



Analysis of Regional People's Representative Council (DPRD) Comparative Study Activities in Efforts to Suppress Corruptive Behaviour

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Abstract

One of the duties and authorities of the Regional People's Representative Council (DPRD) is to draw up regional regulations. To carry out this task, DPRD members will usually conduct comparative study activities to other regions. As a consequence, state finances are used to finance these activities. This research took place in the city of Cirebon, West Java. This research focuses on the effectiveness of comparative study activities carried out by the DPRD with the performance achievement target. Also, this research will answer whether comparative study activities have regulations that can limit the corrupt behaviour of DPRD members. This research uses descriptive research method. This study concludes that the implementation of work visits and comparative studies conducted by the Cirebon City DPRD in 2017 and 2018 in the framework of preparing the Cirebon City Regional Regulation is following the regulations. The regulation is based on the Standing Orders of Cirebon City DPRD members. However, the implementation of this comparative study has not been effective in supporting the improvement of the performance of DPRD thus it has the potential to cause acts of corruption.

Keywords: *Comparative Study; Effectiveness; Corruptive Behavior*

A. Introduction

There are at least three elements in an ideal government, namely transparency, participation, and accountability. To realize good governance, it is necessary to change the fundamental governance paradigm of the old centralized system, where the central government is very strong in determining policy (Galaento) [1]. The National Administration has an important role in realizing the ideals of the nation's

struggle. This is expressly stated in the Explication of the 1945 Constitution which states that what is essential in government and the life of the country is the spirit of the State Officials and Government Leaders. Within more than 30 years, the State Officials was deemed unable to perform their duties and functions optimally; therefore, the officials did not run as they should. This happened because of the concentration of power, authority and responsibility to the President/People's Consultative Assembly of the Republic of Indonesia. Besides, the community has not yet fully participated in carrying out effective social control functions in the administration of the state.

Hariadi, et al. [2] defines the budget as an estimate to be achieved during a certain period expressed in financial measures. Nordiawan and Hertiaty [3] stated that the budget is a statement of the estimated performance to be achieved over a certain period in financial measures.

As is the case with the Cirebon City DPRD, in 2018, the Cirebon DPRD allocated Rp 2.3 billion to finance comparative study activities or work visits that would be spent in just three months. In fact, in the January-September period, the cost for a working visit had already spent as much as Rp 10.5 billion. Thus, the average funding for a working visit is around Rp 1 billion per month. This additional allocation for work visits is included in the Amended Regional Revenue Budget Plan (RAPBDP). This allocation was revealed in the discussion of the General Budget Policy (KUA) and the Provisional Budget Priorities (PPAS). The budget for the working visit of the Cirebon City DPRD through the pure APBD in 2018 reaches Rp 10.5 billion; because it was considered insufficient, Rp 2.3 billion was added in the APBD Amendment. Thus, the total allocation reached Rp 12.8 billion.

This work visit budget beats the Department of Labor (Disnaker) budget which is only Rp 2.7 billion for a year. In addition, the budget for the Department of Youth, Sports, Culture, and Tourism (DKOKP) is only Rp 4 billion a year. Surprisingly, this work visit budget also exceeded the recess agenda, wherein one year, Cirebon City DPRD members held the recess 3 times. Each recess, every Cirebon City DPRD member gets around Rp 11 million. This number does not include the budget for accommodation, tent rental, and sound system, which means Rp 37 million for each DPRD member. That means the cost for a recess is Rp 1.2 billion or Rp 3.8 billion for three recesses. The work visit budget which spent tens of billions is considered still small. Even so, the amount of the work visit budget is because no specific rules are governing the quantity and there are no rules that limit the working visit limit in a year [4].

Based on the facts above, the formulation of the issues raised in this paper is as follows:

- (1) How effective is the comparative study activity carried out by the DPRD with the performance achievement target?
- (2) Does the comparative study activity have rules that can limit the corrupt behaviour of DPRD members?

B. Discussion

As an institution of people's representation, the Regional Representative Council of Cirebon City has the responsibility in terms of paying attention, understanding and fighting for the aspirations of the people they represent. As representatives of the people in the regions, the Cirebon City DPRD has a huge responsibility in carrying out the aspirations of the people they represent. The implementation of regional government is a process of activities aimed at ensuring that the regional government following the plans and regulations in force. The oversight function performed by the DPRD refers to the applicable legal rules. In the Law Number 27 of 2009 concerning the Composition and Position of the MPR, DPR, DPD,

and DPRD, Article 334 for Regency/City DPRD [5], which is in line with Law Number 32 of 2004 concerning regional government [6], is stated clearly that the DPRD has the duty and authority to supervise:

1. Implementation of local regulations and other legislation.
2. Implementation of the decisions of the Governor, Regents, and Mayors.
3. Implementation of regional budget and expenditure revenue.
4. Local government policies, and
5. Implementation of international cooperation in the regions.

Work visits and comparative studies conducted by the Cirebon City DPRD are one form of this task. Cirebon City DPRD does a visit to the city without a purpose or even a walk. Every work visit conducted by Board members will assist them in implementing the work plan for one year. The results of the work visit can add insight and are useful for accelerating the completion of their activities and tasks in one year [7]. Within a year, Cirebon City DPRD members have a target to complete the draft regional regulation. To finalize the draft, Cirebon City DPRD members need information and knowledge related to the contents of the draft regulation.

Usually, other areas already have a program of activities with a good system relating to the Draft Regional Regulation being discussed by the Cirebon City DPRD. In addition, there may be other regions that have similar programs so that they can be used as examples or made comparisons. At that time, work visit activities are permissible [8]. The determination of work visit schedule also cannot be made arbitrarily. The determination must be based on the meeting of the deliberative body and signed by the Chairperson of Cirebon City DPRD since all of these activities must be accounted for later. In addition, the purpose and objectives of conducting work visits are as a comparison and input for making Mayor Regulations (Perwali) and Regional Regulations (Perda) [9].

The DPRD working visit is regulated in Government Regulation of the Republic of Indonesia Number 12 of 2018 concerning Guidelines for the Arrangement of the Standing Orders of the Provincial, Regency and City Regional House of Representatives [10]. Namely in Article 21 paragraph (2) [11]:

Supervision, as referred to in paragraph (1), can be carried out through:

- a. Commission working meeting with the Regional Government;
- b. working visit activities;
- c. public hearing, and;
- d. public complaints.

Therefore, every Cirebon City DPRD makes comparisons related to the problem being solved, whether in making regional regulations or studying the performance of the government or other DPRD there must be approval from the deliberative body and signed by the Chairperson of the Cirebon City DPRD [12].

However, in reality, the implementation of the working visit was not or did not become a measure of the number of the draft regulation that was made by the Cirebon City DPRD. This is due to the large number of work visits conducted in the context of Consultation, Comparison, and Coordination of the Draft of the Regional Regulation which will be made by the Cirebon City DPRD. Therefore, work visits cannot be used as a benchmark in the number or number of drafts. Supposedly, the implementation of a working visit must be able to provide efficiency and effectiveness in the implementation of the duties of the DPRD related to the Drafting of Regional Regulations in the City of Cirebon.

In 2017, the Cirebon City DPRD was only capable to conduct discussions on 17 draft regulations and 2018 as many as 12 draft regulations. This figure is certainly not in line with the targets of the Cirebon City Regional Legislation Program for the 2014-2019 Period. Achievements in the Cirebon City DPRD Regional Legislative Program (Prolegda) are still far from the target of the 2017 Cirebon City DPRD Draft Regulation. In fact, in 2017 the Cirebon City DPRD was only able to produce 17 draft regulations from the achievement target in 2018 of 28 draft regulations, however, only 12 draft regulations were able to be produced by the Cirebon City DPRD in 2018. This is because in 2018 there were simultaneous local elections, especially in the city of Cirebon. That is what makes the intensity of the discussion and trial on the Draft Regional Regulation less.

Election implementation should not be the reason for justification for the decreasing of the draft regulation produced by the Cirebon City DPRD in 2018. Many community interests involve the life and order of the regional government in the draft, therefore, it needs to be resolved immediately. Supposedly, the implementation of work visits and comparative studies can be a trigger in the completion of the Cirebon City Prolegda target in the 2014-2019 period, especially in 2017 and 2018. So that, through good performance and the achievement of the Draft Regional Regulation targets, it will provide effectiveness on the performance of the Cirebon City DPRD to compile, design and enact a draft.

A. Correlation of Comparative Study and Work Visit towards the Draft of Regional Regulation in Cirebon City

Work visit is a work agenda of Cirebon City DPRD member to make a comparison regarding problems being solved either in making local regulations or studying the performance of the government or related DPRDs visited [13]. In conducting work visits and studies, the Cirebon City DPRD must thoroughly discuss it [14]. The determination must be based on the meeting of the deliberative body and signed by the Chairperson of Cirebon City DPRD since all of these activities must be accounted for later. Therefore, to enact a local regulation, it needs a continuous role. Supervision between the government, Cirebon City DPRD, and the community are needed so that an agreed law can be implemented and accommodate the interests of all parties [15]. In addition, the purpose and objectives of conducting work visits are as a comparison and input for making Mayor Regulations and Regional Regulations [9].

“Whatever action will be taken by both the stakeholders, implementing agencies, and legislators are always within the scope of the complexity of social, cultural, political forces and so on.” [16]

Based on Robert Seidman's theory, *“a monitoring process is needed for an escort process from the enactment of the law”*. This is following the duties and authority of the Cirebon City DPRD in carrying out supervision in the implementation of regional regulations. Cirebon City DPRD must be able to conduct proper supervision so that the legal objectives can be well-achieved [17]. Therefore, to support good supervision performance, good cooperation is needed between the Government, DPRD, and the community. In addition, to realize a goal or target, there must be a continuous implementation of activities so that the expected goals can be achieved. This is following the functions owned by the DPRD which include:

1. Legislation function:
 - a. Develop a National Legislation Program (Prolegnas).
 - b. Prepare and discuss the Draft Bill (RUU).
 - c. Establish a joint law with the President.
 - d. To approve or not approve government regulations to replace the Act (proposed by the President) to be stipulated as Law.

2. Budget Function:

- a. Hold a preliminary discussion on the preparation of the Regional Revenue and Expenditure Budget Draft which falls within the scope of its duties together with the local government.
- b. Manifested in compiling and stipulating APBD with the Regional Government.
- c. Hold discussions on the regional financial statements and the implementation of the budget including the results of the inspection Bawasda/BPKP/BPK related to the scope of their duties.

3. Supervision Function:

- a. Manifested in the form of supervision of the implementation of the Law, Regional Regulations, Decisions of the Regional Head and Policies established by the regional government.
- b. Discuss and follow up on Bawasda/BPKP/BPK inspection results related to the scope of their duties
- c. Supervise local government policies.
- d. Manifested in compiling and stipulating APBD with the Regional Government.
- e. Conduct discussion of regional financial reports and implementation of the budget including the results of the inspection of Bawasda/BPKP/BPK related to the scope.

Therefore, the purpose of the supervisory function itself is to exercise control over the implementation of executive tasks under the applicable laws and regulations. The expected target is to gather accurate data on the implementation of regional regulations [18]. The forms of activities include a review of research and investigation of cases that occur in the field, work visits of commissions, work visits of honorary bodies, working visits of Board Fittings (AKD), work meetings and hearings, leadership meetings, commissions, joint commissions, and other DPRD equipment. Through these methods the DPRD can:

1. Invite officials in the local area to ask for information, opinions, and suggestions (the right to ask).
2. Receive, request and endeavour to obtain information from officials/related parties (interpellation rights).
3. Asking certain parties to conduct an investigation or examination (inquiry right).
4. Advising on preventive and repressive measures to authorized officials.

The Regional House of Representatives is an institution of people's representation that has the responsibility in terms of paying attention, understanding, and fighting for the aspirations of the people they represent. Proving the relationship between the activities carried out with the knowledge obtained by the Cirebon City DPRD must be able to show that knowledge from the results of a working visit contributes positively to the formation of the law. Contributions will appear in the discussion of the Draft Bill at each level in the DPR's equipment. The public can access reports from each DPRD member who is attending a working visit/comparative study. Thus, Cirebon City DPRD members must make a report to show that they are substantively conducting a comparative study. Reports not only contain ceremonial activities but also substantial ideas.

In Articles 298 to 300, Law Number 27 of 2009 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council (for the Provincial DPRD) and Articles 349 through Article 351 (for the Regency DPRD/City), furthermore in Article 45 of Law Number 32 Year 2004 concerning Regional Government [19] confirms that the obligations of DPRD members are as follows:

1. Practising Pancasila, implements the 1945 Constitution of the Republic of Indonesia and obeys all laws and regulations.
2. Carry out a democratic life in the administration of local government.
3. Maintaining and maintaining national harmony and the integrity of the Republic of Indonesia.
4. Fighting for efforts to improve people's welfare in the regions.
5. Absorb, collect, accommodate, and follow up the people's aspirations.
6. Prioritize the interests of the state above personal and group interests.
7. Give moral and political accountability to voters and their constituencies.
8. Obeying the Standing Orders, the Code of Ethics, and the Oath/Promises of DPRD Members.
9. Maintain norms and ethics in working relations with related institutions.

Therefore, to support good supervision performance by the Cirebon City DPRD, good cooperation is needed between the Government, the DPRD, and the community. In addition, to realize a goal or target, there must be continuous implementation so that the expected goals are achieved.

Conclusion

1. The Drafting of Regional Regulation in Cirebon by the Cirebon City DPRD is carried out to realize the function of an aspirational legislative body, as well as being able to aspire to the interests of the community through a Regional Regulation made by the Cirebon City DPRD. However, the implementation of a working visit and comparative study conducted by the Cirebon City DPRD in the context of the implementation of the Draft of Regional Regulation in Cirebon City has not been carried out effectively and efficiently.
2. Work visits and comparative studies have a correlation and an important role in the framework of the preparation of the draft regulation in the city of Cirebon. Work visits are carried out before the drafting of the draft regulation for purposes of comparison, coordination and consultation. Thus, the implementation of the Draft Regional Regulation in the framework of work visits and comparative studies has an important role. However, there must be tangible parameters between the comparative study/work visit activities carried out with the target program so that the activities carried out are not solely for recreational purposes which, if proven to be a form of DPRD institutional corruption.

SUGGESTIONS

1. After completing a working visit and comparative study, the Cirebon City DPRD should conduct an inventory of tasks that have not been successfully carried out. Then, the results are compared with the results of comparative studies and or work visits so that the activities carried out can be useful in practice.
2. In the context of completing the 2014-2019 Prolegda target period, Cirebon City DPRD should be more effective and streamline the implementation of work visits and comparative studies to achieve the Prolegda target so that the implementation of comparative studies and work visits can provide concrete benefits to the performance and legislative function of the Cirebon City DPRD.

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