



DPD Performance Implementation in The Supervision Function Based on The Dignity of Justice

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Article Info

Received: January 10, 2023
Revised: February 15, 2023
Accepted: February 25, 2023
Published: February 28, 2023

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Abstract: The authority of the DPD is regulated in Article 22 D of the 1945 Republic of Indonesia Constitution which states that there are three functions of the DPD, namely the functions of legislation, consideration and supervision. However, these three functions are carried out by the DPD in a very limited manner. The existence of the DPR and the Supreme Audit Agency (BPK) as one of the state institutions is an implementation of the horizontal division of powers. The House of Representatives is an institution that has legislative, budgetary and supervisory functions, while the Supreme Audit Agency is an institution with the main function of auditing state finances. However, the supervisory function in regional budget matters carried out by the DPD is still part of the financial audit by the BPK. The principle that applies in state administrative law is that if an institution, including the DPD RI can measure performance, it means that the institution can know many things, such as being able to reward those who succeed, as well as being able to provide sanctions or recommend sanctions for those who fail; be able to know the actual cost; can link between costs and results; can determine whether it is better to do it yourself or need to outsource (outsourcing); can improve performance; can choose the best alternative.

Keywords: DPD RI, dinity of justice, supervision function,

Citation: Wartoyo, F.X., and Prasetyo, T. (2023). DPD Performance Implementation in The Supervision Function Based on The Dignity of Justice. *Mandalika Journal of Social Science*, 1(1), 7-11.

Introduction

The Regional Representatives Council of the Republic of Indonesia (DPD RI) is a state institution that is constitutionally recognized as representing regional aspirations and interests, especially in making political decisions at the national level. The mandate of the 1945 Constitution (Amendment IV) also emphasizes that the DPD RI has a position as a representative institution with the DPR RI which has the functions of legislation, supervision and budgeting (Fahrozi & Marbun, 2022).

The implementation of regional government in Indonesia as regulated by the 1945 Constitution of the Republic of Indonesia as the highest basic law of the state, legal political policies that must be taken by the government towards regional government by giving authority to the regions to regulate and manage their own government (Helberger, 2020);(Kim, 2020). Things that are in accordance with the principles of autonomy and mutual assistance in work, as well as the granting of authority must be aimed at accelerating the realization of social welfare, through improving services, empowerment and participation of the wider

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community throughout the territory of the Unitary State of the Republic of Indonesia (Husen, 2005). The formation of the DPD is to accommodate regional interests in national policies in order to maintain national integration. The leadership during the New Order era compared to the reform era has not been able to provide better equity between the center and the regions (Safa'at, 2014)

The authority of the DPD is regulated in Article 22 D of the 1945 Republic of Indonesia Constitution which states that there are three functions of the DPD, namely the functions of legislation, consideration and supervision. However, these three functions are carried out by the DPD in a very limited manner. But so far the DPD has been quite successful in carrying out its functions. As part of the governmental function, the DPD in its implementation is really able to represent regional voices because the number of DPD is one-third of the number of members of the People's Representative Council (DPR) as stated in article 22C of the 1945 Republic of Indonesia Constitution paragraph (2). The basic idea of forming the DPD is the desire to better accommodate regional aspirations and at the same time give a bigger role to the regions in the political decision-making process for issues especially those directly related to regional interests (Kosasih, 2016). Thus, according to (T. M. Nasarudin, 2017), the Regional Representative Council is an unusual example in practice of a people's representative institution with a bicameral system because it is a combination of institutions with very limited authority and high legitimacy (represents the odd combination of limited powers and high legitimacy).

In addition, the function of the DPD is also intended to strengthen the responsibility for implementing autonomy, as it is known that the regions are realized as an effort for regional governments to be able to manage their respective territories according to their conditions and needs. In making it happen so that the performance has good achievement and quality in terms of good governance, the performance of local governments needs to get support therein, as contained in Law Number 23 of 2014 concerning Regional Government (Hamudy & Rifky, 2020).

The existence of the DPR and the Supreme Audit Agency (BPK) as one of the state institutions is an implementation of the horizontal division of powers. The House of Representatives is an institution that has legislative, budgetary and supervisory functions, while the Supreme Audit Agency is an institution with the main function of auditing state finances (Haruni et al., 2020). However, the supervisory function in regional budget matters carried out by the DPD is still part of the financial audit by the BPK. This causes the power of

the oversight function in DPD budgeting to become narrower which causes a narrowing of regional authority according to the autonomy of each region. Part of the narrowing of regional autonomy that is happening at this time is because the DPD RI does not have the authority to make decisions in terms of legislation, budgeting and supervision (Abustan & Mustomi, 2020). In fact, if you look at the level of representation, a DPD member should have very strong legitimacy, because he is directly elected by the people, the scope of his electability is wider, and he has a larger number of voters and members of the DPR (M. T. Nasarudin, 2020).

The demand for decentralization or regional autonomy requires a fundamental change in decision making. Decisions that have so far been taken centrally, now the community and the regions must be involved in formulating various policies regarding their lives (Reza, 2020). People want to determine their own destiny. Within that framework, the presence of the DPD as a geopolitical representative is able to capture the aspirations of the local community to be used as a basis for making political decisions at the national level. In this way, local people will be satisfied and feel part of the country and share responsibility for the progress and decline of this country (Wasahua & Hubbul, 2020).

The presence of the DPD through the third amendment to the 1945 2001 Constitution of the Republic of Indonesia in the Indonesian constitutional system gave birth to a new concept regarding the representation system. Previously the representative system adopted was one chamber, now it is leading to a two chamber system, but this has not been fully realized because the DPD has very weak authority when compared to the authority of the DPR (Endah Permatasari & Juwono, 2022). Therefore, how is the implementation of the DPD's performance in the supervisory function based on a dignified supervisory function in accordance with the mindset according to laws and statutory regulations that have been tested for truth before the court by referring to the decisions of judges or courts, this article will discuss how the implementation of the supervisory function by DPD compared to BPK.

Method

The nature of the research used in this research is analytical descriptive, with a normative juridical approach, namely research conducted by focusing on research on library research, namely by tracing, collecting, researching and studying books, literature, documents, laws and regulations, as well as secondary data, both in the form of primary legal materials,

secondary legal materials, and tertiary legal materials (Zed, 2018).

Result and Discussion

The House of Representatives has the oversight function of all matters pertaining to laws relating to regional autonomy, central and regional relations, formation and expansion and amalgamation of regions, management of natural resources and other economic resources, as well as those related to central and regional financial balances and APBN, taxes, education and religion. Based on the functions carried out, the DPD can provide or convey its considerations to the DPR to be followed up, whether every proposal and discussion of laws and after carrying out supervision by the DPD which is its area of authority can become a policy that can be decided by powers in the legislative field (Arimbawa et al., 2020).

These tasks and functions relate directly and indirectly to governance. As said that the administration of government and the state in a rule of law state, especially in the continental system, must be based on the principle of legality. This means that every decision on state action must be approved by parliament. The position and function of the DPD must comply with the principle of legality. But what about the fulfillment of the principle of legitimacy of the function and role of the DPD, meaning to what extent the presence of the DPD along with its duties and functions is understood and the benefits of its implementation are felt by the people and local communities in Indonesia (Pakpahan, 2016).

The power to run the government has political and legal dimensions. Authority does not only have a political dimension indicating the right to act or not act, but authority must also have a legal dimension indicating the right to fulfill duties and obligations. The authority exercised by the government is the process and form of fighting for rights and obligations for the service provider (government) and for those served, namely the people and society (Anggriaini, 2011).

Both of these must be in good condition and implemented in a balanced, proportional manner so that authority can be carried out sustainably and produce optimal products. Legislators such as the executive, namely the President and his Cabinet and the institutions under him, meaning that in carrying out institutional functions, social and political communication must be ensured and effective. Judging from the systems approach, in monitoring and reviewing applicable laws, the focus of the DPD-RI is

not the same as the focus of monitoring and review carried out by the DPR and the Government. The DPD-RI as a representative body concerned with the Regions, of course, will only monitor the laws that apply and are related to the interests of the Regions, as stated above. Meanwhile, the DPR and the government carry out monitoring and review of laws that apply in general (Wartoyo & Prasetyo, 2022).

State budgets, for example, both central and regional budgets become performance-based budgets. That is, the budget is calculated and prepared based on performance planning. The budget is calculated and prepared based on the need to produce the output and outcome that the community wants. With a performance-based budget, the DPD RI can carry out its supervisory function by tracing budget allocations to planned performance, and at the end of each fiscal year, tracking budget realization can also be carried out with performance achievements. This will facilitate evaluation to find out the cost efficiency and cost effectiveness of budgets, for example local governments, as well as facilitate the prevention and detection of budget leaks (Prasetyo & Wartoyo, 2022).

In accordance with this idea, authority should be exercised effectively and produce optimal products. The DPD, in this case, must also carry out its authority in line with its duties and functions proportionally and strengthen the functions (checks and balances) of the institutional interaction relationship. Conditions that are not good enough in the political and legal domains regarding the authority of the DPD according to their duties and functions; legislation, oversight of nominations, and issues and problems that arise, for example the implementation of decentralization and regional autonomy in various aspects has described conditions where the DPD has not functioned optimally, properly and correctly (Zuhro, 2018a).

So far, good and correct solutions have not been implemented effectively to reach the interests of the people and society. Various problems in the implementation of decentralization and regional autonomy encourage more active and pro-active implementation and realization of authority and its role. Distortion, so that central policy messages are often not well responded to by local governments; and regional aspirations in various fields of development have not been proportionally and effectively accommodated by the central government (Widiyono, 2022).

This situation causes the implementation of development in the regions and the results of its implementation are not well distributed, so that regional socio-economic disparities between regions are still felt. So the decentralization and regional autonomy that are expected to bring closer and expedite public

services and accelerate the realization of regional community welfare have not been achieved optimally. The Regional Representatives Council must respond by planning steps based on pro-people and community policies and programs to find solutions (Prasetyo & Barkatullah, 2012).

Absorption of the budget for the implementation of development in the regions is very slow, because officials are worried and afraid of violating statutory provisions and ending up with legal sanctions (Ahmad & Suryadi, 2020). This is an act to carry out duties and functions that ignore the authority to serve the people. This phenomenon has continued until now, it seems that the DPD has not adequately responded to conditions where it should have been the task and responsibility of the oversight function, especially supervision of the implementation of decentralization and regional autonomy, which has not yet been implemented, among the general public it is seen that the DPD is very less neutral in politics.

Therefore, in resolving a conflict if it occurs as previously stated, it is necessary to use ideas about justice based on local wisdom, the wisdom of the nation itself (Indonesian Volkgeist), not depending on imported wisdom; without any intention at all to belittle the superiority of the thoughts of other civilized nations, for example the legal (philosophical) thinking of the West. It is said so, because all applicable laws and regulations must be of the same soul, compound or may not conflict with Pancasila and therefore constitute Pancasila as well, as long as they are not declared null and void (Aldyan & Negi, 2022).

The principle that applies in state administrative law is that if an institution, including the DPD RI can measure performance, then that means that the institution can know many things such as being able to reward those who succeed, as well as being able to provide sanctions or recommend sanctions for those who fail; be able to know the actual cost; can link between costs and results; can determine whether it is better to do it yourself or need to outsource (outsourcing); can improve performance; can choose the best alternative (Sinukaban, 2020). In line with political developments, the constitutional system and Indonesia's current needs, especially with regard to decentralization/ regional autonomy policies, the presence of the DPD is considered quite relevant going forward. The DPD is not only expected to play a more active role in promoting the local democratic process, but is also able to absorb aspirations and represent the capabilities of local governments with evaluations conducted by BPK in the corridor of better distribution of supervisory functions (Zuhro, 2018b)

Conclusion

The existence of the Regional Representative Council (DPD) is not strong enough compared to the Supreme Audit Agency (BPK), as a regional representative the DPD has the right to determine and evaluate its performance according to its function according to applicable regulations. However, in practice BPK still has to evaluate the budget function of the DPD, this shows that the DPD still has deficiencies in the budgeting oversight function, BPK as a central institution should carry out policies in carrying out its supervisory function there is a DPD in a dignified manner, namely in accordance with principles and an equal position, even though in the statutory regulations the BPK has a hierarchy above the DPD.

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