

## **Dynamics of executive legislative relations in local regulation making in Jeneponto Regency**

<sup>1</sup>Andi Pattarani, *lecturer at PEPABRI University Makassar Indonesia*

<sup>2</sup>Hidayat Marmin, *lecturer at PEPABRI University Makassar Indonesia*

---

### **Abstract**

ANDI PATTARANI. Dynamics of executive legislative relations in making local regulations in Jeneponto Regency (guided by promoter Juanda Nawawi and Kopromotor Heri Tahir and Rifdan) this study aims to determine and analyze (1) the process of making local regulations, (2) the implementation of legislative functions of parliament, (3) the implementation of executive functions in making local regulations, and (4) the factors that influence the process of making local regulations. This study was conducted at the Local Government Office and parliament Jeneponto, through qualitative descriptive research approach. Research informants include key informants, namely elements of the DPRD leaders, commissions, factions, DPRD members, and Regents, Vice Regents, regional secretaries and heads of SKPD. While informants of community groups: members of NGOs and community leaders.

The results showed that (1) the process of making local regulations starts from the initiative of the local government, made in the form of draft Raperda then submitted to the council (DPRD) to be determined. The board members invited the relevant parties to provide explanations in the discussion of the draft regulation. After going through several stages of faction and commission meetings, the decision was taken through the plenary meeting of the DPRD. (2) the functions and duties of the legislature in making regional regulations shall be based on its authority through the shelter of aspirations, suggestions, and wishes of the community as consideration in the discussion of the determination of regional regulations. The legislative function of the DPRD is an obligation assumed by the members of the council in completing a draft law for the benefit of the general public, (3) the function of local government as a technical implementer of local regulations also continues to accommodate suggestions and wishes of the community through musrembang at all levels. The drafting of the draft regulation is carried out by relevant agencies in accordance with their respective fields led by the regional secretary and the legal department to be submitted to the DPRD, and (4) The influencing factors in making regional regulations are dominated by the competencies possessed by both parties, DPRD members and the Jeneponto Regency regional government, on the other hand communication factors determine the course of the regional regulation making process. The intensive form of communication carried out by the executive referring to the emotional and familial relationship is very helpful in realizing the local regulation of Jeneponto Regency.

**Keywords: jeneponto Regional Representative Council, legeslatife, regional regulation making, initiative regional regulation**

---

Date of Submission: 15-09-2022

Date of Acceptance: 30-09-2022

---

### **I. INTRODUCTION**

The 1945 Constitution, Article 18, affirms the system of government of Indonesia as a unitary state, known as the central government and local governments that have been described in various laws or the latest policy now with Law No. 32 of 2004, which is considered as an effort to reform the local government system, namely democratic, decentralized, fair and accountable government. Decentralization is the transfer of central government authority to autonomous regions, to regulate and manage government affairs in the Unitary State System Of The Republic of Indonesia (NKRI). Politically, the existence of local government is very important in accommodating the desires and demands of the region.

Alderfer's (1964) concept of decentralization reveals two general principles, in distinguishing how the central government allocates its powers to autonomous regional governments, namely: (1) in the form of deconcentration is solely the arrangement of Administrative Units or field stations, either single or in a hierarchy, separate or joined with the government on what they should do or how to do it, and (2) decentralization, local units are set with certain powers based on certain areas of work, they can carry out their own assessments, initiatives and government based on the rules of legislation.

Cheema and Rondinelli (1983) divided 4 (four) types of decentralization, namely: deconcentration (transfer of administrative authority in a Department, delegation (delegation of responsibility for certain functions to organizations outside the government bureaucratic structure, and directly controlled by the central government), devolution (formation and empowerment of government units at the local level by the central government), and privatization or debirovatization (release of responsibility to non-governmental organizations). Autonomy is basically the right, authority and obligation of the region to organize and manage its own household. The authority that is owned means the right, and the duty to lead the affairs of local government, and the responsibility to overcome the problems faced, as well as the authority of local government, is to carry out the task of government and development for the welfare of the people evenly and fairly.

There are several forms of decentralization, including a comprehensive local government system, several types of community services carried out by the central government, and partly by local governments (partnership system), the central apparatus carries out technical services directly the same as the local government (dual system), and the central apparatus carries out technical tasks under supervision and coordination, village officials only have limited authority (integrated administrative system).

The birth of Law No. 32 of 2004 on regional government, has changed the mechanism of regional head elections that initially regulate Regional Head elections carried out by legislators in the DPRD, into a new system as described in Article 56 of the law, which states that "regional head elections and Deputy Regional Heads are directly elected by the public from pairs of candidates democratically based on the principle of direct, public, free, secret, honest and fair". Legislative and executive relations contain both positive and negative implications. Positive implications, legislative and executive relations, especially the role of the Legislature is expected to be more active in capturing the aspirations that develop in the community, then adopt it in various forms of public policy in the region together with the executive. Negative implications, the possibility of prolonged conflict between the Executive (Regional Head) with the Legislature (DPRD) (Romli, 2007).

Harmonization of the relationship between the executive and legislative in the context of governance. Governance in the region, helped determine the achievement of a conducive situation, for the success of development programs in the region, therefore the pattern of balanced and egalitarian relations between the two institutions, need to be continuously improved in an effort to maintain political stability in the region. In the regions, DPRD was formed as a regional legislative body, and local government as a regional executive body. The government consists of regional heads and other regional devices. The local government carries out its duties, and its authority leads the local government, as well as the DPRD, as an element of local government carries out its duties and authorities in the field of legislation, budget and supervision.

The repositioning and refunctionalization of the DPRD, has put the DPRD in a position parallel to the local government, and returned to its proper function as a regional legislature. DPRD should be able to play its role in the administration of local government, including in the formation of local regulations, a legislative function that is realized through the implementation of the right to propose draft regional regulations, and the right to make changes to the draft regional regulations.

Indeed, DPRD functions more as a controlling institution for the power of local government, rather than as a legislative institution in the true sense. But in everyday reality, the DPRD institution is called the legislative institution. Regulation on the function of the House of Representatives according to the provisions of the 1945 Constitution before it was amended, this people's representative institution has the right to propose initiatives to design legal products. According to the provisions of the old 1945 Constitution, the DPR has the right to advance proposals for draft law initiatives. Similarly, DPRD, based on the provisions of Law No. 22 of 1999, entitled to submit draft local regulations to the Governor. However, this initiative right does not actually cause the position of DPRD to be the main legislative power holder. The main power holder in this area of government, remains in the hands of the government, in this case the governor or Regent/Mayor.

The functional relationship of the legislature with the executive is often found critical points, for example in the election of candidates for regional head, the ratification of the regional strategic plan (Renstra), the ratification of the regional budget (APBD), the financial position of the leadership and members of Parliament, the implementation of DPRD supervisory duties, the ratification of the direction and head of the region, DPRD intervention against the executive of a technical nature of government (Soleh, Chabib and Rochmansjah, 2010). There are negative symptoms in some areas, including the development of primordial sentiment, and arrogance. DPRD positions itself as opposed to the executive, and tends to act less ethically.

The results of the Local Governance Support Project (LGSP) research in collaboration with the United States Agency for International Development (USAID) (2009), showed that the implementation of the legislative functions of the DPRD, which is the case in this review, varied in performance, but in general, the regional regulations proposed by the executive in particular that regulate the functions, and work procedures and aspects related to efforts to divert local revenue, on average more than the regional regulations derived from the DPRD's own initiative.

Results of LGSP research (2009) through LGSP program 2005-2009, legislative strengthening and mentoring program facilities run in South Sulawesi:

1. Capacity building Program for regional legislators, especially to sharpen the function of DPRD as a regional regulation partner that runs 3 functions, namely the function of making regional regulations; supervisory function and budgeting function, specifically for the legislative function, focus on the process of preparing regional regulations that open space for citizen participation and transparency, especially in terms of regional design and budgeting. The stage starts from setting and developing strategies, namely reviewing regional regulations that are not transformative, then scheduling to compile new transformative regional regulations. That is, not the quantity or number of local regulations that can be produced in one DPRD service period, but the quality of local regulations produced, namely local regulations that can protect the rights of citizens and improve the quality of public services, while regional regulations that need to be reviewed are adverse regional regulations, such as distribution regulations, including banana bunch distribution regulations, Land product retribution regulations. Retribution is only allowed if the regulation has an investment contribution in the means used by the community, the investment must be returned, such as market retribution.

2. Levy program supervisory function of members of Parliament. This Program, generally directed to develop regional asset management management, almost many areas of asset management is felt to be very weak, and methodologically not controlled by most legislators. Many local government lands and buildings do not provide any benefits, except for the cost to the local government they manage. In Jeneponto, many houses of office are still controlled by former officials, so they have to make new homes for new officials. In Enrekang, many local government land assets are then transferred to the control of the rulers, both local and outsiders. Local regulations regarding asset management already exist in Takalar Regency and Pangkep Regency (PangkajeneKepulauan Regency).

Factors that influence the DPRD in carrying out its functions, namely: (1) Human Resources, (2) rules of procedure of DPRD, and (3) facilities and infrastructure. The lack of DPRD role in using the right initiative, judging from the quality of DPRD members, very few DPRD members who have the knowledge and experience that support the ability to prepare a draft draft, and plus the lack of training obtained, to improve the quality and lack of opportunities provided to attend quality seminars, so that DPRD lacks technical skills related to, such as the library and the lack of books and other materials, has not fully support the smooth task of the board.

Based on the results of observations in the field in Jeneponto Regency, shows that the relationship between parliament and Local Government in making regional regulations in the period from January to December 2010 as many as 5 pieces, namely: (1) Regional Regulation No. 1 of 2010 on the budget (2) regional Regulation No. 2 of 2010 on financial assistance to political parties, (3) regional Regulation No. 3 of 2010 on the establishment of the organization and work procedures of the secretariat of the Executive Board of the Republic of Indonesia employee Corps (KORPRI) Jeneponto Regency, (4) regional Regulation No. 4 of 2010 on free education, and (5) regional Regulation No. 1 of 2010 on transparency and participation in regional development planning of Jeneponto regency, while in the period from January to December 2011 there were 7 regional regulations produced, namely: (1) regional Regulation No. 1 on APBD year 2011, (2) regional Regulation No. 2 on accountability for the implementation of APBD year 2010, (3) regional Regulation No. 3 on prevention and handling of trafficking victims, (4) regional Regulation No. 4 on year 2011, (5) regional Regulation No. 5 on BPHTB, (6) regional Regulation No. 6 on APBD year 2012, and (7) Regional Regulation No. 7 on the implementation of Population Administration.

## **II. RESEARCH METHODS**

Research location and type of research

This research was conducted in Jeneponto Regency, especially at the Local Government Office and DPRD Jeneponto regency, South Sulawesi province. While this type of research is descriptive research. According to Bungin (2007) descriptive research aims to describe, summarize various conditions, various situations, or various phenomena of social reality in the community that is the object of research, and seeks to draw that reality to the surface as a characteristic, character, nature, model, sign, or description of certain conditions, situations, or phenomena. Descriptive research aims to explore and clarify about a phenomenon or social reality, by describing a number of variables related to the problem and the unit under study.

Descriptive research as a way to identify the characteristics of descriptive methods that are focused on observation and natural atmosphere (naturalization setting), researchers act as observers, create behavioral categories, observe symptoms, and record them in observation books. There are several reasons for choosing the locus of research on legislative and executive relations in making local regulations in Jeneponto Regency, among others: (1) the decline of regional regulation products in favor of the interests of the community in the last three years (from 2009 to 2011), so it is interesting to study, (2) the phenomenon of determination and ratification of regional regulations is always late, not according to the schedule that has been determined, there

are even some regional regulations only decided in one plenary meeting, and (3) similar research has never been conducted in Jeneponto Regency with different variables.

#### Research Approach

This study uses a qualitative approach. Bungin (2007) emphasized that qualitative research seeks to find various phenomena so that an in-depth study and analysis is carried out and punctures the research target. There are several basic considerations that used qualitative descriptive analysis in this study, namely:

1. Qualitative Data is a source of broad and well-founded description, and make an explanation of the processes that occur within the local scope.
2. Can follow and understand the flow of events chronologically, assess causation and obtain numerous and useful explanations.
3. Can guide by obtaining previously unexpected discoveries and to form new theoretical characters.
4. Can go further than preconceived notions and frameworks earlier (Bungin, 2007).

#### Data sources and Research informants.

Research data sources are primary and secondary data. Primary Data comes from focused and in-depth interviews with key informants and ordinary informants and observations made by researcher. While the secondary data is in the form of documents obtained from the DPRD office and some SKPD in Jeneponto Regency. Research informants include key informants, namely elements of the DPRD leaders, commissions, factions, DPRD members, and Regents, Vice Regents, regional secretaries and heads of SKPD. While the usual informants are: NGO members and community leaders.

#### Focus Research problem and focus description.

The focus of the study in this study can be described below.

1. The functions and duties of the executive legislature are a form of rights and obligations inherent to each individual according to the rules applicable in making local regulations in Jeneponto Regency.
2. The process of making local regulations is all activities carried out by the Legislature and executive in accordance with the rules in making local regulations in Jeneponto Regency.
3. The attraction of interest in making local regulations is the existence of various interests between both parties both individually and in groups that must be accommodated in the formulation of local regulations carried out by the Legislature and the executive.
4. Jeneponto Regency regional regulation is a form of government policy outlined in the decree through the results of the plenary session and joint ratification between the government and the Jeneponto Regency DPRD.
5. Factors that influence the making of local regulations are all conditions that affect the process of making local regulations, both inhibiting and supporting between the Legislature and the executive in Jeneponto Regency.

#### Research Instruments.

In this study the researchers themselves who act as research instruments. In addition, interview guidelines, observation guidelines and document notes are also used.

Validity of the data obtained through the instrument, the construct validity test was carried out by trying to find data from multi-sources of evidence, building a coherent series of evidence with multi-techniques, review of the draft research report by key informants (Yin, 2009).

According Sugiyono, (2008) validity test of data in qualitative research includes credibility test (interbal validity), transferability(external validity), dependability (reliability), and confirmability (objectivity).

### III. RESULTS AND DISCUSSION

#### Overview Of Research Sites

Jeneponto County lies between 5o23'12" – 5o42'1.2" south latitude and 119o29'12" - 119o56 '44.9" east longitude. It is bordered by Gowa and Takalar regencies to the North, Bantaeng Regency to the East, Takalar Regency to the West and Flores Sea to the South. The area of jeneponto Regency is recorded at 749.79 square km.

The population of Jeneponto Regency in 2010 amounted to 342,700 people spread across 11 sub-districts, namely Bangkala, West Bangkala, Tamalate, Bontoramba, Binamu, Turataea, Batang, Arungkeke, Tarowang, Kelara and Rumbia, with the largest population in Binamu District as many as 52,420 people. Overall, the female population is more than the male population, in 2010 the number of women as many as 176,316 people and men as many as 166,384 people.

*Dynamics of executive legislative relations in local regulation making in Jeneponto Regency*

Based on the calculation of GDP on the basis of constant prices in 2000, Jeneponto economic growth rate in 2010 amounted to 7.25 percent. The value of GDP on the basis of constant prices in 2000, then in 2010 Jeneponto amounted to 891,052.98 million rupiah.

The economic structure of Jeneponto Regency is still dominated by the agricultural sector. In 2010 this sector contributed the largest to the formation of GDP Jeneponto District of 475,280.79 million or 49.58 percent. The distribution of GDP data for the last three years of Jeneponto Regency is shown in Table 1

<b>Business fields</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
agriculture	417.998.96	434.833.70	475.280.79
mining and quarrying	11,569.77	13.178.75	13.488.28
industry			
electricity and drinking water	18.483.30	19.464.72	20.346.38
buildings	4,462.79	4.784.24	5.156.98
Trade hotels and restaurants	40.405.88	42.672.65	44.171.33
transportation & communications	58.540.43	61.517.57	65.823.66
banks, other financial institutions			
Services	27.933.14	29.015.07	30.892.29
	54.943.95	58.322.09	63.204.17
	154.040.50	166.991.17	172.689.10
<b>GDP</b>	<b>788.378.73</b>	<b>830.770.96</b>	<b>891.052.98</b>

Source: Secretariat of Parliament of Jeneponto Regency, 2010

Jeneponto local government includes 113 villages / kelurahan with details of 82 villages and 31 kelurahan. Judging from the level of development of the village/kelurahan, the potential that many found is low potential as many as 93 villages/kelurahan, following the medium potential as many as 19 villages/kelurahan and high potential as many as 1 kelurahan.

In 2010 Jeneponto Regency DPRD members as many as 35 people consisting of Golkar Party faction as many as 4 People, PPP faction as many as 3 people, Pan faction as many as 4 people, people's conscience faction as many as 5 People, Democratic faction as many as 3 people, Unity faction as many as 4 people, Prosperous Justice faction as many as 3 people and BarisanKebangsaan faction as many as 9 people. Table.2

<b>Name fraction</b>	<b>Male</b>	<b>Female</b>	<b>number</b>
fraction P.Golkar	2	2	4
fraction National Mandate Party	4	--	4
fraction Prosperous Justice			
fraction People's Conscience	3	-	3
fraction Democratic			
fraction United Development Party			
fraction Unity	4	1	5
fraction Barisan Kebangsaan			
	3	-	3
	3	-	3
	4	-	4

	8	1	9
Total	31	4	35

Source: Secretariat of Parliament of Jeneponto Regency, 2010

The composition of the membership of the Jeneponto DPRD in 2010 is divided into three commissions, namely commission one, commission two and commission three with each having a chairman, deputy chairman, secretary and members. Distribution of composition data is based on the number of

Commissions - Commission	chair man	Vice Chairman	Secretary	Member	number
Commission I	1	1	1	7	10
Commission II	1	1	1	8	11
Commission III	1	1	1	8	11
Total	3	3	3	23	32

Source: Secretariat of Parliament of Jeneponto Regency, 2010

While the number of other organs composition of Jeneponto Regency DPRD in 2010 consisting of deliberative bodies, budget bodies, honorary bodies and legislation bodies, can be seen in Table 4 below.

Bodies	Chair man	Vice Chairman	Secretary	Members	number
DPRD fittings deliberations	1	2	1	14	18
budget parliament fittings	1	2	1	15	19
honorary Parliament fittings	1	1	-	3	5
DPRD fittings legislation	1	1	1	9	12

Source: Secretariat of Parliament of Jeneponto Regency, 2010

If it is associated with the functions and duties of members of Parliament Jeneponto Regency as legislation and other supervisory functions, it can be obtained data that the development of product decisions Jeneponto Parliament from 2007 to 2010 there was a decline. It is indicated that in 2007 there were 29 decision products while in 2010 only 13 decision products were made by Jeneponto DPRD members.

While the period of 2011 as many as 7 pieces of local regulations were ratified and made in the form of local regulations Jeneponto, among others: (1) regulation on budget year 2011, (2) Regulation on accountability of implementation of budget year 2010, (3) Regulation on prevention and handling of trafficking victims, (4) regulation on changes in budget year 2011, (5) regulation on BPHTB, (6) regulation on budget year 2012, and (7) about the implementation of Population Administration. This shows that the nuances of the regulation have not been maximized in supporting the interests of the general public, when compared with the number of complaints and expectations of the community to improve their welfare. Most of these regulations, it has become a necessity and obligation of the executive and DPRD to set it every year as the direction and policy of the government in running the budget that comes from the regions themselves and the budget that comes from the central government.

According to Law No. 10 of 2004 concerning the establishment of laws and regulations referred to as regional regulations (Perda) are laws and regulations established by the Regional House of Representatives with the mutual consent of the Regional Head. Legislation established jointly by the Regional House of Representatives with regional heads both in the province and in the Regency/City.

In accordance with the provisions of Article 12 of Law No. 10 of 2004 concerning the establishment of laws and regulations, the content of regional regulations is all content material in the framework of the implementation of regional autonomy and co - administration and accommodates special regional conditions and further elaboration of higher legislation.

Draft local regulations can come from the regional people's Representative Council (DPRD) or the Regent. If in one session the Regent and DPRD submit draft regulations with the same material, then discussed is

the draft regulation submitted by the DPRD, while the draft regulation submitted by the Regent is used as a comparison material. The regional regulation preparation Program is carried out in one regional legislation Program, so it is expected that there will be no overlap in the preparation of one regional regulation material. There are various types of regulations set by the district government, among others: (1). Regional taxes, (2) regional levies, (3) regional spatial planning, (4) APBD, (5) Regional Mid-Term Program Plan (6) Regional Apparatus, (7) Village Government, and (7) other general arrangements.

Based on the data obtained in the field shows that the number of product decisions made by members of Parliament together with the government of Jeneponto in 2011, especially with regard to local regulations, is still very minimal only seven local regulations, whereas the previous year 2010 only five local regulations. When examined more deeply the seven regulations, four of them have become routine carried out by the DPRD, namely the determination of the current year'S budget, accountability for the implementation of the budget, changes in the next year'S budget, and the determination of the next year'S budget. This gives an indication that the making of regional regulations related to improving the welfare of the people and the government's alignment on the interests and wishes for the community, is still far from the expectations of the functions and duties of the Jeneponto DPRD.

This preparation procedure is a series of activities for the preparation of regional legal products from planning to determination. The process of forming a regional regulation consists of 3 (three) stages, namely: (1) the process of preparing the draft Regional Regulation which is the process of drafting and designing the DPRD environment or The Local Government environment (in this case the draft initiative proposal). This process includes the preparation of initiative draft, academic draft and legal draft., (2) the process of obtaining approval, which is a discussion in the DPRD, and (3) the process of ratification by the Regional Head and the promulgation by the Regional Secretary.

The argument given by the Regent of Jeneponto through interviews about the process of determining local regulations, especially the determination of the basic budget, suggests that :

There is a certain schedule that has been agreed between the parliament with the government, in this case the SKPD around October to complete its work program for the next year through the main budget. After that, a study was conducted by the district team for discussion and exposure of each by the SKPD. Sometimes there are also some SKPD rather late in the completion of the draft budget of the principal, so it needs to be given special warning and attention to finish. Of course, Bappeda is more creative and encourages each SKPD to accelerate the main R-APBD (interview results, Monday, September 3 at 15.00 in the Jeneponto Regent's office)

In the process of preparing regulations derived from the Regional Government can be seen in the decree of the Minister of Home Affairs and regional autonomy No. 23 of 2001 on the procedure for preparing regional legal products that have been replaced by regulation of the Minister of Home Affairs No. 16 of 2006 on the procedure for preparing regional legal products.

The results of an interview with the regional secretary of Jeneponto Regency as a member of the draft RAPBD verification team, said that:

In the process of preparing the draft of the draft budget, each SKPD is required to complete it no later than the second week of October, so there are still two weeks for exposure and revision of the draft, which is adjusted to the aspirations of the community and the existing budget, then carried out a priority scale of work programs with reference to the interests of the general public (interview results, Tuesday, September 4 at 14.00 in the Jeneponto Regional Secretary's office).

Referring to Article 5 of regulation of the Minister of Home Affairs No. 16 of 2006 concerning the procedure for preparing regional legal products referred to as regional work units, namely heads of agencies, heads of offices, heads of bureaus/sections within the Regional Secretariat may submit initiatives to the Regional Secretary containing urgency, arguments, goals and objectives of the arrangement, the material to be regulated and the linkages with other laws and regulations to be outlined in the draft.

After the initiative was reviewed by the Regional Secretariat on urgency, arguments and subject matter. as well as philosophical, sociological and juridical considerations of the problems that will be poured into the draft regulation, the Regional Secretariat will take a decision and assign the head of the Bureau/legal section to harmonize the material and synchronize arrangements. If the Regional Secretariat approves, the head of the work unit prepares an initial draft and conducts discussions involving the Bureau/Legal Department, Related Work Units and the community to equalize perceptions and concepts about the problems faced together.

If the Regional Secretariat approves, the head of the work unit prepares an initial draft and conducts discussions involving the Bureau/Legal Department, Related Work Units and the community. After that, the regional work unit can delegate to the Bureau/Legal Department to prepare and discuss the draft of regional legal products

The facts show that in the process of discussing the draft regulation, the local government is invited to explain in as much detail as possible with the content of the draft regulation more in the public interest, so that the argument between the executive and the Legislature takes place tough in giving reasons that can be accepted

by both parties. Sometimes the meeting intensively several times when the two sides have not found a common ground in making a mutual agreement, so that each party issued evidence and facts that support the draft local regulations are very urgent to be determined as local regulations.

There was a conflict of interest that arose in the discussion of the draft at the time of sharing with members of the council, because the local government as the initiator of the draft, did not agree with the members of the council because there are some items that he eliminated, although the draft has gone through a long and convoluted stages starting from the proposal musreimbang village and kelurahan to musreimbang district level, then revised again by the district team of each SKPD. This condition also allows for misunderstandings between the two parties, so that the discussion of the draft regulation that the local government wants to be discussed and determined as soon as possible, usually delayed and countered each other through a unilateral decision to be revised or the council returns to the executive.

As for the forms and nuances of the conflict that occurred in the discussion of the draft local regulations, among others: (1) the time of discussion between the government and the council delayed in an unspecified time with various reasons and causes given by the council, (2) arguments and arguments to the exclusion of polite and friendly political ethics in finding the best solution from a misunderstanding between the council and the government, and (3) the council returned the draft Raperda without any special note or explanation therein.

Procedures for the formation of regional regulations (Perda) according to the decision of the Minister of Home Affairs are as follows: (1) preparation of the draft draft (in the rules of procedure of DPRD) draft comes from the DPRD or regional head. The head of the region delivered a letter of introduction to the DPRD, while the leadership of the DPRD delivered a draft to the head of the region. The dissemination of raperda from DPRD was carried out by the DPRD Secretariat. The dissemination of raperda from the regional head was carried out by the Regional Secretary. If the material of the raperda from the DPRD and the president are the same, then what is discussed is the raperda submitted by the DPRD. Raperda from regional heads is used as a counterpoint, (2) discussion of draft regulation the discussion of raperda is carried out by DPRD together with regional heads in meetings of commissions/committees/DPRD organs that specifically deal with legislation and plenary meetings, (3) withdrawal of draft regulation Raperda can be withdrawn before discussion by DPRD and regional heads. The withdrawal of the raperda is based on mutual agreement between the DPRD and the regions, (4) the determination of the raperda to become a regional regulation of the Raperda which has been jointly approved by the DPRD and the regional head, within a period of no later than 7 days, the DPRD leadership shall be submitted to the regional head to be determined as a regional regulation. The Raperda is signed by the regional head within a period of no later than 30 days after the raperda is jointly approved, then the raperda is valid as a regional regulation and must be promulgated.

In the process of forming regulations some principles would need to be considered, including:

1. The principle of 'law superior derogatlegi lower', the higher provisions of the degree overrides the lower provisions.
2. The principle of 'Law Special derogatlegi general', which is a special provision overrides the provisions of a general nature
3. The principle of 'the law of the posterior derogatlegi priori', which is a provision that then overrides the previous provisions.

The principle of positivism and perspective, namely the provisions in local regulations contain problems that are up to date and visionary in the future.

The same opinion was also expressed by the head of government about the alot of discussion Raperda especially in the determination of the principal budget and changes, that sometimes also all the proposals that we have designed well, returned by the parliament, with various reasons and arguments that often also cause disappointment among the heads of SKPD, because there must be demand and supply given the board members to be included in the program items to be determined later, so that our party's must correct again and process it again in the budget calculation. However, we still respect and comply with what is desired by the board members, even if they have to sacrifice or eliminate pre-existing items (interview results, Friday, September 14, 2012 at 14.00 in his office).

#### **IV. CONCLUSIONS**

Based on the results of research and discussion that has been described, it can be concluded as follows :

1. The process of making local regulations starts from the initiative of the local government, which is made in the form of a draft Raperda then submitted to the council (DPRD) to be determined. The board members invited the relevant parties to provide explanations in the discussion of the draft regulation. After going through several stages of faction and commission meetings, the decision was taken through the plenary meeting of the Jeneponto Regency DPRD. Furthermore, the local government stipulates it in a regional regulation that is copied to the Minister of Home Affairs to be poured in the State Gazette.



2. Legislative functions and duties in making regional regulations are carried out based on the authority it has through the shelter of community aspirations, suggestions and wishes of the community poured in the form of consideration in the discussion of the determination of local regulations. The legislative function of the DPRD is an obligation assumed by the members of the council in completing a draft law for the benefit of the general public.

3. The function of local government as a technical implementer of local regulations also continues to accommodate suggestions and wishes of the community through musrembang at all levels as material for the preparation of the draft Raperda. The preparation of the draft regulation based on the relevant agencies in accordance with their respective fields led by the regional secretary and the legal section to be submitted to the DPRD for further discussion which requires a certain time in establishing it as a regional regulation.

4. The influencing factors in making local regulations are dominated by the competencies possessed by both parties, both members of Parliament and the executive of Jeneponto Regency, on the other hand communication factors determine the course of the process of making local regulations. The intensive form of communication carried out by the executive refers to the emotional and familial relationship is very helpful for the realization of the local regulation of Jeneponto Regency, through the stages in the Jeneponto Regency DPRD.

### REFERENCES

- [1]. Alderfer, H.F. 1964. *Local Government in Developing Countries*. New York: Mc.Graw Hill.
- [2]. Cheema, Shabir G., and Dennis Rondinelli, 1983. *Decentralization and Development, Policy Implementation in Developing Countries*. Beverly Hills, California: Sage Publications.
- [3]. USAID - LGSP. 2009. *Innovations in Local Public Service Management. Challenges and Opportunities in Decentralized Governance in Indonesia*.
- [4]. DPR RI, 2004. *Undang-Undang Nomor: 32 Tahun 2004 tentang Pemerintahan Daerah, (Cet. Pertama)*, Jakarta: Sinar Grafika.
- [5]. Romli, Lili. 2007. *Potret Otonomi Daerah dan Wakil Rakyat Di Tingkat Lokal*. Yogyakarta: Pustaka Pelajar.
- [6]. DPR RI, 1999. *Undang-Undang Nomor: 22 Tahun 1999 tentang Pemerintahan Daerah. (Cet. Pertama)*, Jakarta: Sinar Grafika.
- [7]. Soleh, Chabib dan Rochmansjah. 2010. *Pengelolaan Keuangan dan Aset Daerah*. Bandung: Fokusmedia
- [8]. Bungin, Burhan. 2007. *Penelitian Kualitatif*. Jakarta: Kencana
- [9]. Sugiyono. 2008. *Metode Penelitian Kuantitatif Kualitatif dan R&D*. Bandung : ALFABETA
- [10]. Yin, R. K. (2009). "Application of Case Study Research (2nd ed. Vol. 34). Thousand Oaks: Sage Publication