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Weak Local Parliament's Role: A Case Study of the West Nusa Tenggara Provincial People's Representative Assembly, 2009-2014

Fajar Nursahid¹, Aditya Perdana², Maswadi Rauf³

¹ Department of Political Science, Universitas Indonesia, Depok, Indonesia. Email: fnursahid2@gmail.com

² Department of Political Science, Universitas Indonesia, Depok, Indonesia. Email: aditya.perdana@ui.ac.id

³ Department of Political Science, Universitas Indonesia, Depok, Indonesia. Email: maswadirauf@yahoo.com

Correspondence: Fajar Nursahid, Department of Political Science, Universitas Indonesia, Depok, 16424 Indonesia. Email: fnursahid2@gmail.com

Abstract

This study examined the weak of local parliament (DPRD)'s role in serving legislation, budgeting, and supervision function as well as its low of women's representation. It is assumed that DPRD position as part of regional government regime –instead of parliament one, make them impossible to play the role utmost. DPRD is frequently compared with the central parliament (DPR): Despite being the same legislative bodies, however, they have different roles and authority. In contrast to this assumption, rules by law normatively conceive that role of DPR and DPRD are remains the same. Their difference is just the level of they represent. Therefore, DPRD's inability to conduct normative roles pursuant to provisions of laws is important to explain. Taking the provincial DPRD of West Nusa Tenggara (NTB) as the case, this study attempted to disentangle weak of the local parliament, despite having broad normative authority. Several causes related to lack of human resources, lack of technical support and facilities, are the constitute factors that contribute DPRD's weak role. Meanwhile, the strong patriarchal culture and the fierce of electoral competition have been contributing to low women's representation in DPRD. The study is expected to provide a significant contribution to the academic debate on the non-optimal existence of DPRD. Also, a debate on women in politics, particularly with respect their representation in the local parliament.

Keywords: Local Parliament, Central Parliament, DPRD, DPR, West Nusa Tenggara, Local Politics, Women in Politics, Women's Representation

1. Introduction

It is hard to imagine democracy without a political party and its extension in parliament. Democracy developed throughout the world nowadays, including Indonesia, is an indirect democracy or representative one. People vest their mandate to the entrusted representatives through a general election, and the political party becomes the main

entrance. In the Indonesia context, a general election conducted every five years provides political parties and selected representatives for people's interest, with constitutional validity.

Adding the political party, local parliament (DPRD) is also an important pillar of democracy. Unfortunately, local legislator members do not play their role and function to the utmost. Indonesia Democracy Index (IDI) reveals the DPRD contributes poor score to democracy. According to the 2009-2014 IDI data, three indicators revealing roles of DPRD in: (i) allocating education and health budget, (ii) establishing regional initiative regulation, and (iii) vesting recommendation to executives' body; get a poor score. The same is true for the indicator of percentage selected women of total provincial DPRD members (Rauf, et al., 2011; 2012; 2013; 2014a; 2014b; 2015). This state has not improved according to the latest IDI measurement in 2019. Those four indicators were remained to have a poor achievement (Statistics Indonesia, 2020).

This study observed the weak role of DPRD in serving its legislative, budgeting, and supervisory function. Some of which were perceived that in relation to local executive and legislative, DPRD is a part of government regime instead of parliament. This unideal position leads to further consequences for DPRD roles because of its ambiguous position: DPRD is a supervisory body on the one hand, but also becoming a part of regional government on the other one. Contrary to this assumption, Law Number 27 of 2009 normatively mention that the authority and function of central parliament (DPR) and DPRD are not completely different. It just reflects the degree of representation they represent.

The inability of DPRD in fulfilling their normative roles as stated in the law is interesting to be explained. Why do they not able to act their role properly? What kind of factors does result in such a problem? Three main issues related to the role of DPRD in generating regional initiative regulation, undertaking educational budget allocation, and submitting a recommendation to the government, are well explained in this study. Additionally, low of women's representation in DPRD is also being a concern in the discussion.

At least, there are two crucial reasons for examining ideal roles of the local legislature in West Nusa Tenggara (NTB). First, this study may contribute to an academic debate on the presence of local parliament and their non-maximum roles. A flourishing assumption related to its position as the local government regime –that leads the ideal roles to be dysfunctional, needs to be confirmed clearly. Secondly, discussing NTB is completely relevant since it is the province with the worst democratic performance in 2009-2014, as stated by IDI. Four indicators with poor scores regarding DPRD's role as well as women's representation in DPRD, were contributed to this situation. The discussion is limited in the period of 2009-2014 for the "apple to apple" data comparison. IDI indicator was changed in 2015, so that, it is important to have measurement with the same indicators in the mentioned period.

1.1. Literature Review

The study used roles of legislature members as the theoretical perspective, particularly roles of DPRD as local parliament. As its origin, parliament is derived from the word "parler" meaning to talk. Parliament is a place to talk or discussing any problems related to the state (Budiardjo, 2008). The parliament represents people's sovereignty in realizing civil supremacy. An effective parliament depicts high political participation and contestation, applying mechanism of check and balances between the executive and legislative power, as well as implement a good political accountability –portraying strong relation between politicians and their constituents.

Speaking the main functions of parliament or legislature, Rod Hague et al., (2016) stated at least six main functions of them in various countries. In summary, these six functions are including: first, to represent and promote the interests of those who elected them, usually under a party label (representation function). Second, is to debate public issues and provide a public airing for matters of public importance (deliberation function). Third, is to be responsible for reviewing, amending, and approving new laws --whatever the source of bills (legislation function). Fourth, is to approve or reject the annual budget prepared by the government (function of authorizing expenditure). Fifth, is to form the government –generally in most parliamentary systems, government emerges from the from

the assembly and must retain its confidence (function of making government). And, sixth, is to be responsible for overseeing or scrutinizing the executive, keeping it accountable (oversight function).

In line with the Hague's conception, Budiardjo (2008) formulated the main functions of the legislature more simply, i.e., legislation and supervision. The function of the legislation refers to the authority of the legislature to stipulate policy and provide laws. To perform this function, the legislature shall be granted with the amendment rights (to modify the draft of laws proposed by the government) as well as the budget ones. Meanwhile, the function of supervision includes authority to control the executive body. For this, the legislature members have some rights to support the function, namely: right to ask, interpellation, inquiry, and motion.

Confirming the above conception, regulation framework of the Indonesia's constitutional system also recognizes the main functions of the legislature. In the local context, particularly at the provincial level, DPRD has three main functions, namely: establishment of regional regulation (function of legislation), budgeting, and supervision. These three normative functions are applied by legislature members as the implementation of people's representation, as stated in Article 96 Law Number 23 Year 2014.

1.2. Some Relevant Studies

Many scholars have already studied the existence of parliament and its roles, both in domestic, regional, and global context. There are at least three domestic studies that are relevant to this research. Hanan (2014) analyzed the relation between the legislative and executive body in Indonesia in the presidential system of multiparty upon reformation era, 1998. He refuted some basic political theories stating that legislature and government would not be able to establish an effective relation. Even, within a multiparty of the presidential system, they are more likely to fail (Linz, 1994; Shugart & Carey, 1992). In Indonesia's case, the multiparty of presidential system does exist and has normally been happening. Despite the fact coupled with political tensions, but there was no deadlock between the legislative and executive in their relations. Mechanism of the collective agreement as to the formal construction by the laws, political party coalition, and culture of consensus are factors of sustaining the relation between the legislature and government. They worked good relatively and be able to come out of the political deadlock.

Sulistiyowati (2015) analyzed the performance of provincial DPRD members of Central Java in 2009-2014. The DPRD was quite productive in forming local regulations (*perda*) during the period. There were 67 *perda* have been produced: 16 *perda* in 2010, 5 *perda* in 2011, 17 *perda* in 2012, 16 *perda* in 2013, and 13 *perda* in 2014. However, as the report said, the DPRD was less satisfactory perceived by the people since there were still remaining drafts of *perda* which was already planned but cannot be finished. Their roles in budgeting and supervision functions were also deemed ineffective.

Meanwhile, another study concerning women and politics in NTB was conducted by Yanuarti (2012). She analyzed women's political struggle in NTB amid the marginalization and dominance of patriarchal culture. Based on the 2009 general election result, the study showed the low representation of women in DPRD that is far different from the expectation and national average. Besides, the low of women's participation in politics. According to the writer, this situation was triggered by several factors. Externally, a political party has not opened wide opportunities for women to have a strategic position within leadership level or being policy makers. In the political parties, policy making process and its decision are often disregard women's interests, besides the lack of family and social support for women engagement in politics. Internally, there is a lack of women's interest in participating in politics. Besides, commonly, they do not have the ability to provide optimal time to be engaged in political party activities. The women also have limitations in capital access to support their interest in political activities since patriarchal culture is very dominant in the society.

2. Method

This study was conducted using qualitative approach. Even though the writer applied certain statistical operations in processing data of democracy index collected from Statistics Indonesia (BPS), mainly the research tends to use the qualitative one. Refer to this type of research, the existence of informant is very important to grab information as much as possible from various sources (Moleong, 1993). This effort is important to describe more meaningful of social behavior (Neuman, 2000; Crotty, 1998).

Case study was selected as the research inquiry. While NTB province was chosen as the research locus due to its worst performance of democracy stated by IDI. I also decided to limit the period of study in 2009-2014 considering "apple to apple" data comparison. The data was collected using various procedures of data collection method. Despite, the selection data was conducted considering prominent and appealing specific cases. It is just because impossible to carry out an intensive investigation on all cases (Gerring, 2007).

Data was collected by review of documents and in-depth interviews. Some secondary data collected during this research were include data of Indonesia democracy index, government regulations --both of central and local level, and other's relevant regarding the roles of DPRD. While the primary data were collected by in-depth interviews. Six members of former DPRD NTB members (period of 2009-2014) were selected as the key informant purposively. They are: Lalu Sudjirman (Head of DPRD period of 2009-2014 from Party of Functional Group/*Partai Golkar*), Burhanudin (DPRD member from People's Conscience Party/*Partai Hanura*), Endang Yulianti and Made Slamet (DPRD member from Indonesian Democratic Party of Struggle/*PDI-Perjuangan*), Johan Rosihan (DPRD member from Prosperous Justice Party/*PKS*), as well as Baiq Indah Puspitasari (DPRD member from Party of Functional Groups/*Partai Golkar*).

3. Result

3.1. Lack of Women's Representation in DPRD

Representation constitutes one of the main functions of legislature whether at central level (DPR) or local level (DPRD). As women are a group with a considerable amount in NTB, their representation in DPRD membership should become an important consideration. To note, number of populations in NTB Province in 2009 was 4.434.012, consisting of 2.119.538 males and 2.314.474 females (Statistics Indonesia of NTB, 2010). In line with these number, according to voter list issued by General Election Commission (KPU), total voters in NTB for 2009 election were 3.241.948. Female voters were 52 percent (1.681.494), while male voters were 48 percent (1.560.454). This fact reinforces the argument that women's representation in DPRD is crucial due to its larger numbers.

From the candidacy side, there was total of 920 legislative candidates. It marked by 612 of them were male, while women candidates were 308 or around 42 percent (Statistics Indonesia of NTB, 2011). They competed to get 55 seats in provincial DPRD. Based on the voting result on April 9, 2009, 15 political parties succeeded to gain seats of DPRD in NTB Province period of 2009-2014. Out of the 55 elected provincial DPRD, 49 were male and 6 were female, as seen in table below:

Table 1: Female Members of NTB Provincial DPRD (2004-2009)

No	Name	Origin of the Political Party
1	Baiq Indah Puspitasari	Party of Functional Groups (<i>Partai Golkar</i>)
2	Istiningsih	Prosperous Justice Party (<i>PKS</i>)
3	Endang Yulianti	Indonesian Democratic Party of Struggle (<i>PDI Perjuangan</i>)
4	Lale Yaqutunnafis	Crescent Star Party (<i>PBB</i>)
5	Wartiah	United Development Party (<i>PPP</i>)
6	Romani	Democratic Party (<i>Partai Demokrat</i>)

The elected female members of DPRD merely reached 10.9 percent of total DPRD members. The number is lower than percentage for women elected in central legislatures (DPR) that reaching of 17.86 percent. Patriarchal cultures as well as fierce of internal and external competition are one of the main causes of this situation.

3.1.1. Strong Patriarchal Culture

Construction of patriarchal culture flourishes in society. A study of UNDP (2010) noticed that masculinism is one of basic barriers for women to participate in politics. Social values in the society are more likely to require women not to participate in politics or government. Besides, political activities are perceived as male's sphere. Women are positioned to be handier in domestic sphere rather than public.

Culture of patriarchal is deeply rooted in the NTB society. Their religious nature makes "Tuan Guru" as the role model, affecting society's way of thinking. "*As if men possess the world,*" stated Burhanudin, a politician of Hanura Party (research interview, 24-09-20). This was brought into daily political practice. Despite there have been conscientious endeavors to provide gender education, in fact, it is hard for society to deal with the changes. According to Lalu Sudjirman, Head of NTB Provincial DPRD 2009-2014, the existing culture seemingly places women in some narrow circumstances particularly to go out of the house (research interview, 28-09-20). Surely, this significantly interfered women, as political activity is completely dynamic and demands time flexibility. "*I am a man, there is no problem with me staying anywhere. For woman, there is such a limit, unlike man,*" said Made Slamet (DPRD member during interview, 28-09-20). Moreover, as this local culture has been associated with religious doctrine, its influence has been becoming more powerful.

Reputedly, in the NTB society –particularly in Sasak tribal community, there is a social stratification called "Triwangsa." This cultural system has been deeply rooted, addressing that male descendant are perceived as lineage determinants. Females shall be deemed as the second-class in society. Female's names are frequently not mentioned: They are recognized by their identity tied up with their father, husband, and son. This culture indicated the low of women's status in society. Unfortunately, this is exacerbated by patriarchal religious understanding. Commonly, practice of early marriage and polygamy by religious figures, is deemed as a part of Islamic teaching (Yanuarti, 2012).

On one hand, affirmative policy set out by the government through laws has been reasonable. Provisions of 30 percent of women quota in the candidate list (as set forth in Law Number 2 of 2008 on Political Parties) have required parties to endorse women's participation. However, this policy cannot easily lead to increasing women's representative, due to tough patriarchal challenges.

For the female legislative candidates, they deeply felt the patriarchal culture. Endang Yulianti (member of DPRD from PDI-P) stated that parents and husbands are factors influencing women in performing activities in politics. Endang said, "*Whether she is allowed or not, including (among others) her culture; consequently, there is dependence either on parents or husband,*" (interview on 27-09-20). Moreover, financial dependence on husbands may also pose an obstacle to women in politics. This cannot be separated from the management of the household economy in which a husband is assigned as the head of family and accountable for family's economy. Shortly, when a woman participates in politics and to run as a legislative member, she requires extra endeavor due to fierce struggle in the political pathway.

Baiq Indah Puspitasari, Endang's colleague from Golkar Party, felt the same way regarding low acceptance of women in politics. The people seemingly do not believe in women's political capabilities as politicians are more likely to be dominated by men. In addition, female legislative candidates should also tackle with social customs in which political election is determined by husbands (interview, 29-12-20). This situation makes they have more difficult to convince people. Of course, they have done affirmation that female voters may tend to choose female candidates; however, the "drive" of female voters depends on males unfortunately.

3.1.2. "Fighting" Inside and Outside Political Parties

As has been mentioned, rules by the law stated the provision of affirmative action to support women's representation. However, the policies are only adopted by political party just to drop the law's requirement. There are no strenuous efforts from them to implement advance affirmation to improve women's representation in legislature. Female candidates' placement on top running number of the list, for instance, remains to be a dispute in internal of political parties. Pursuant to 2009 General Election, female candidates of all parties obtaining running number 1 of fixed candidate list (DCT) were just 18.3 percent. The candidate obtained running number 2 of DCT by 34 percent, and so forth. Most of female candidates obtained running number 3 within DCT by 61 percent (www.pemilu.asia, 2017). According to Piliang, it is a crucial issue since running number of legislative candidates' placement completely affected voters' psychology (Kompas.com, 2008).

Candidate running number in the list has a significant effect for their electability. Referring to study of Center for the Political Studies Universitas Indonesia (Puskapol UI), there is a tendency that the elected member of legislative in 2009 General Election, most of them were candidates in first, second, and third running number. It happened either for the central and local legislature (Surbakti, et al., 2011).

To illustrate for the position of provincial DPRD, 41 percent of elected women candidates were put in running number one, 20 percent were put in number two, 24 percent were put in number three, and only 14 percent were put in number four. This data showed, despite the 2009 election was held using the proportional system with open list, running number still has a significant effect (Surbakti, et al., 2011). In the context of NTB, five of six female legislators elected in 2009 General Election, were candidate with the running number one, i.e.: Wartiah, Baiq Endah Puspitasari, Endang Yulianti, and Romani. This definitely confirms how significant the running number was. It seems a quite strong correlation between candidate's electability and their running number in the list.

Six elected female candidates of provincial DPRD of NTB coincidentally have a good political backup. They have close relationship with the party elite, or, they have been engaged in politic for a long time. Wartiah, for instance, was the head of NTB provincial board of PPP. Baiq Indah Puspitasari was a treasurer of NTB provincial board of the Golkar Party (besides, she is a daughter of the former NTB Governor Lalu Serinata). While Endang Yulianti (PDI-P), Istiningih (PKS), and Romani (Democratic Party) were committee of the political party in NTB respectively. Interestingly, Lale Yaqutunnafis was not political administrator of PBB. But, she was promoted as the legislative candidates as she is relative of M. Zainul Majdi or well known as Tuan Guru Bajang, the Governor of NTB at the time.

In addition to struggle for candidacy running number in the internal of political party, women candidates should also tackle with actual tough political contestation, externally. The situation becomes more complicated after the Constitutional Court revoked provisions of Article 214 Law Number 10 of 2008 setting out stipulations of selected legislators. Any endeavor of affirmative action performed ranging from: quota stipulation of 30 percent legislative candidates, arrangement of candidates list accommodating zipper system, were not relevant anymore. Previously, zipper system has been set forth in the law. This provision was canceled since the Constitutional Court's decree on the elected candidates shall be determined by majority votes. Political party's control and contribution to the stipulation of legislative candidates through affirmative actions were in vain. Its further effect, this policy encouraged free competition among candidates and promoted practice of money politics as they had to compete freely to obtain most votes. Financial backup was constituted as an important factor during the competition to acquire the votes as much as possible. More than a few of candidates used any way possible to win, including in prohibited ways.

For women politicians, their endurance to "fight" were often limited. They were unusual to use harshen method, money politics spending, as well as doing fraud. According to Endang Yuliani, fraudulent actions did by politicians for gaining votes as much as possible, did not think of by her. Even though, it played a significant effect to save the votes. If their votes was not properly controlled, it could be leakage and passed to others. Vote buying in the

counting process has been a "normal story" from election to election. Women candidates, according to Endang, could not fight against the vote buying (interview, 27-09-20).

Baiq Indah Puspitasari felt the same. Based on her twice election experience in 2009 and 2014, the most sensitive problem was during the votes counting process. Candidates should be "all out" so that the votes collected in the polling station (TPS) was not decreased. As a women politician that upholding morals, she was not wanting to elected in a fraudulent way (interview, 29-12-20).

It is interesting to discuss Baiq Indah. She is a daughter of Lalu Serinata, former Governor of NTB (2003-2008). She did not deny her parent's influence on her political career. Despite being perceived she could win using the influence of her parent's support, from her side, control by the political party's still remained important. We can imagine if Baiq was just a common woman candidate who should fight to collect votes amid fierce internal and external competition. The result could be different. And, she experienced it when participating in the second elections in 2014. Without any political party's support, she failed to defend his seat.

3.2. DPRD's Role in Implementing Legislation, Budgeting, and Supervision

3.2.1. Lack of Initiative *Perda*

Legislation is one of the DPRD's main functions. More productive DPRD members in producing local regulation (*Perda*), they are more effective in carrying out their roles. It is important to emphasize the initiative *Perda*, which initially comes from the DPRD members to match with the requirement of local democracy. It is assumed that a better quality of democracy related to the optimum implementation of DPRD's legislation function. Unfortunately, it did not occur to the provincial DPRD of NTB during 2009-2014.

There are three types of DPRD's decision in NTB, namely: local regulation (*perda*), DPRD's decision, and the decision of the head of DPRD. Number of *perda* produced by provincial DPRD of NTB during 2009-2013 is summarized in Table 2. They produced 54 *perda* within five years, with the average 10.8 a year. Out of the such number, there were two *perda* constituting initiative from the DPRD members, i.e.: *perda* on (i) road utilization and (ii) corporate social responsibilities (Global FM Lombok, 2014).

Table 2: Number of Decisions Produced by Provincial DPRD of NTB (2009-2013)

Type of Regulation/Decision	Year				
	2009	2010	2011	2012	2013
Regional regulation	10	10	14	9	11
DPRD's Decision	18	24	23	19	16
Decision of Head of DPRD	9	3	1	0	2
Number	37	37	38	28	29

Source: Badan Pusat Statistik (BPS) Provinsi NTB / Statistics Indonesia of NTB (2015)

The lack initiative of DPRD members in resulting initiative *perda* indicates the flaws within the legislation function. Whereas, it is very important as the response toward local necessities. According to Burhanudin, lack of DPRD's human resources is the cause of this situation. The DPRD has broad scope of work while its members have limitation in their capacity. So that, the DPRD was completely dependent on local government since the government has a better understanding toward issues in development sectors, technically. In addition, the DPRD members were mostly new --just have been elected and appointed based on the election result, coming from various backgrounds. It was never been easy to unify DPRD members, considering they are local parliament which politically accommodates various interest due to their difference of political affiliation (interview, 24-09-20).

The other issue which hampered DPRD members to promote initiative *perda* is lack of technical support from experts. Unlike DPR as the central parliament who attains support from the experts for its every single member,

DPRD does not have this facility. The fact, provincial DPRD of NTB was only provided with experts at fraction level. One fraction is one expert. Regardless numbers of members in a fraction: three, seven, or even ten legislature members; there is only one expert. So, we can imagine: How do we expect such DPRD members to work optimally and resulting initiative *perda*? In a cynical tone, Johan Rosihan –a DPRD member from PKS, engaged us to understand the situation. “*We were left to work by ourselves. We served as the legislature members, becoming experts for ourselves. We were really taking care of ourselves. When will we be able to think about initiative perda?*” said Johan during the research interview (01-10-20).

The DPRD's lack of initiative in proposing local regulation as well as their dependency on local government, are seemingly considered as the common understanding among DPRD members. They felt as the legislature are supposed to be supervising or monitoring government's work. Or, they felt that the legislation function has been completed once they finished discussing local regulation's drafts with the government; even though the initiative came from such local government. The reason was, the government is deemed to be more competent in arranging the draft of local regulation. The existence of state apparatus (ASN) as the core of government resources has been taken into account. The government with their state apparatus has an advanced knowledge and experience to handle various sectors of development continuously (interview with Endang Yuliani, 27-09-20).

Made Slamet conveyed an intriguing point of view. According to him, political parties have contributed with the lack of DPRD's role in resulting initiative *perda*. They have a subjective –and also political reason, in terms of assigning DPRD members. DPRD member's placement was not based on their appropriate area of competence. Political parties have a strong veto when they appointing the elected legislature members into DPRD's body of institutions: The head, the deliberative body, the commissions, the legislation body, the budgeting committee, the honorary committee, or any others. Political parties play an essential role in assigning their representatives in the process of forming the mentioned entire DPRD's institution.

The main relevant questions are: What does the political party's consideration in assigning job for their representative in DPRD? Do they have already consider competency as the basis on the assignment? If so, how long such DPRD members will be occupying positions on the suitable job based on their expertise? Whereas, we really know that there is always rotation among DPRD members. And, in doing so, it is usually occurs based on political considerations. The DPRD members rotation, to somewhat, will have affect to the DPRD members' performance in supporting legislation function. Moreover, if the placement of fraction members is not based on proper competencies, professionalism of such DPRD members will be completely questionable. It is not an exaggeration if DPRD members are called as the “amateur politicians.” They would never be a “professional politician” due to the above-mentioned reasons.

3.2.2. Lack Recommendations to the Executive

Supervision to the government is one of the local parliament's main functions. There are plenty of aspects of supervision as referred to the Article 96 of Law Number 23 of 2014. One of which, is that providing recommendations to local government based on people's aspirations they have collected during constituents visits within the recess period, or through public hearings.

Building a good relationship between the local parliament members and their constituents is important. Corresponding such issues, the mandate theory promoted by Ranney (1993) is relevant. According to him, there is a mandate that binding relation between local parliaments (as "representatives") and constituents (the ones being "represented"). The authority of these 'representatives' is provided due to 'mandate' from the 'ones being represented.' Any action carried out by local parliament members as the people's representatives shall be in line with people's aspirations. So that, it is important for local parliament members to have close consultation with their constituents.

IDI measurement recorded the lack provincial DPRD of NTB in terms of supervising function, as presented in the following figure:

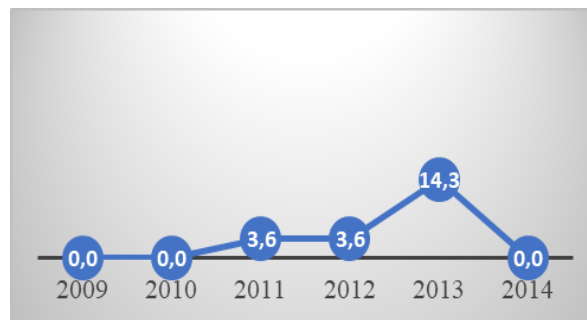


Figure 1: Indicator Scores on the Provincial DPRD of NTB Recommendations to Executives (2009-2014)

Source: Democracy Index of NTB, 2009-2014

The constituent's visit by provincial DPRD of NTB members was carried out quarterly. It was usually six days in every single visit. The visit aims to absorb people's aspirations. After completion of the visit, DPRD members have to develop a report and usually was formed into a compilation one based on the constituency cluster (*daerah pemilihan*). The report then is assumed as the recommendation from provincial DPRD to local government as the executive body.

According to Johan Rosihan, DPRD recommendation to local government will never be effective as long as DPRD's positions are still considered to be a part of local government. Changing of political landscape at the local level which stage in favor of governor's power reinforcement --due to being elected directly by people, make DPRD recommendations is harder to accepted. If any, there is no obligation of the governor to follow such recommendation because this kind of positioning (interview, 01-10-20).

This situation led DPRD members to behave pragmatically. "It's no use, anyway," said Johan. He made an example of himself when being a member of provincial DPRD of NTB in 2009-2014. He proposed a recommendation draft on the social assistance to protect local rice in Lombok. There was a long political process in DPRD at the time. The process was then cut off due to a regulation from the central government. The regulation stated that rice is a free commodity that may be handled by the Minister of Trade, which means it is under central government authority. By this, Johan felt that DPRD's role is not necessarily strong. It is because of so often such local recommendations have to fall through once encountering the regulations from central government. Consequently, DPRD members tend to behave pragmatically (interview with Johan, 01-10-20). Likewise, Burhanudin also interprets DPRD recommendation to the executive as a mere submission of people's proposal which will then be responded through aspiration fund or "*dana aspirasi*" (interview, 24-09-20). So very pragmatic, and it is happened so far in regards of DPRD members and their constituent's relationship.

Although, it is true that channeling people's necessities is one of DPRD's functions, the meaning of recommendation --as a form of monitoring from local parliament to the executives, is actually deeper than just 'channeling.' If ever the relation between DPRD members and its constituents is built out of pragmatic interest, it would surely strengthen the image of local parliaments are merely as the 'broker' of the government' aids. It is a kind of protracted misunderstanding. Although, we cannot entirely blame the DPRD members due to the high demand from the people toward fulfillment of pragmatic needs. DPRD needs to interpret recommendations in a more essential way as a form of broader supervision to the governance practice.

3.2.3. Suboptimal in Struggling Education Budget Allocation

Budgeting is one of the local parliament's main functions as stated in Law Number 23 of 2014, Article 96. Their partiality on the pro-people budget they arranged indicates a more democratic implementation of budgeting function. Thus, it is important to assess their commitment and effort in allocating government budget, particularly in two fundamental sectors: education and public health. It is important considering the both are basic needs of the people.

This study took education budget as a way of viewing provincial DPRD of NTB's commitment in struggling for education budget. It is specified by the constitution: "The state prioritizes the budget for education to a minimum of twenty percent of the state budget and of the regional budget to fulfill the needs of performing national education" (Article 31 paragraph 4, The 1945 Constitution of the Republic of Indonesia). The assumption is that, if the education budget be significantly increased with an appropriate allocation, citizens will be able to enjoy better education.

It is in line with Law Number 23 of 2003 regarding National Education System which specifies that central and local governments shall provide services and then guarantee the implementation of quality education for every citizen without discrimination (Article 11 paragraph 1). Thus, it is important to measure up the extent of local parliament's commitment toward fulfillment of citizen's educational rights by allocating budgets using the existing local fund sources. The bigger budget allocation for education as contained in regional budget (APBD), the bigger local parliament's partiality will be toward people because education is an essential right owned by every citizen.

According to IDI data, the index achievement regarding the role provincial DPRD of NTB in struggling allocation of education budget in the period of 2009-2014 was relatively poor. It was ranging from 5 to 13 percent, as being shown by the following figure:

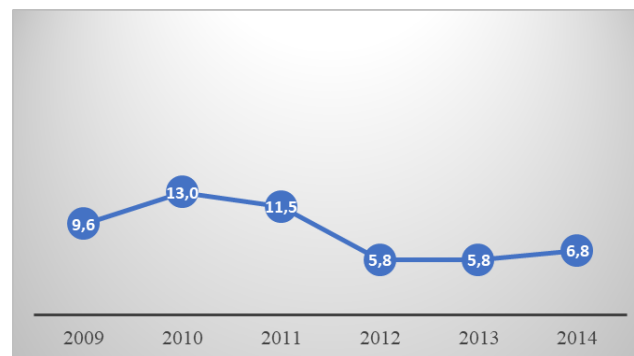


Figure 2: Indicator Scores on the Role Provincial DPRD of NTB in Allocating Education Budget (2009-2014)

Source: Democracy Index of NTB, 2009-2014

The figure indicates that allocation for the education budget within APBD did not even reach 20 percent as specified by the constitution. Burhanudin explained difficulties that was faced by the government due to limited of regional income, while they have enormous number of necessities. By taking such issue into consideration, the DPRD members behaves realistically as they deal with the issue regarding proposal of programs submitted by local government. Therefore, even though the provision of education budget with a minimum of 20 percent allocation is mandatory, a tight fund became a determining factor to the occurring such budgeting politics (interview, 24-09-20).

According to Johan Rosihan, it is impossible to allocate education budget be under 20 percent in the politics of budgeting. It is considering that the regional budget (APBD) is arranged together by DPRD and local government, and then approved by the Minister of Home Affairs. "All the affirmative budgets in the law will be examined at the regional budget stage, so it wouldn't be approved if the requirements haven't been fulfilled. It will be returned back with clarification notes," said Johan (interview, 01-10-20). Nonetheless, he understands the perspective on the importance of seeing this educational budget issue in a clearer way. Education budget should refer its allocation under management of education office, and does not belong to the "educational" components of any other departments such as training department, department of capacity enhancement, etc.

It is not uncommon that the education budget (in APBD) comprises all the educational components existing in any department, combined to satisfy such 20 percent allocation requirement, and then submitted to the central

government for approval. This type of DPRD budgeting politics should be criticized. APBD must contain the real budget for education sector, according to the provision of law. The government needs to formulate a clearer definition of education budget. *“Never let the visit activities to Jakarta, or any other kind of trip done by such offices, be included in the education budget just because they work under the education office to satisfy the 20 percent requirement,”* said Johan (interview, 01-10-20).

The intention of going back to the essence of education budget allocation is also agreed by Made Slamet. He does not want that such education budgeting, as has been specified out of a good deed in the Constitution, be utilized as a “guise” to accommodate anything irrelevant. It seems to be related to education, but in fact it does not have to do with education (interview, 28-09-20).

The affirmative policy regarding 20 percent budget allocation for education, as specified in the Constitution, should not become a political jargon. It means that governments --both at central and regional level, are obliged to provide a better education guarantee as a fulfillment to citizen’s basic needs. The way politics of budgeting that is “outsmarts” the 20 percent of education budget allocation for getting its approval from the central government must be corrected. This phenomenon might be common in many areas of Indonesia. We need a collective movement nationally to advocate this. So that the 20 percent budget allocation for education could to reach its essence.

3.3. Identifying Local Parliament’s Ideal Role in Laws

Actually, if we investigate the law, there is no difference between the positions and roles of Central Parliament (DPR) and Local Parliament (DPRD). The following would be the summary of normative provisions from both parliaments according to Law Number 27 of 2009. It is the legal basis for the implementation of the forms and positions of the DPR and DPRD that were elected in the 2009 General Election. The comparison between these forms, position, function, job, and authority, as well as the rights of both of parliaments (DPR and DPRD) is as follows:

Firstly, it is about the form and positions. Both of DPR and provincial DPRD share a similar forms and positions but at different levels. DPR is composed of the members of political parties who participated in general election and elected through such election (Article 68), and it also applies to the composition of provincial DPRD (Article 290). If DPR constitutes a house of people’s representatives and serves as a state institution (Article 68), then provincial DPRD is a regional house of people’s representatives who serves as the element of provincial government administrator (Article 291).

Secondly, it is about the functions. Both parliaments, DPR and provincial DPRD, have three main functions in legislation, budgeting, and supervision. It is just that, for the DPR, these main functions are carried out within the framework of people’s representation (Article 69), while for provincial DPRD are carried out in the framework of people’s representation at provincial stage (Article 292).

Thirdly, it is about the tasks and authorities. Due to level differences, both representative institutions are different in terms of tasks and authorities depending on their level of representation. The scope of DPR’s authority is broader than that of the provincial DPRD. For example, the authority to approve the appointment of high offices such as ambassadors, Indonesia Audit Board (BPK), Judicial Commission, etc. (Article 71). This kind of authority is not provided to the provincial DPRD because the representation level is just at provincial stage (Article 293). Nevertheless, both of DPR and provincial DPRD are no different in terms of legislation task implementation. They have an obligation and authority to form regulations with the governments. At central level, DPR cooperates with the president to create laws; while provincial DPRD creates laws with the governor.

Fourthly, it is about the rights. Both of DPR and provincial DPRD are entitled to file interpellations, to conduct investigations, and to convey opinions. But the difference lays on the implementation to these three rights. They are applied on different subjects depending on the representation level.

Taking into account the overview on comparison between DPR and provincial DPRD positions, functions, tasks, and authorities, as well as the rights described above, we can conclude that there is no essential difference between both type of parliaments. It will be an intriguing and important thing to emphasize because provincial DPRD is often imaged as a part of regional government, and so it is included as part of regional regimes of such government instead of parliament one. Notwithstanding this type of dichotomy, the results on confirmation regarding the normative formulations and provisions in both parliaments (according to the constitution) are no different.

4. Discussion: Hoping for an Ideal Role from the Weak Local Parliament

DPRD as the extension of political parties at local parliament, are expected to take roles in implementing basic functions while materializing women representation. But in reality, as depicted in this research, the role of DPRD as the people's representative at the local level, is not as ideal as the expectation.

In spite of supports from the election laws regarding alternative policies for the provision of female candidate's quota in amount of 30 percent, the result of such election did not seem to successfully reach our hope. According to the 2009 general election, the number of elected female candidates to assume positions in provincial DPRD of NTB was just 10.9 percent, very much lesser than that of the DPR at the central level (18 percent). A dominant patriarchal culture has always been with the local community, in which religious people from the main ethnic groups there such as Sumbawa, Lombok, Sasak, Bima, or Dompu became the factors to the women's low electability.

Women were also challenged by a difficult electoral competition, both at internal and external side. At the internal, a strong relation shown by the position of candidate's running number and the position of the elected candidate became an internal struggle where female candidate shall attain "special" positions in such political party to get a top running number. Upon this kind of internal struggle, female candidates have to "fight" with the real condition at the field which is prone to the vote count manipulation.

Female candidates, in a totally open electoral competition, shall encounter male candidates who are instinctively more prepared to "fight" than themselves. Being a "heartless king" is simply not the nature of a woman. This statement was collected from female legislative candidates. They compete, but in a more refined way. If this premise is accepted, meaning that female candidates are more capable in upholding healthier political etiquettes, that women representation will even be more essential than ever. The elected candidates will at least pass the selection through a better morality.

As for the legislation, supervising, and budgeting functions of provincial DPRD of NTB for 2009-2014, these things were also considered as non-optimal. Local Legislative's position as a part of regional government regime would be the fundamental cause to it. Indeed, in Indonesian constitutional system, local parliament serves a part of regional government along with the executive institutions. Politically speaking, that might bring consequence where local legislative's position would not be as strong as the parliaments at the central level (DPR). If our central government recognizes a concept named "Trias Politica" which suggests that state power is divided into three parts: executive, legislative, and judicative with separated authorities; a different story applies to the governance in regions. It was due to, once again, the fact that local parliaments are considered to be part of local government.

A logical consequence resulted by this kind of political position was that the local parliament might attain roles that seem to be ambiguous. On one hand, this position constitutes a form of legislation institution because local parliament members are directly elected by people through legislative election. On the other hand, this position constitutes a part of provincial government administrator with the governor. And here lays the root of the problem. As a part of regional government administrators, provincial governments are dependent on the central in terms of legislation production. As a part of regional government regime, provincial parliament and provincial government are subject to the higher-ranking law, limiting such creativity of local parliament members in promoting initiative *perda*. It is because every initiative will be determined as to what extent does it comply with central government's policies. Further consequence resulted from local parliament and local government's positions, which occupy "one

single chamber” altogether, serving as one government administrator, is that the local parliament would not be seen as a regional legislation body anymore but merely an institution that establishes regional rules.

This “ambiguous” position constituted a major obstacle to the Local Parliament in conducting their legislation roles. Every time this local parliament faces a demand to act more productively in producing initiative *perda*, there will automatically be a difficulty to fulfill such demand because, by default, local parliament’s position (as a part of regional government) contained political consequences which turn such thing into impossibility. For example, there was a lack of budget for them to work optimally, a lack of support from experts, or a change in the status of this legislative body to a mere institution that establishes regional rules. These issues represent local parliament’s “dwarfism” and “helplessness”. They did not work the way a parliament supposed to do even though, normatively, provincial parliaments share similar tasks and authorities with central parliament; but with different scope (only at provincial level).

But it is important to note that all these technical issues which serve as the inhibiting factors could not simply abort Local Parliament’s normative obligation, which is to be optimal while implementing the legislation functions in their regions. In the context of this study, this function is a hope laid on the local parliament; that they will be able to produce initiative *perda* significantly.

Provincial DPRD of NTB did not seem optimal in fighting for the policy regarding affirmative policy of 20 percent allocation for education budget in APBD. If ever such ratified education budget percentage reached 20 percent, the calculation was not purely for education budget even though the affirmative policy mentioned in the constitution has been supported by a great intention of improving education quality as the basic needs of the people. In practice, all this time, the already ratified 20 percent allocation usually includes other education components in non-educational departments. Budgeting for trainings, staff’s capacity enhancement, or any other non-educational components in training departments from regional government have always been included in APBD calculation. Of course, it seems deceptive, and it does not in line with the passion toward such affirmation due to not being directly related to an effort of improving education quality. It does not exclusively occur in the province of NTB but commonly happens in various regions of Indonesia.

The next implication resulted from this ambiguous position is that the role in providing recommendation to the executive seemed to be failing as well. These recommendations, which were submitted by the Local Parliament prior to the visit to the constituent bases during a recess, were not more than just a fulfillment toward project proposals. Constituents were asking for many kinds of financial things, and then the local parliament will try to provide it using aspiration fund. Or, constituent’s proposal will be “recommended” to the related financial management departments. Unfortunately, this kind of practice grows even stronger due to our people’s pragmatic behavior.

The relation between local parliament and people, which was a kind of pragmatic connection, will never seem favorable in a deliberative democracy. Ideally, local parliament’s function in representing people should describe a more substantial relation: It is about how people’s aspiration could be absorbed and reflected in the regional policies instead of a mere momentary fulfillment toward financial things.

Indeed, it is easier to build a pragmatic relation instead of imagining an interest aggregation process to be included into a complicated policy. With this scheme so-called aspiration fund, the calculation became easier: The fund will be completely divided for the sake of proposals submitted by constituents. Once we found the formulation, the fund will be distributed and administered: and we are done! On local parliament’s side, there was a spending or budget absorption -which is also a part of administrative performance measurement. On people’s side, they felt satisfied to attain direct aids as the answer to their short-term and pragmatic necessities that have been proposed. Physically speaking, achievements regarding this pragmatic relation are way easier to measure.

In theoretical context, to practice something that has already existed is very much safer than risking the authorities that have been attained. During such situation, to give up the represented ones seems essentially more logical than

losing their positions because, once they lost their positions, they could never implement this representation function anymore, even with the simplest way (White & Cooper, 2015). Although such situation might obviously emphasize the fact that local parliament's role was not compatible with the task of establishing a more essential relationship framework.

5. Conclusion

We need to restate that DPRD as the provincial parliament's position as a part of regional government is the main cause of local parliament's non-optimization in implementing their roles and functions. Them not being recognized as a parliament regime makes their own roles and function to not be as flexible as that of the central parliament, even though our constitution provides both parliament with a similar mandatory, and let our local parliaments to carry out their ideal roles while implementing the legislation, budgeting, and supervising roles according to the representation at provincial scale.

Considering that central parliament (DPR) and local parliament (DPRD) would normatively share the same mandatory, it would not be a mistake if we expect our DPRD at provincial level to work optimally the way DPR does as a representative agency at the central level. Nonetheless, we usually compare DPRD to DPR regardless of the institutional context that is relatively different. Speaking about the implementation practice at the real life, our constitution's mandatory regarding local parliament's normative roles has not been supported by adequate supporting factors. Things like human resources, support and facility (such as an expertise within every member of parliament), funding, etc., have something to do with local parliament's inability to optimally carry out the roles and functions as instructed by the constitution.

But these issues having been declared as the cause of local parliament's non-optimization are more like an "excuse". Normatively, a provincial DPRD should be able to produce initiative *perda* because it is the core activity as a regional legislator at provincial level. Local parliament should also be able to implement the budgeting and supervising functions in a better way once they have the proper support. Local government should be encouraged to allocate budgets for the provision of adequate facilitations -such as for the provision of experts so the local parliament could play the role more ideally as instructed by the constitution.

Regardless of the issue complexity faced by the local parliament, it will never abort the mandatory from the constitution which requires our local parliament to work optimally as central parliament does. Again, normatively, there is no significant difference between these two legislative bodies. But most people have already perceived local parliament as a local government regime, and that local parliament does not reflect the real characteristics of a legislation body while it does not have to be normatively. This kind of perception must be removed and corrected.

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