achievement of institutional goals is one manifestation of the success of an institution in carrying out its duties and functions, but this success cannot be seen for granted. An assessment of the institution’s performance is needed in mobilizing all the potential resources it has. Performance appraisal or work performance appraisal cannot be separated from the whole Human Resources management activities process. Performance appraisal is a significant activity because it can be used as a measure of an organization in achieving its vision."4

Initial observations, where the author reveals that the role of human resources has a very strategic position in the organization of the Regional Regulation Formation Agency (Bapemperda) of Bone Bolango Regency. In other words, the human element plays an essential role in carrying out activities to achieve goals. For this reason, the existence of Human Resources in Bapemperda is powerful. To achieve better conditions, it is necessary to have adequate management of human resources so that quality, loyal and high-achieving human resources are created to produce effective regional law products.

Furthermore, the author also explains that the improvement of human resources is based on development efforts in the field of regional governance management from various aspects that are in line with the interests of stakeholders in Bone Bolango Regency therefore the development of human resources is based on the fact that improvements in "human factors" "will make a significant contribution to the rate of economic growth in the Bone Bolango region so that increasing human resources is seen as the key to success in development that can ensure economic progress and stability in Bone Bolango Regency.

Forming regional regulations in Bone Bolango Regency is the stage for creating regional rules. Namely, the first is preparing a provincial law carried out jointly by Bapemperda and the Regional Government. Then the second is the Discussion of the Draft Regional Regulation (Ranperda). The Ranperda is discussed first in the Deliberative Body to determine that the discussion is carried out at the Commission or Special Committee (Pansus). If examined in the special committee, how many special committees and the composition of the special committee members must be proposed by each faction then determine the schedule starting from the plenary session of deciding the special committee and the plan for discussing the regional regulation.

third is when an urgent Ranperda was not previously listed in the Properda. The submission process can be carried out after mutually agreeing between Bapemperda and the Legal Department.

B. PROBLEM FORMULATION

The formulation of the problem in this article is to analyze the function of Bapemperda in increasing the effectiveness of the formation of Regional Regulations in the Bone Bolango Regency.

C. RESEARCH METHOD

The research method used in this study is an empirical normative research method, a combination of a normative legal approach and various practical elements. The normative-empirical research method is based on the implementation of normative legal provisions regarding the factors that determine the effectiveness of the Bapemperda function in forming regional regulations.

D. ANALYSIS AND DISCUSSION

a. The Function of Human Resources in Improving the Effectiveness of the Formation of Regional Regulations

Every individual should own the ability to carry out a job well in an organization. Members of the Bapemperda Bone Bolango Regency are representatives of the people, so it is appropriate to have various abilities that can solve problems faced by local governments. This ability is in the form of having a track record and experience in legislation. These two main components will then be able to support the optimization of the legislative function of members of the DPRD Bone Bolango Regency to maximize the Perda, which becomes the legal framework for the Regional Government. The DPRD of Bone Bolango Regency should prepare for this condition during increasingly dynamic competition and the need for skilled human resources in various fields, one of which is the ability of Bapemperda members to formulate regional legal products. To answer all the challenges faced, local governments need quality resources that can answer the challenges and expectations of the community towards autonomous, transparent, and accountable regions. DPRD should be able to position itself as a balancing force that balances and exercises effective control over the policies of regional heads and local government ranks. The placement can be in the form of

1. representing the interests of the people;
2. advocating for aspirations through negotiation, intense political bargaining;
3. organizational strengthening to try to change executive actions that are less in favor of the people.

Considering that the current condition of Bone Bolango Regency is struggling to reduce economic, social, and development inequality, the direction of the policy program should be given regulatory protection, namely Regional Regulations and government officials in planning and seeing the various problems that are being faced by the region.

Based on the results of an in-depth interview, the author, with the
Chairman of the DPRD Bone Bolango Regency in August 2020 at the office of the DPRD, said that indeed the intellectual abilities of Bapemperda members, especially in the field of legislation, need continuous assistance. This ability is also academic, and how legislators can see the various potentials of Bone Bolango Regency so that these multiple potentials can be utilized to improve people’s welfare. As the object of development today, the community must be made the subject of action, meaning that in the past, the community was only the recipient of what was implemented by the government. Now the community needs to be involved in formulating and implementing development itself.

The author’s statement above is in line with what Sedarmayanti said that human resource management could be divided into three principles: 1) Human resources are the most valuable and essential asset owned by an organization because the human element primarily determine the success of an organization; 2) Success is very likely to be achieved if policies, procedures, and regulations related to humans are interrelated; 3) organizational culture and values, as well as leadership behavior, will have an impact on the best work results.5

b. Functions of Working Mechanisms in Improving the

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Effectiveness of Formation of Regional Regulations

The program for the formation of Regional Regulations should be expected to produce instruments that include legal planning mechanisms so that they are always consistent with the goals, ideals, and directions of regional development. However, the stages and tools for the preparation of the formation of regional regulations have been implemented in various laws and regulations. However, the authors consider that in practice, multiple problems often arise, including 1) The preparation of the Regional Regulation Formation Program has not been based on a priority scale; 2) The Regional Regulation Formation Program only contains a list of the titles of the draft Regional Regulations without being based on in-depth studies as outlined in the statements, explanations or academic texts of the draft regional regulations.

Concerning the institutional working mechanism of the Regional Legislative Council of Bone Bolango Regency as an element of regional government in which there are various activities by a group of people who are trusted through the general election mechanism so that it reflects the structure and democratic system of government in the region, formally this institution has the position, function, duties, and authorities as well as rights in carrying out their responsibilities as representatives of the people.
Whereas in the context of the DPRD as a legislative body, the author considers that the DPRD of Bone Bolango Regency has not shown enough color, character, and quality both materially and functionally. In addition, the level of Perda produced can measure the ability of Bapemperda members in particular and DPRD in general in carrying out their functions, considering that the making of an excellent Regional Regulation must meet specific requirements. DPRD should create a system that is built to assist in completing tasks and providing information on the progress of the process of drafting legal products. Thus, as a partner of the DPRD, the Regional Apparatus Organization will obtain information regarding drafting legal products quickly, easily, and in real-time.

Regional regulations in the implementation of regional autonomy are a policy instrument in regional government administration. The formation of regional regulations in the community’s interests must implement the principles of restricted freedom and contain regional regulations that must not conflict with higher laws and regulations. The ideal model of regional regulations in the implementation of regional autonomy is the principle of openness and community participation and the harmonization of the rules and regulations governing them so that these regulations do not overlap.

In line with what has been discussed above, the author argues that in the implementation of decentralization, there are two crucial interrelated elements, namely the formation of autonomous regions and the transfer of authority from the central government to local governments to regulate handle specific government affairs. Besides that, Regional Regulations are a tool in carrying out social and democratic transformation as the embodiment of local communities that can respond to rapid changes and challenges in the era of autonomy and globalization by creating good local governance as part of sustainable development in Bone Bolango Regency. On this basis, the formation of regional regulations is more directed, coordinated, and formal.

c. The Functions of the Community and Government in Improving the Effectiveness of the Formation of Regional Regulations

Forming laws and regulations in a democratic rule of law is no longer solely an area of domination by the executive (bureaucrats) and parliament (DPRD). However, it has also become part of the community’s responsibility to participate in them as

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subjects who will receive the impact of the enactment of Regional Regulations. Inside it. The authority given to local governments, especially in making laws and regulations, has been overreacted. Local governments are competing to make regional regulations by the wishes of the region without paying attention to higher provisions and the interests of the general public, even seeming only to include Regional Original Revenue.

As part of a legal product derived from the central level, community participation in the formulation of Regional Regulations is less effective. Furthermore, there are also obstacles in the formulation of legal drifting regulations, including the ability to evaluate regional regulations by Bapemperda members.8

The pros and cons that arise during the formulation of Regional Regulations are usually not related to the question of the objectives and benefits of the Perda but to who took the initiative in making the Perda. In addition, it also questions the interests of which groups the Regional Regulation is issued and how much benefit is returned to the broader community compared to those produced to certain groups.9

One of the benchmarks for producing a quality Perda is how the Regional Regulation Formation Program (Propemperda) is in line with what Abdul said that an area is considered worthy enough to prosper its citizens through the services provided. Therefore, as the custodian of public policy, the bureaucracy must build integrity within its environment and integrate its services. The importance of the planning process in improving the quality of public services aims to see that the latest programs and innovations can be used for the possibility of achieving goals in the future. Furthermore, the benefit of planning is to help management to adapt to environmental changes. Helps adjust in the face of crucial issues, enabling management to understand a clear overall picture of operations. In addition, the planning process can help place the responsibilities of each employee more clearly and precisely and guide the giving of orders operationally.10

Efforts to form responsive Regional Regulations will be achieved if they are carried out through the stages of good planning, a careful and thorough harmonization process, and the community's involvement to capture aspirations by the law they


want. Autonomous law focuses its attention on the social conditions of the realities in society. Independent law also emphasizes the rule of law as the main effort to control official and private powers.

d. Prototype of the Author's Findings Of the Effectiveness of the Function of Bapemperda in Formation of Regional Regulations

The prototype of the author’s findings was developed after analyzing the statement of the problem formulation at the locus of the study discussed in the previous sub-chapter. The author, through this article, offers the development of a theoretical model called CIS-Approach, which stands for Coherence Identification System Approach. It is hoped that this CIS Approach will be owned by implementing Human Resources, in this case, members of the legislature, in their role in formulating the formation of responsive regional regulations and meeting the standards of the Regional Regulation Formation Program have been established. The author also develops the concept of the value of Gorontalo’s local wisdom, which the author discusses with the CIS-Approach approach, which we call the Mopodutoo Huhama Wau Boto’o approach or concept. This approach is a past governance concept that we offer as an additional new concept that has values regional or local wisdom in this article.

The description of the prototype of the author’s findings above is as follows:

1) The Role of Human Resources in Running the System

Human resources have an essential role in an organization, such as the rapid development of information technology, globalization, and changes in the world of office and work, and are tied to the existing system. In Bapemperda, Human Resources referred to are members of the legislature and several supporting staff who play a role in forming regional regulations and other policy drafts. To achieve the main goals and objectives of Bapemperda, it is necessary to link human resources with the system that applies in Bapemperda itself.

The relevance in question is, how is the role of Human Resources, in
this case, members of the legislature, to interpret and describe a critical system in the series of activities of Bapemperda. The method in question is a Network of Cooperation, Skills, and Accountability from the actions of Bapemperda members for the fulfillment of goals and objectives. In other words, Human Resources need to conduct an analysis and identify first the Standard Operating Procedures so that they do not conflict with the above regulations. HR must also maintain the network of cooperation that has been formed, support, and continue to hone skills, both knowledge and experience, and Human Resources. Able to account for the policy products issued.

2) The Role of Human Resources in Managing Issues

To answer the community's needs through policy products, Human Resources, in this case, members of the legislature and other supporting staff, are the initial resources that will be faced with the problems of needs in the field. So far, many activities have been carried out to obtain information related to community needs, including Recess activities to accommodate the aspirations of their constituent communities. Through this activity, members of the legislature can get input to be poured into a policy product. In developing the findings of this study, the researchers focused more on the relationship between Human Resources and Issues.

The link in question is how the role of Human Resources, in this case, legislators can absorb aspirations other than the recessed method, namely the facilitator method approach, meaning that Human Resources can go deeper by continuing to carry out assessments related to fundamental issues to meet community needs, Human Resources must be able to translate the central problems that are developing in the community, for that it requires support from various parties. This support can be in utilizing non-governmental organizations, community leaders, and youth movements to absorb issues that will later become a source of policy product formation. Besides that, HR must also have a strategy for absorbing other aspirations, such as using technology as a medium or communication medium that targets issues at the middle level, holding regular meetings through discussions with community groups, and other aspirational activities nets.

3) The Role of Human Resources in Building Products

Regional regulations have the function of creating legal certainty. For the functioning of legal certainty, regional regulations must
meet certain conditions, including consistency in the formulation. In contrast, in the same regional regulations, a systematic relationship must be maintained between its rules, standard structure, and language and a harmonized relationship between various laws and regulations. The harmonization of regional regulations has urgency concerning the principle that lower statutes and regulations must not conflict with higher laws and regulations. The primary thing in drafting regional regulations is their conformity and synchronization with other laws. This must be supported by Human Resources, who can improve the overlapping of policy products.

In developing the findings of this study, the researchers pointed to the linkage of Human Resources (members of Bapemperda) with policy products. The connection in question is the understanding of Human Resources in analyzing the above rules. The rules below are policy products that are structured derivations by the authorities. For this reason, it can involve outside personnel following their field of specialization, for example involving legal experts to see to what extent these policy products do not conflict. Another approach is to consider the principle of benefit from the regional regulations issued if the value of the advantages is effective and efficient, and the responsibility of sources. Human Resources (members of Bapemperda) in animating the community's needs, which will be included in policy products. The approach mentioned above is expected to be able to produce responsive policy products and under the objectives of the Regional Regulation Formation Program.

4) Sit Together And Brainstorm In Decision Making

Decision-making or the formulation of policy products in the DPRD is attempted as far as possible by utilizing deliberation to reach consensus. In the process, all elements related to the formulation of policy products can contribute ideas and thoughts by the constitution that can accommodate the 5th precepts of Pancasila, namely social justice for all Indonesian people, which is a political philosophy in the spirit of development and strengthening democracy. Thus, the born decisions cannot be separated from the values of social justice. Mopoduoto Huhama wau Buto'o is an interpretation of the value process of deliberation, conditioned as best as possible according to its position in the organization. All existing elements will sit together while exchanging ideas to reach the best decision. This condition is illustrated through the process of hearings.
(RDP) to gather ideas and thoughts from related elements. Other things are also seen in the public examination of the issues that will be made into policy products so that they are more focused on what the community needs through the process of The above is then finalized, which becomes a decision or policy product that is collective and accommodates the needs of the community.

E. CONCLUSION

The DPRD of Bone Bolango Regency should have human resources which play an active role in formulating and compiling a draft regional regulation. However, the DPRD of Bone Bolango Regency has not shown enough color, character, and quality both materially and functionally. Because one of the benchmarks for producing quality local regulations is the level of maturity of the planning for the Regional Regulation Formation Program (Propemperda) itself, meanwhile, efforts to form responsive regional regulations will be achieved if they are carried out through sound planning stages, a careful and thorough harmonization process, and community involvement to capture aspirations by the law they want. Then, the regulatory basis must be clear so that all stakeholders feel protected by the Regional Regulation that will be ratified. And to achieve the main aims and objectives of Bapemperda, it is necessary to have a link between human resources and the purposes that apply to Bapemperda itself.

Therefore, as a practical solution, the author then offers a theoretical design in the form of a product prototype called the CIS-Approach Approach. This prototype is a development concept from the results of research and data analysis of previous authors, where the indicators of the CIS-Approach Approach are:

1. How is the role of Human Resources in running the system,
2. The role of Human Resources in managing issues,
3. The role of Human Resources in building the product.

F. REFERENCES


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