

MODEL OF LEGISLATIVE OVERSIGHT OF THE REGIONAL PEOPLE'S REPRESENTATIVE COUNCIL (DPRD) IN THE IMPLEMENTATION OF SOCIAL WELFARE IN BANTEN PROVINCE

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Abstract

legislative oversight in implementing the Social Welfare Program (PKS) in Banten Province. This study uses a qualitative method with a case study design . Based on the results of the research, the researchers found a model that is an integrative/participatory model, namely a model where the supervision of the implementation of social programs must be integrated with a participatory planning system. That participatory planning will open channels of supervision that are also carried out by the community. Participatory planning provides very narrow space for DPRD oversight that is not in accordance with the applicable supervisory regulations. The social empowerment program planning system and participatory budgeting is a new thing in implementing budget planning because the sub-district government will receive the budget and the determination of spending allocations is determined by a participatory mechanism through the sub-district Musrenbang based on program needs and priorities.

Keywords: Legislative Oversight, Implementation of Social Welfare, Social Empowerment.

A. INTRODUCTION

Jean-Jacques Rousseu in *Du Contrat Social* explains that the state arises as a result of social contact from a community of individuals who are equal, willing to be sovereign and willing to be managed with the goal of the common good (Rousseau, 1989). The government, in this case, is a manifestation of the state, its duties and obligations, namely making rules and policies that are in the name of the will of the *sovereign* . (Wiyanto, 2015) . Dwight Waldo (1953), further strengthened that the government's role in managing the country is to realize the greatest possible public interests .

The presence of the government as a political corps with division of legislative power or *Souverain* and executive power has their respective duties to make, implement laws and maintain freedom, both in civil and political matters (Marlina, 2018) . This is reinforced by the thoughts of David Bresnick, professor of Public Administration at City University, New York, who mentions it as a *Setting of an Administrative Game* which defines public administration in the context of governance dividing it into: *bureau* , *agency* , *superagency* , *political executive* , *political system* (*legislative* , *judicial* , *public opinion*), and *social system* , where each

group has a task which is carried out as a state institution that has the same goal, namely to carry out state power (Bresnick, 1982) .

More narrowly into discussing the tasks of policy making, policy implementation and policy oversight, each of these institutions already has a task, as what has been described by Montesquieu which is called managing public affairs through democratic politics (Manar, 2018) . Linked into the Indonesian government system after the change of government system from centralized to decentralized where regional autonomy is a tool for local government institutions to be able to manage their authority with policy *outputs* that are more in the interests of the community, so that the government can easily carry out its tasks and achievements as a manifestation of state power (Simatupang & Akib, 2011) .

With the growing role of local governments, there is a need for a systematic monitoring, evaluation and performance measurement system to measure the achievement of local government administration. Evaluation needs to be done because performance measurement is an important component and will provide feedback on plans that have been implemented (Chow et al, 1998). In addition, according to Mardiasmo, performance measurement for the public sector functions to: (1) help improve government performance so that it can focus on work unit program goals and objectives which will ultimately increase the efficiency and effectiveness of the public sector in providing services to the community; (2) public sector performance measures are used for resource allocation and decision making; (3) to realize public responsibility and improve institutional communication (Mardiasmo, 2002) .

The implementation of regional government needs to be monitored so that its implementation does not deviate from the planning and objectives that have been formulated at the outset. According to PP No. 20 of 2001, supervision of the implementation of local government is a process of activities aimed at ensuring that regional government runs according to plans and provisions of applicable laws and regulations (Akhmad et al, 2017) . The oversight function of regional regulations is very important which provides an opportunity for the DPRD to be more active and creative in addressing various obstacles to the implementation of regional regulations. Through board oversight, the executive as the executor of the policy will avoid various irregularities and fraud, from the results of the board oversight, corrective action will be taken to improve the implementation of the policy (Arifin & Widiastuti, 2016) . In order to avoid various administrative errors in the governance of the regional government bureaucracy without them realizing it can lead to allegations of corruption for public officials who handle public affairs, the DPRD's oversight will be able to provide sufficiently effective protection for the executive in carrying out the governance of the government bureaucracy as a whole. optimal (Bintang & Jamaan, 2013).

In connection with research on the supervision of the implementation of regional regulations by the Regional People's Representative Council (legislature), there is an interesting case regarding the implementation of welfare insurance by the regional government. In accordance with the mandate of the 1945 Constitution of the Republic of Indonesia, the government has the main task of administering social welfare to realize social justice both in the fields of social rehabilitation, social security, social empowerment, social protection and handling the poor (Notowidagdo, 2022) . In carrying out these tasks, local governments are required to organize them in accordance with the principles of *good governance* . In accordance with Law Number 28 of 1999 concerning State Administration that is Clean and Free of Corruption, Collusion, and

Nepotism, it is stated that one of the principles of good governance is the principle of accountability (Hardiyansyah, 2018).

Banten Province through its local government is making efforts to comprehensively support the welfare insurance program, by issuing Regional Regulation (Perda) No. 8 of 2010 concerning the Implementation of Social Welfare, and updated to become Regional Regulation No. 8 of 2018. In order for this regional regulation to be realized optimally, handling is carried out in 4 ways, namely preventive, repressive, rehabilitative, supporting and development. With the target of implementing social welfare including individuals, families, groups and/or communities, where the criteria for social problems are poverty, neglect, disability, remoteness, social disability and deviant behavior, victims of disasters and/or victims of acts of violence, exploitation and discrimination. Of course, all of this is guided by statutory regulations. Individuals who experience social problems are referred to as Persons with Social Welfare Problems (PMKS) as preamble to the Regional Regulation of Banten Province Number 8 of 2018 Concerning the Implementation of Social Welfare (PKS).

According to the researchers' observations, the implementation of the Social Welfare Implementation Program (PKS) in Banten Province has not been considered optimal, because DPRD supervision is not running properly so that it also has an impact on the process of implementing community empowerment with Social Welfare Problems (PMKS). The concrete form of this problem, among others, is that the handling of PMKS has not been carried out optimally and has become a common issue between the Regional Government, DPRD and society at large. PMKS's internal problems are their powerlessness in fulfilling their basic needs and their utilization in accessing existing resource systems normatively. Meanwhile, the external problem is the low understanding of the community and the government's not yet optimal in handling PMKS problems in the community (Susanti, 2020; Rachmawati & Faedlulloh, 2021).

An important aspect of implementing plans as part of the overall planning process is supervision. According to Supraja (2019) the notion of Supervision is an activity to obtain certainty whether the implementation of a work or activity is carried out according to plans, rules and objectives that have been set. Supervision is one of the important elements in order to improve the implementation of the general tasks of Governance and Development. Because every activity, regardless of its form and nature, certainly requires supervision for the smooth running of the development process which is directed according to the program to create the results we expect (Revrison, 2000).

With regard to the explanation above, the researcher will conduct research on the Legislative Oversight of the Regional People's Representative Council (DPRD) in the Implementation of Social Welfare Implementation of Banten Province to study and analyze the model of legislative oversight of the DPRD Banten Province in implementing Regional Regulation No. 8 of 2018 concerning the Implementation of Social Welfare, so as to realize accountability for the performance of the Regional Government of Banten Province.

B. METHODS

The research method used is a qualitative research method with a case study approach, namely research events, actual things (real-life events), that are ongoing, not something that has passed, meaning that the data collected is not in the form of a collection of numbers, but from in-depth interviews, observation activities, field notes, official documents and others (Moleong, 2016). In this study the researcher used the case study method by focusing on one particular object which was raised as a case to be studied in depth so as to be able

to unravel the reality behind the phenomenon, as a process of studying or understanding a case and at the same time seeking results (Sarwono, 2006). Based on the above thoughts, researchers are trying to find out what information can be learned or drawn from the case of legislative oversight of DPRD Prov. Banten in the implementation of Regional Regulation No. 8 of 2018, by making direct observations and being directly involved. One of the important things to consider in selecting cases, the researcher believes that from the DPRS Prov. Legislative Oversight case. Banten will be able to obtain further and in-depth scientific knowledge.

C. RESULTS AND DISCUSSION

1. Factors Obstacle Oversight DPRD Prov. Banten in the Social Welfare Implementation Program (PKS)

The Regional People's Legislative Council (DPRD) of Banten Province as a regional legislative body has the duty and authority to carry out the oversight function of Regional Regulations and APBD, has standard rules in the supervisory process according to normative regulations regarding legislative functions. The form of supervision carried out by the DPRD Banten Province is political oversight, namely oversight carried out on executive bodies (governors, deputy governors and regional apparatuses) which are more strategic in nature and not technical or administrative oversight, because DPRD is a political institution such as the use of budgets that have been allocated is misused for things that are detrimental to the people and the state.

The supervisory function of the DPRD in its implementation so far has not been ideally implemented. However, lessons learned from these various problems form the basis for designing strategies to encourage more effective and meaningful monitoring for the benefit of the people. In the implementation of supervision by the Banten Province DPRD, there are factors that hinder supervision activities, especially in the Social Welfare Program in Banten Province . These factors include:

a) Human Resources

Human Resources are one of the factors that hinder the implementation of supervision carried out by the DPRD, because human resources involve aspects of formal education, knowledge, experience, leadership, expertise and abilities (Kasenda et al, 2020) . The education aspect is the most important and can determine the quality or quality of a DPRD member, with the education he masters will have a good mentality and be able to behave and act in the right direction in carrying out the oversight function, as well as other regulations . Members of DPRD Banten Province as individuals are the main supporting pillars as well as driving wheels of the organization in an effort to realize a very important organizational element, the members of the council more or less give influence in carrying out their functions and duties. The DPRD's supervisory function gives authority in supervising the performance of the executive in the implementation of the APBD. In such a situation DPRD members are required to have skills in reading the budget and have the ability to be involved in the budget process in the regions so that the DPRD can work effectively in supervising the implementation of the budget .

b) Differences in Vision and Mission of each DPRD Member

DPRD members who are elected and appointed from the parties winning the election have the vision and mission of each of their respective political parties. The different members of the Banten Province DPRD have caused difficulties for the legislature in carrying out the oversight function, due to differences in understanding and experience. Another thing is DPRD members from political parties who are not supporters

of the Regional Elections (PILKADA), they tend to find fault with the programs proposed by the elected Governor/Deputy Governor, instead of providing solutive and constructive input for improving the work programs of the Regional Government. .

c) Lack of facilities and infrastructure in the field of research and literature for DPRD members

Facilities and infrastructure are one of the inhibiting factors in the implementation of supervision carried out by the Banten Provincial DPRD, because these facilities and infrastructure cover the research and library fields, where these two fields are very helpful in broadening the insights and knowledge of board members in carrying out the oversight function of regulations area. The lack of facilities and infrastructure in the field of research and literature for DPRD members has resulted in a lack of understanding of each DPRD member regarding the processes and procedures for carrying out oversight of programs run by the executive. Due to this lack of understanding, supervision of the Social Welfare Program and other Regional Regulations implemented by the DPRD does not run smoothly .

d) Lack of communication between DPRD Members and the Community.

The lack of communication between DPRD members and the public has also become one of the inhibiting factors in the implementation of supervision by the Banten Provincial DPRD on programs/activities carried out in the field. This lack of communication can have an impact on aspirations from the community that are less accommodated, so that many problems faced by the community cannot be resolved directly. As a result of this lack of communication, there are still many people who think that members of the Banten Province DPRD are only waiting for complaints from the public and think that the DPRD does not fight for the voices of the people who voted for them .

e) Community Attitude

Community attitudes can also be an inhibiting factor in the implementation of supervision carried out by the DPRD Banten Province and other regulations. Society becomes a factor inhibiting supervision because of the attitudes it has. Community attitudes that can hinder the monitoring process include: the attitude of the community's indifference, the attitude of the community's ignorance of regional regulations/policies and so on . Therefore, community support is an important thing in carrying out supervision of regulations or policies, this is intended so that these regulations run as expected .

2. Monitoring Model DPRD Prov. Banten In the Implementation of Social Welfare Program (PKS)

Supervision of the DPRD Banten Province on the Social Welfare Program under the responsibility of the Regional Work Unit (SKPD) of the Banten Province Social Service. Social problems that occur in society tend to increase in quantity and quality. The facts show that the impact of globalization and advances in information technology has caused the easy migration of social problems from urban areas to surrounding areas. Along with the increase in layoffs, the poverty rate has also increased. Diverse social problems continue to expand to various regions, so social affairs have become a very vital local government affair and affect the lives of many people (Hamidi, 2011). Under these conditions the local government is obliged to allocate a budget to finance the implementation of social welfare programs and activities in Banten Province. The scope of PKS program services includes: Implementation of programs/activities in the social sector; Provision of social assistance for PMKS at district/city scale; social empowerment; provision of social facilities and infrastructure; provision of facilities outside the orphanage; disaster victim management; social assistance for

disaster victims; implementation and development of social security for persons with physical and mental disabilities and the elderly and implementation of district/city scale social security.

In order for programs and activities in the social sector in Banten province to run in accordance with the provisions of the applicable laws and regulations, supervision must be carried out on the implementation of these social programs effectively. The DPRD supervises the implementation of the Social Welfare Implementation (PKS) policy in the regions so that public services in the social sector run according to the applicable laws and regulations, and must be able to improve the degree and quality of life of the people in Banten Province.

The DPRD's oversight process for the implementation of Regional Regulation Number 8 of 2018 concerning the Implementation of Social Welfare in Banten Province requires a model that is suitable for regional conditions including Banten Province. Based on the results of the research, the researchers found a model of DPRD supervision of regional regulations in realizing regional development in the social sector in Banten Province, an integrative/participatory supervision model, namely a model where the supervision of PKS activity programs must be integrated with planning that involves community participation. Even though supervision is running partially, the community still has a stake in controlling the running of the PKS program in Banten Province. This social development is not only for PMKS empowerment, but also for supporting the socio-cultural system and the community's economic resilience in an integrated manner.

For more details, the findings of the Integrative/Participatory model in DPRD supervision of Banten Province Regional Regulation Number 8 of 2018 concerning the Implementation of Social Welfare (PKS) in Banten Province are as follows:

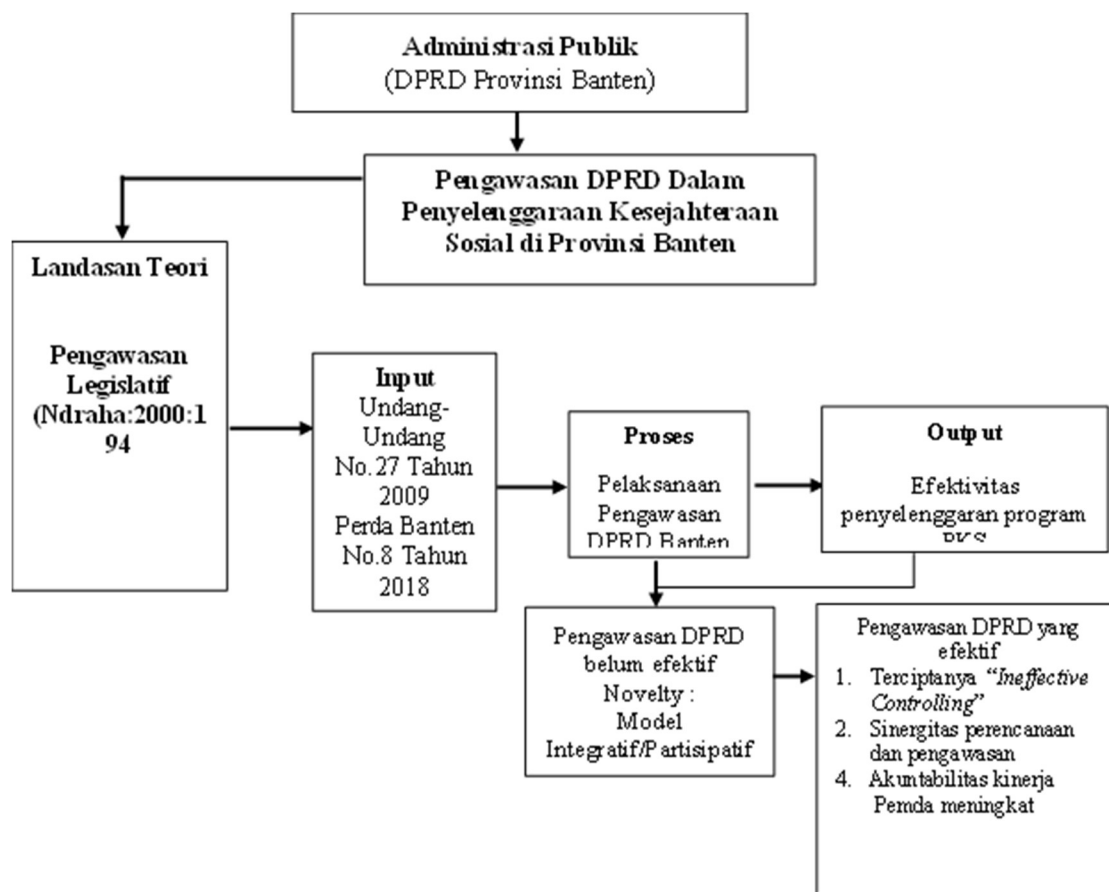


Figure 1 DPRD Oversight Model In the Implementation of Social Welfare Program

Based on the figure, it can be explained that the integrative/participatory model of DPRD supervision of the implementation of the PKS program according to researchers is the most suitable, because this approach is not only for the DPRD alone but for community participation in the realm of program planning, where policies that have been made by the government can be responded well by Public. one of the most important things is the implementation of the policy must display the effectiveness of the policy itself. The community's right to supervise has not been fully realized and guaranteed by the state, while the DPRD as the people's representative has not optimally coordinated and channeled the people's oversight rights. society is still treated as an object of development rather than a subject of development. It is not surprising that public dissatisfaction is often manifested in the form of demonstrations or acts of violence which tend to be anarchic and do not solve problems.

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Channeling such dissatisfaction does not give positive results, it even has bad consequences for society. Until now, the distribution and participation of community supervision has not been carried out optimally, more due to the absence of a mechanism for conveying information and standard follow-up procedures for this monitoring information. Not yet optimal efforts to build standard follow-up mechanisms and procedures from the results of supervision, resulting in a lack of public information that is produced can actually be used as a means to assist the DPRD in carrying out its oversight function, resulting in no guarantee that the aspirations and supervisory information conveyed to the DPRD will be followed up with a thorough review. Such conditions can ultimately reduce the involvement of the community to participate in the oversight function. There are several basic reasons why community or public participation is needed in the implementation of supervision, namely: 1) The community has the right to be involved, because on the one hand, the community is the main beneficiary of implementing social welfare programs and on the other hand the community can also be negatively affected. 2) Supervision carried out by the DPRD may be substantively complete, but by involving the community, supervision will have a more complete social and cultural dimension. In other words, the effectiveness of social welfare program monitoring activities is not only determined by the aspect of material truth, but also by the level of public acceptance.

D. CONCLUSION

Oversight of the Banten Provincial DPRD in implementing Regional Regulation No. 8 of 2018 Concerning the Implementation of Social Welfare in Banten Province, it is carried out normatively in accordance with the legislative function. The inhibiting factor for the Banten Provincial DPRD in carrying out supervision of the Social Welfare Program in Banten Province is that Human Resources as individuals have different backgrounds of knowledge and experience, DPRD members who are elected and appointed from the parties winning the election have the vision and mission of each of their respective political parties, the lack of facilities and infrastructure in the field of research and literature for these DPRD members has led to a lack of understanding of each DPRD member regarding the processes and procedures for carrying out oversight of programs run by the executive. Lack of communication between DPRD Members and the Community. To overcome these inhibiting factors, the researchers found a DPRD integrative/participatory monitoring model for the implementation of Regional Regulation No. 8 of 2018 concerning Social Welfare Implementation in Banten Province, which is a monitoring model for social welfare implementation programs that is integrated with planning and involves community participation. Supervision that is integrated with a participatory planning system , can open channels of supervision by the community , as well as providing narrow space for DPRD supervision that is not in accordance with the applicable supervisory regulations so that the community still has a stake in controlling the course of the social welfare program in Banten Province, to create effectiveness and increase accountability for the performance of the Regional Government

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