

**THE IMPLEMENTATION OF ARTICULATION AND
AGGREGATION FUNCTIONS OF THE MEMBERS OF
REGIONAL HOUSE OF REPRESENTATIVES OF TIMOR
TENGAH UTARA DISTRICT IN THE ENACTMENT OF
LOCAL REGULATION NO. 10/2014**

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ABSTRACT

The purpose of this study was to evaluate the implementation of articulation and aggregation functions of the Regional House of Representatives of *Timor Tengah Utara* (TTU) district in the enactment of Local Regulation No. 10/2014 on the Procedure for the Election and Dismissal of Village Head. In-depth interviews were used to collect data from participants (n=38) recruited using purposive sampling technique. A framework analysis was used to analyse the data. Results indicated that articulation and aggregation functions of the Regional House of Representatives of TTU district had been implemented through several activities, including problem formulation, policy formulation and policy recommendation. Monitoring and evaluation of the implementation of the Regulation were parts of the implementation of these functions. Several barriers to the implementation of such functions were lack of understanding of the members of the Regional House of Representatives about the differences between problematic issues and policy issues, and limited time provided for them to identify issues and problems facing people within communities. Lack of understanding of committee members of village head election about the essence of the Regulation, and the authority of the regent of the district to cancel inaugurating elected village heads if considered ineligible were other problems related to the implementation of the Regulation. The study findings indicate that the members of the Regional

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House of Representatives of TTU district should seriously implement their articulation and aggregation functions in the formulation of policies and local regulations so that the interests and needs of people they represent are considered.

Key words: Implementation, articulation and aggregation functions, Regional House of Representatives, local regulation, TTU, Indonesia

INTRODUCTION

Law No. 23/2014 article 1, on Regional Government, regulates that the Regional House of Representatives (DPRD) is also an element of local governments. It has several functions including legislative, budgetary and supervisory function (1). In relation to legislative function, the Law explains that every Local Regulation made by a regency/city government must be a joint product of both DPRD and the local government (2). DPRD is an institution through which the interests and needs of communities are expressed and transformed into policies (3, 4). This indicates that the role of DPRD in a public policy making process is essential (5).

However, the practices of local policy-making or regulation-making show that local governments (the executive) are often the ones that take initiative to draft policies or regulations and propose them to the legislature or DPRD (6). While the legislature more often plays a part in discussing the proposals and gives approval. Such condition indicates that the preparation of regional policy agenda is often based on the interests of the local governments and not those of the people through their representatives or DPRD. This could lead to low quality of regional policies because there could be discrepancies between the problems facing the people and policy solutions selected and offered by the local governments (3).

In addition to the issue of the weak initiative of the local parliamentarians, it appears that the members of DPRD often lack adequate knowledge, experience and data to prepare the public policy agenda. This leads to inability to argue and discuss with the local governments if there are any aspects of proposed policies or regulations that are deemed to not consider public interests and needs. This can result in the weakness or low implementation of articulation and aggregation functions of DPRD, and therefore various needs and interests of the communities or the public

are often not accommodated because they are not voiced by the members of DPRD (7). The current study therefore aimed to evaluate the implementation of the articulation and aggregation functions of DPRD of *Timor Tengah Utara* (TTU) district in the enactment of Local Regulation No. 10/2014 on the Procedure for the Election and Dismissal of the Village Head.

METHODS

Study Design and Data Collection

A qualitative study was conducted in 2017 in TTU district, East Nusa Tenggara Indonesia. In-depth interview method was used to collect data from the participants. This qualitative design was employed because it allowed the research to observe the situations and settings of the participants and to have direct interaction with them (8-10). The study participants (n=38) were recruited using purposive sampling technique. Interviews focused on exploring articulation and aggregation functions of the members of DPRD of TTU district in the enactment of Local Regulation No. 10/2014 on the Procedure for the Election and Dismissal of the Village Head. Participants were advised about the voluntary nature of their participation before each interview. Prior to commencing the interviews, each participant signed and returned a written consent form at the interview day. Each participant was informed that ethical approval for this study was obtained from Nusa Cendana University, Kupang, Indonesia.

Data Analysis

The interviews were recorded using a tape recorder. Data were transcribed verbatim into coding sheets and translated into English for further analysis. Thematic data analysis was guided by the five steps of qualitative data analysis framework by Ritchie and Spencer (11). They included familiarisation with the data by reading them line by line and making comments, identification of emerging themes, indexation to the entire data, charting the data, and mapping and interpretation of the data (11, 12).

RESULTS

Functions of DPRD

The Regional House of Representatives has several functions including legislative, budgetary and supervisory function (1, 4). Legislative functions include: (i) discussing the draft of local regulations they have designed or which are proposed by the local government, (ii) ensuring that the draft of the local regulation is made based on the needs and interests of the communities, and (iii) establishing the Legislation Committee. The budgetary functions include (i) discussing local regulations on Regional Revenue and Expenditure Budget, (ii) discussing the general policy of the Budget, (iii) discussing the strategy and priorities of the Regional Revenue and Expenditure Budget, (iv) preparing the Regional Revenue and Expenditure Budget and discussing the Budget of DPRD and the Secretariat of DPRD, and (v) discussing the Details and Mechanisms of the Budget Management of DPRD. The supervisory functions include (i) overseeing the realization of regional revenues and expenditures, (ii) overseeing the implementation of local regulations quarterly and overseeing government performance, and (iii) discussing the Accountability Report of regent or mayor.

The word legislative comes from the word "to legislate" which means to organize or make laws. Thus the main function of the Legislature is to make laws and regulations (13). The concept of legislative is derived from the Latin word *Latum* which means making or issuing and the Latin word *Leges* which means the Law (13). Thus the legislative function of the House of Representatives according to Law No. 22/2002, Art 25, is to make laws as the results of mutual consent with the government. Local regulation is one of the characteristics of local governments that have the right to regulate and manage their own areas (14). Provisions in the Decree of the Minister of Home Affairs and Regional Autonomy No. 23/2001 on Regional Legal Procedures recognize three types of local legal products, namely local regulations, decrees of regional head and instructions of governors or regents or mayors. The enactment of local regulations is the authority of the regional head and DPRD. The initiative to make local regulations may come from the regional head or DPRD.

The Legislative Body of TTU district has the main duties, among others, to draft the local legislation program that contains the order and priority of the draft of the local regulation and the

reasons for every budgetary year; coordinate with the local government to draft the local legislation program; prepare draft of local regulations based on predetermined priority programs; harmonize, round up and consolidate the draft concepts of the local regulations proposed by members of DPRD, commissions or joint commissions in TTU district and the draft of the regulations shall be submitted to the head of DPRD; provide considerations to the draft of local regulations submitted by members, commissions or joint commissions, beyond the priority of draft of local regulations of the current year or outside the draft of local regulations registered in the regional legislation program; monitor and evaluate the subject matter of the draft of local regulations through coordination with special commissions and/or committees; provide inputs to the head of DPRD on the draft of the local regulation assigned by the Deliberation Body; and make the role report at the end of the term of office at DPRD to be used by this commission in the next term.

Articulation and Aggregation Functions of DPRD

In relation to the above functions, the members of DPRD also function to recognise and articulate the interests and needs of communities they represent. Interest articulation function is a process of identifying the various needs and interests of communities by the members of DPRD to be presented and considered in public policy making (1, 15). Articulation of interests is a common way or procedure used by people through their representatives in the local parliament to fulfill their interests or expose those interests to political or governmental bodies authorized to make decisions or policies (16). It is an attempt to unite, bring together, and adopt various interests that exist within communities (17). It is important because the government could have issued decisions or policies that aim to help people within communities but could in fact actually distress the people. Therefore, the members of DPRD from each political party must strive to articulate the interests and needs of people they represent to be included in policy agenda.

Furthermore, the members of DPRD are also obliged to take interest aggregation towards all similar interests and needs of different communities they represent. Christine (18) states that similar interests and needs of people within communities can be clustered by the members of DPRD to be presented and considered in local regulations and public policies making. Interest aggregation function is closely related to the relationship between and people within

communities and their representatives in DPRD. It represents the ability of the members of DPRD to voice and protect the interests and needs of the people in local regulations and policies they produce in collaboration with the local government (19).

Problem Formulation

The findings of this study indicated that the members of DPRD of TTU district had taken steps in identifying issues and problems at the grass root level prior to the formulation of Local Regulation No. 10/2014 on the Procedure for the Election and Dismissal of the Village Head. However, it was acknowledged that this function was not effectively implemented since it was performed by the political parties, and the members of DPRD did not fully understand problematic situations and policy issues. In addition, it was also indicated that the regent of the district by Law can intervene people's aspirations.

“In relation to the agenda setting of the formulation of Local Regulation No. 10/2014, on the Procedure for the Election and Dismissal of the Village Head, our political party had set up an agenda to identify issues and aspirations at the community levels through the staffers of the party at lower levels. The member of the Regional House of Representatives of TTU district did not play significant roles during the policy discussion because of lack of understanding of the differences between problematic situations and policy issues...” (Participants 7).

“The identification of the aspirations of people at the grass root level in relation to the formulation of Local Regulation No. 10/2014 was useless because it seemed that people's aspirations were not accommodated, the regent of TTU district intervened the choices of people at the village level in electing the heads of their villages” (Participant 3).

“.... The regent has the authority to make assessment towards the elected village heads proposed by the Village Consultative Board prior to the inauguration.....” (Participant 9).

The effort to get the accurate issues existing within communities at the grass root level was also undertaken by the members of DPRD of TTU district. This was done through open dialogue with

community elements such as community leaders, traditional leaders, religious leaders, mass media, non-governmental organisation and academics. The dialog not only aimed to identify the issues but also solutions to the issues that can be proposed to be accommodated in the formulation of local regulations.

“The Regional House of Representatives through the political parties tried to identify the real issues existing in the communities by conducting open dialogs with community leaders and religious leaders and also academics” (Participant 11).

“The local Parliament has sought to engage in open dialogs or hearings with various communities elements in TTU district. This communication process has resulted in several important points which will continue to be fought by the members of the Regional House of Representative to be accommodated in public policy” (Participant 20).

Policy Formulation

In the process of formulating Local Regulation on village head in TTU district, the members of DPRD were required to correctly interpret the issues facing people at village level. This aimed to find appropriate solutions that can be accommodated in the Local Regulation and to fulfil the needs of the people.

”There were several issues or problems facing the villages in relation to the election of village heads in TTU district. For example, there were a few elected village heads proposed by Village Deliberation Agency who were not directly inaugurated but were assessed by the regent of the district. Local Regulation No. 10/2014, art. 40, paragraph 1 and 2 explains about the authority of the regent to make assessments towards elected village heads prior to inauguration. If the assessments show that the elected village heads do not fulfil the criteria then they would be sent back to the Village Deliberation Agency. Therefore, there is a need to correctly interpret this issue so that the assessments made by the regent should be based on standardised criteria which accommodate the aspirations and real needs of the people” (Participant 13).

“In the formulation of local regulations, appropriate understanding and interpretation of issues facing communities are required so that local regulations can fulfill the principles of the formation of local regulations that are the clarity of the objectives, institutional, congruence between the type and content of material, and can be implemented either philosophically, Juridical and sociological, clarity of formulation, openness and material content. However, the formulation of Local Regulation No. 10/2014, was not carried out as expected. This was because of the ongoing political climate. As the consequence, the government played dominant role” (Participant 17).

It also seemed that the members of DPRD tried to understand issues facing people within the communities they represent. It was acknowledged that they were responsible not only for identifying the issues and people’s aspirations but also defining and classifying them into several categories such as major issues, secondary issues, functional issues and minor issues which could be brought into discussion with the local government. This step was important because the significant issues discussed in the meeting with the local government would be considered in the formulation of local regulations and policies.

“One of the important things we did was defining the issues. Here, we tried to see if the issues or problems have significant impacts on many people or groups. A local regulation should consider the interests and needs of the communities; therefore it is necessary to define policy issues correctly during the formulation process” (Participant 25).

Policy Recommendation or Policy Adoption

The members of DPRD of TTU district played a role in providing alternative recommendations to the local government during the formulation process of the Local Regulation. Therefore, they had to try to make choices and prioritise important issues to be considered or recommended in the Local Regulation formulation. This was necessary because it was highly unlikely that all the identified issues facing people within communities would be considered in the formulation process.

”The members of the Regional House Representatives of TTU district took efforts to make right decisions on which issues should be considered in the formulation of the Local

Regulation. Therefore, we tried to meet people, talked to them so that we could provide alternative recommendations to the government” (Participant 30).

Findings of the current study also indicated that the members of the DPRD were aware that the formulation of a new Local Regulation would have consequences on the existing regulations. There were aspects of the existing regulations that needed to be adjusted or omitted. However, it was commented that such adjustment and omission should be based on the interests and needs of the people.

"The draft of the Local Regulation was an important step, therefore the changes to the aspects of the existing Local Regulation on the election of village head should take into account the aspirations of the people" (Participant 9).

“Local Regulation on the election of village head is important for the people, that is why we tried to know people’s aspirations and consider them during the formulation process” (Participant 6).

Policy Monitoring

Another role undertaken by the members of DPRD of TTU district was policy monitoring. This activity aimed to see whether or not Local Regulation No. 10/2014 was implemented as planned. However, the participants interviewed expressed that the time allocated to monitor the implementation of the Local Regulation was very short. This certainly limited their opportunities to talk and discuss with as many people as possible and had led to the inability to clearly identify all issues and problems related to the implementation process the Regulation.

“The members of the Regional House of Representatives utilised the opportunities to talk with people within the communities they represent. However, the time provided for this activity was very limited, only 6 days. In addition, the quality of this activity should also be improved, it is not just a formality but should be conducted with the aim to observe the real conditions and problems facing people within communities” (Participant 31).

“We have been trying to identify issues relating to the implementation of the Local Regulation through discussions and hearings with people, but this activity has not been seriously undertaken by the members of the Regional House of Representatives. As the consequences, issues facing people are not accurately identified” (Participant 12).

However, it was indicated that the implementation Local Regulation No. 10/2014 in TTU district had been done as planned even though the implementation process had led to several issues. For example, several elected village heads proposed to the regent of TTU district were further assessed by the regent and were not inaugurated. The problem was that the criteria used by the regent seemed to be driven by political reasons and were not formally stipulated.

“The election of village heads in TTU district had been conducted as mandated in Local Regulation No. 10/2014. However, the regent of the district did not inaugurate several elected village heads. This was because the regent has the authority to take further assessment to the elected village heads even though the criteria used for the assessment are clear and political” (Participant 17).

Policy Assessment or Policy Evaluation

Assessment and evaluation of the implementation of the Local Regulation No. 10/2104 were also conducted by the members of DPRD of TTU district. These were performed to see whether the Local Regulation was effectively and efficiently implemented. This means that efficiency and effectiveness were used as the main criteria for the assessment and evaluation. Problems like recruitment of election committee, socialisation of candidates, and the authority of regent of the district to make assessment towards the elected village heads were expressed by the participants.

“Local Regulation No. 10/2014 had been implemented but there were several problems that emerged during the implementation process. For example, the recruitment of the election committee members to handle the election of village heads was based on standardized criteria. Most of the committee members did not understand the essence of the Regulation. This led to mistakes in the socialisation of candidates to the villagers” (Participants 33).

“Another problem related to the implementation of Local Regulation No. 10/2014 that emerged after the election of village heads was that the regent chose not to inaugurate several village heads who were democratically elected” (Participant 8).

DISCUSSION

Articulation and aggregation functions of DPRD of TTU district in the enactment of Local Regulation No. 10/2014 on the Procedure for the Election and Dismissal of the Village Head were reported to have been implemented during the election of village heads. Supporting the results of previous studies (4, 19-21), findings of the current study suggest that prior to the formulation process of the Local Regulation the members of DPRD had taken steps that could help them produce accurate problem formulation. The steps included open discussions and hearings with people within communities they represent to identify the issues or problems facing them. However, the findings also indicate that lack of understanding of the members of DPRD of TTU district about the differences between problematic situations and policy issues had led to ineffectiveness in identifying the main issues or problems that should be considered in the formulation of the Local Regulation.

Interpreting and defining issues or problems facing people within communities were also reported in the present study as one of the main activities undertaken by the members of DPRD of TTU district prior to the formulation of the Local Regulation. This is in line with the findings reported elsewhere (13, 18, 22) that accurate interpretation and definition of the problems and issues identified can help in the formulation of policies or local regulations which consider the interests and needs of the people. The results of the present study also point out that the members of DPRD of TTU district not only tried to identify the issues but also to recommend priority issues to be considered in the formulation of the Local Regulation. Likewise, they took steps to ensure that adjustment to and omission of aspects of the existing policy or local regulation, were made based on the careful consideration to the interests and needs of the people.

The results of this study also show that monitoring and evaluation activities were also undertaken by the members of DPRD of TTU district to identify problems and issues related the implementation process and the effect of the implementation of the Local Regulation. These

results confirm the findings of previous studies (16, 17), indicating that monitoring and evaluation to policy implementation or Local Regulation implementation are highly important, leading to identification of appropriate issues and problems, and solutions to be considered in policy formulation. Issues such as lack of understanding of the committee members of village head election about the essence of the Local Regulation No.10/2014, leading to the mistakes related to the socialisation of candidates to the people, and the authority of regent of the district to cancel the inauguration of elected village heads were identified as the important aspects to be considered in next policy formulation. Limited time provided for the members of DPRD of TTU district to identify issues and problems related to the implementation of the Local Regulation were also put forward by the majority of the study participants.

CONCLUSIONS

The findings of the current study report that the articulation and aggregation functions of DPRD of TTU district have been implemented. These are reflected in several activities they undertook, including problem formulation, policy formulation and policy recommendation, which were based on the identified issues and problems facing people within communities they represent. The identification of the issues and problems was done through dialogs and hearings with people at the grass root level. Other activities reflecting the implementation of articulation and aggregation functions of DPRD of TTU district are monitoring and evaluation undertaken to assess whether or not Local Regulation No. 10/2014 was implemented as expected, and to identify the effects of the implementation of the Regulation. Lack of understanding of the members of DPRD of TTU district about the differences between problematic issues and policy issues, and limited time provided for them to identify issues and problems facing people within communities they represent are the barriers to the implementation of such functions. Other problems related to the implementation of the Local Regulation are lack of understanding of committee members of village head election about the essence of the Regulation, and authority of the regent of the district to cancel inaugurating the elected village heads if considered ineligible. The study findings indicate that the members of DPRD of TTU district should seriously implement their articulation and aggregation functions in the formulation of policies and local regulations so that the interests and needs of people they represent are considered and accommodated.

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