

REGIONAL PEOPLE'S REPRESENTATIVE COUNCIL SUPERVISION FUNCTION REGARDING THE IMPLEMENTATION OF REGIONAL REGULATIONS AND REGIONAL HEAD REGULATIONS IN REALIZING GOOD GOVERNANCE

Fauzi Surya Nugraha¹, Riva Rachmi Kusumah²

¹Universitas Islam Negeri Siber Syeh Nurjati, Cirebon, Indonesia

²Universitas Wiralodra, Indramayu, Indonesia

suryanugrahafauzi@gmail.com¹, rivarachmikusumah@unwir.ac.id²



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Abstract : *The demand for changes to the 1945 Constitution is due to the absence of a constitutional system that was described as perfect when it was born. In administering regional government, success depends on the performance of regional government elements, both the executive and DPRD as legislative institutions. The Regional People's Representative Council (DPRD) is part of the Regional Government which has legislative, budget and supervisory functions. The implementation of the DPRD's supervisory function over regional regulations and regional head regulations is carried out through the Regional Regulation Formation Agency (Bapemperda). The task of the DPRD is normatively a reflection of democratic life in regional government as a means of check and balance and it is hoped that the supervisory function carried out by the DPRD can realize good governance. that the DPRD's supervisory function over regional government has a very important role in realizing good governance in Indonesia, especially in the regions, because after all the DPRD is a people's representative institution in the region to express aspirations and it is appropriate for the people to also participate in carrying out the supervisory function of the running of regional government, implementation of the DPRD's supervisory function over regional government (executive as policy implementer). The supervision carried out by the DPRD on regional governments is certainly a reflection of the implementation of checks and balances mechanisms in the management of good governance in the regions.*

Keywords: Regional Government; Supervisory Function; Good Government

I. INTRODUCTION

The Regional People's Representative Council (DPRD) is part of the regional government, because in a unitary state there is no regional legislature, therefore the DPRD is included in the administration of regional government, however, the DPRD's authority is not like that of the Regional Head who has full authority in running the government. The DPRD's authority is limited to carrying out its functions in accordance with the law. Indonesia is a democratic country, this is characterized, among other things, by the separation of state power into three axes of power, namely legislative power (law makers), executive power (implementing laws) and judicial power (judiciary/judiciary, to enforce laws -invitation if a

violation occurs). Each of these three axes of power is separate from one another, both regarding the person and their function, teachings This comes from Montesquieu's opinion which is named Trias Politica.

In connection with the implementation of regional autonomy, where the unitary state of the Republic of Indonesia is divided into provinces, which are then divided into districts and cities, each of which has a regional government that has been regulated by law. In implementing regional autonomy, regional governments as organizers of government affairs, the presence of Law number 23 of 2014 concerning regional government provides the widest possible autonomy to regions aimed at accelerating the realization of community welfare through improving services, empowerment and community participation. In addition, through broad autonomy, in the strategic environment of globalization, regions are expected to be able to increase their competitiveness by paying attention to the principles of democracy, equality, justice, privileges and specialties as well as the potential and diversity of regions in the system of the Unitary State of the Republic of Indonesia. Regional Autonomy in the context of state law is actually implemented based on the principle of a unitary state. In a unitary state, sovereignty only exists in the state government or national government and there is no sovereignty in the regions. Therefore, whatever extent of autonomy is granted to the Regions, the final responsibility for administering Regional Government will remain in the hands of the Central Government.

Based on Law Number 23 of 2014 concerning Regional Government, Regional Governments have the authority to regulate and manage government affairs themselves. The granting of broad autonomy to regions is directed at accelerating the realization of community welfare, and is expected to increase competitiveness by taking into account democratic principles and regional potential and diversity. Even though some government affairs have been handed over to the regions, final responsibility for administering government affairs remains the responsibility of the central government (President) as the ultimate holder of government power. Therefore, the relationship between the Central and Regional Governments is hierarchical in administering government.

Regional autonomy is not a new policy in administering government in Indonesia because since the founding of the unitary state of the Republic of Indonesia, it has been known that regional autonomy is covered by Article 18 of the 1945 Constitution. Meanwhile, the essence of implementing regional autonomy is the existence of discretionary regional government discretion. power to carry out self-government based on initiative, creativity and community participation in order to develop and advance the region. Changes in the administration of regional government from Law Number 5 of 1974 concerning Principles of Government in the Regions to Law Number 22 of 1999 concerning Regional Government and Law Number 25 of 1999 concerning Financial Balance between the Center and the Regions, then revised by Law - Law Number 32 of 2004 concerning Regional Government, has brought about fundamental changes in the Regional Government system, namely from a centralized to a decentralized government system.

Based on the provisions of Article 1 paragraph (5) of Law Number 32 of 2004, regional autonomy is the right, authority and obligation of an autonomous region to regulate and manage government affairs and the interests of local communities in accordance with statutory regulations. This understanding implies that the Central Government gives the broadest possible authority to regions to regulate their own households. Regions with their own initiative can organize Regional Government by making regional regulations.

Law Number 32 of 2004 concerning Regional Government places the Regional Government and DPRD as regional government administrators. As elements of regional

government, basically the positions of the Regional Government (executive) and the DPRD (legislature) are the same, what differentiates them is their function, duties and authority as well as their rights and obligations. Therefore, the relationship that must be built between the Regional Government and the DPRD should be a partnership relationship in order to realize good regional government, good local governance.

In Law Number 32 of 2004, the position of the DPRD is placed in a very strategic and determining position in the implementation of regional autonomy in the administration of regional government. The DPRD is a regional people's representative institution and serves as an element of regional government administration which has legislative, budget and supervisory functions.

The form of supervision carried out by the DPRD is political supervision, namely supervision carried out by the legislative body (DPRD) on executive institutions (Regional Heads, Deputy Regional Heads and regional apparatus) which is more in the nature of strategic policy and not technical or administrative supervision, because the DPRD is an institution politics such as misuse of the allocated budget for things that are detrimental to the people and the state.

There are three main aspects that support the success of regional autonomy, namely supervision, control and inspection. These three things are basically different in both conception and application. Supervision refers to levels or activities carried out outside the executive, namely the community and DPRD, to monitor government performance. Control is a mechanism carried out by the executive (regional government) to ensure the implementation of management systems and policies so that organizational goals can be achieved. Audit inspection is an activity by a party who has independence and has professional competence to check whether the results of regional government performance are in accordance with existing standards or criteria.

The duties and authority of the DPRD to carry out supervision over the implementation of regional regulations are contained in article 42 letter c of Law Number 32 of 2004 which states: The duties and authority of the DPRD to carry out supervision over the implementation of regional regulations and other statutory regulations, regulations of the Regional Head, APBD, Regional Government Policy in implementing regional development programs and international cooperation in the region.

The DPRD's supervisory function is closely related to the legislative function, because basically the object of supervision concerns the implementation of the regional regulations themselves and the implementation of public policies that have been stated in the regional regulations.

The DPRD has the authority to control executive performance so that good governance is achieved as expected by the people. In order to reduce the burden on society, the DPRD can pressure the executive to cut unnecessary costs in providing services to its citizens. Based on this reality, the problem is as follows: What is the form of DPRD supervision and what factors become obstacles to DPRD supervision of regional financial management.

II. RESEARCH METHODS

This research is descriptive legal research to explain the characteristics of a phenomenon. The nature of the research in this writing is descriptive which was carried out using a juridical approach. Data collection was carried out primarily using library research document study techniques by inventorying the required data, both in the form of primary, secondary and tertiary

legal materials, then carrying out historical searches and synchronizing the legal materials. The primary legal materials used consist of statutory regulations, especially those relating to legislative functions. Secondary legal materials that will be used include scientific works resulting from research and literature related to the substance of the research. Tertiary legal materials are materials that support information on primary and secondary legal materials, including data from journals, legal dictionaries and other sources.

III. DISCUSSION a) DPRD's supervisory function regarding the implementation of regional regulations and regional head regulations

The function of the Regional People's Representative Council is very strategic in defending the people, because the Regional People's Representative Council channels aspirations to receive complaints and facilitate resolution. However, it often happens that the function and authority of the Regional People's Representative Council cannot be realized, which ultimately leads to a decline in the image of the Regional People's Representative Council. Because the Regional People's Representative Council is not a technical institution that enforces regulations, but rather supervises regional regulations, while it is in the effort to implement regional regulations that conflicts of interest occur between the people and the government or the authorities.

One form of good governance is the image of a democratic government. The most important principle of democracy is to place power in the hands of the people, where at the final level the people provide decisions on the main issues regarding their lives, including assessing the policies of the government and the state, because these policies determine the lives of the people.

At the practical level, the control or supervision function is actually a function that must be prioritized because it is essentially the origin of the concept of parliament as a people's representative institution. In carrying out its supervisory function, the DPR, as one of the pillars of democracy, has carried out its role in critically highlighting various behaviors and policies carried out by the government. Overall, this is carried out within the framework of creating a political system that has checks and balances, especially with regard to the relationship between the legislative and executive bodies. Regarding government supervision, basically what the DPR does is not to overthrow the government but rather to explore the policies that have been taken by the government.

In the state administration system, the Regional People's Representative Council (DPRD) is designated as one of the elements of government administration. As stated in Article 1 paragraph (2) of Law Number 32 of 2004, it is the organizer of DPRD affairs in the system and principles of the Unitary State of the Republic of Indonesia as intended in the Law. The 1945 Constitution of the Republic of Indonesia. The position of the DPRD as mandated by Law Number 32 of 2004 has the implication that the regional head and the DPRD truly have equality and equality and there is no domination of either one.

The DPRD was placed in the regional government structure together with the regional head, the pattern of relations between the regional head and the DPRD was carried out in a subordinate manner in the sense that there was no bargaining position for the DPRD regarding all policies issued by the regional head, so that the existence of the DPRD during the New Order was no more than just a rubber stamp for legalize every program and activity proposed by the regional head, let alone having to exercise control over the running of the regional government. After the collapse of the New Order regime, the DPRD which was designated as the DPRD was placed into the regional government structure together with the regional head, the pattern of relations between the regional head and the DPRD was carried out in a subordinate manner in

the sense that there was no bargaining position for the DPRD regarding all policies issued by the regional head, so that the existence of the DPRD During the New Order era it was no more than just a stamp to legalize every program and activity proposed by the regional head, let alone having to exercise control over the running of the regional government. After the collapse of the New Order regime, the DPRD was designated as a regional legislative institution with the strengthening of the DPRD's role and function, especially its control function over regional government.

Seeing the existence of the DPRD institution in the era of regional autonomy, it is appropriate for the DPRD to be able to carry out its functions more optimally. One of the functions of the DPRD is the supervisory function. The DPRD's supervisory function over regional government is very important to optimize. This is based on the fact that the DPRD's supervisory function over regional governments has a very important role in realizing Good Governance in Indonesia, especially in the regions, because after all the DPRD is a people's representative institution in the region to convey aspirations and it is appropriate for the people to also participate in supervising its running. regional government which is reflected in the implementation of the DPRD's supervisory function over regional government (executive as policy implementer). The supervision carried out by the DPRD on regional governments is certainly a reflection of the implementation of checks and balances mechanisms in the management of good governance in the regions.

Article 40 of Law Number 32 of 2004 states that "The DPRD is a regional people's representative institution and serves as an element of regional government administration". In Law Number 27 of 2009 it is also explained that the DPRD has the role of implementing regional government. For provincial areas it is called the provincial DPRD and for district/city areas it is called the district/city DPRD.

In relation to the Provincial/Regency DPRD, Law Number 23 of 2014 confirms that the DPRD is a Regional People's Representative Institution which has the role of implementing regional government which has the function of forming regional regulations, budgets and supervision, which are carried out within the framework of regional people's representation. Therefore, the DPRD is an equal partner to the Regional Head in the administration of regional government which has a role and responsibility in realizing efficiency, effectiveness, productivity and accountability in the administration of regional government, through the implementation of the rights, obligations, duties, authority and functions of the DPRD in accordance with the provisions statutory regulations. In line with this, Government Regulation Number 12 of 2018 was stipulated to implement the provisions of Article 132 paragraph (1), Article 145, Article 186 paragraph (1), and Article 199 of Law Number 23 of 2014 concerning Regional Government as guidelines for the DPRD in preparation of DPRD Regulations regarding DPRD Rules of Procedure, the essence of which is aimed at improving the quality, productivity and performance of DPRD in realizing community welfare and regional development as well as maximizing the role of DPRD in developing checks and balances between DPRD and Regional Government.

The composition of the DPRD consists of members of political parties participating in general elections who are elected through general elections. The DPRD equipment consists of; leadership, Deliberative Body, Commission, Regional Legislative Body, Budget Body, Honorary Body, and other equipment required and formed by the plenary meeting. In carrying out their duties, the apparatus is assisted by a secretariat consisting of civil servants (PNS).

The Regional People's Representative Council has the following functions:

- a. Legislation is the function of the DPRD to form regional regulations together with the regional head.

- b. The budget is the function of the DPRD which together with the regional government prepares and determines the Regional Revenue and Expenditure Budget, which includes the budget for implementing the functions, duties and authority of the DPRD.
- c. Supervision is the function of the DPRD to carry out supervision over the implementation of laws, regional regulations, and decisions of regional heads as well as policies determined by the regional government.

Apart from that, the duties and authorities of the Regional People's Representative Council include:

- a. Form regional regulations which are discussed with regional heads to obtain mutual approval;
- b. Discuss and approve draft regional regulations regarding regional income and expenditure budgets proposed by regional heads;
- c. Carry out supervision over the implementation of regional regulations and other statutory regulations, regional head regulations, APBD, regional government policies in implementing regional development programs, and international cooperation in the region;
- d. Propose the appointment and dismissal of regional heads/deputy regional heads to the President through the Minister of Home Affairs for provincial DPRD's and to the Minister of Home Affairs through the Governor for district/city DPRD's;
- e. Electing a deputy regional head in the event of a vacancy in the position of deputy regional head;
- f. Providing opinions and considerations to regional governments regarding plans for international agreements in the regions;
- g. Giving approval to international cooperation plans carried out by regional governments;
- h. Request a report on the accountability of regional heads in the administration of regional government;
- i. Forming a regional head election supervisory committee;
- j. Carry out supervision and request KPUD reports in the implementation of regional head elections;
- k. Providing approval for cooperation plans between regions and with third parties that burden the community and regions;

Law Number 27 of 2009 concerning the MPR, DPR, DPD and DPRD, to carry out its duties and authority the DPRD is given several rights and obligations. The DPRD's rights in carrying out its duties and authority include:

- a. The Right of Interpellation, is the DPRD's right to ask regional heads for information regarding regional government policies that are important and strategic and have a broad impact on the life of society and the state;
- b. Right of Inquiry, is the DPRD's right to conduct an investigation into regional government policies that are important and strategic and have a broad impact on the lives of the community, region and country which are suspected to be in conflict with the provisions of laws and regulations;
- c. The right to express an opinion is the DPRD's right to express an opinion on regional government policies regarding extraordinary events that occur in the region accompanied by recommendations for resolution or as a follow-up to the implementation of the right of interpellation and the right of inquiry.

Meanwhile, each member of the DPRD is given the following rights:

- a. Submit draft regional regulations;
- b. Ask questions;
- c. Convey suggestions and opinions;

- d. Choose and be chosen;
- e. Self-defense ;
- f. Immunity ;
- g. Follow orientation and in-depth assignments ;
- h. Protocol ;
- i. Financial and administrative.

The obligations for DPRD members include:

- a. Uphold and practice Pancasila;
- b. Implement the 1945 Constitution and comply with statutory regulations
- c. Defend and maintain national harmony and the integrity of the Unitary State of the Republic of Indonesia;
- d. Prioritize the interests of the state above personal, group and class interests;
- e. Struggle to improve the welfare of the people in the region;
- f. Complying with democratic principles in the administration of regional government;
- g. Adhere to the rules and code of ethics;
- h. Maintain ethics and norms in working relationships with other institutions in the administration of district/city regional government;
- i. Absorb and collect constituent aspirations through regular work visits; Accommodate and follow up on community aspirations and complaints;
- j. Provide moral and political accountability to constituents in their electoral districts

DPRD supervision includes supervision of the implementation of regional regulations and other statutory regulations, regional head regulations, APBD, regional government policies in implementing regional development programs, and international cooperation in the region. Not only that, as part of regional government, the DPRD is actually also responsible for supervising public services.

The task of the DPRD is related to the first supervisory function as carrying out supervision over the implementation of regional regulations and other statutory regulations, mayor/regent decisions, APBD, regional government policies in implementing regional development programs and international cooperation (Article 78 (3) Law 22/2003 and article 42 (3) Law 32/2004), second Requesting a report on the responsibility of the regent/mayor in implementing decentralization tasks (Article 78 (6) Law 22/2003 and article 42 (8) Law No. 32/2004), thirdly the DPRD has the authority ask district/city level state officials, district/city government officials, legal entities, and community members to provide information about matters that need to be handled in the interests of the nation and state (Article 82 of Law No. 22/2003).

The autonomous regional government structure includes the DPRD and regional government. DPRD is separated from regional government with the aim of further empowering DPRD and increasing regional government accountability to the people. The DPRD's rights are quite broad and are directed at absorbing and channeling community aspirations into regional policies and carrying out supervisory functions. The function of the DPRD in the field of supervision is a follow-up to the functions played by the previous DPRD, namely the legislative function and the budget function, because the objects supervised by the DPRD are mostly policies and programs resulting from the legislative and budget functions, therefore the function Supervision is an integral part that cannot be separated from other functions.

According to Law Number 32 of 2004, with political policies that adhere to the principles of equality and checks and balances, regional autonomy uses the widest possible authority to make regional policies to provide services, increase participation, initiative and community

empowerment aimed at improving people's welfare. . To avoid political conflict between the Regional Head and the DPRD, it is necessary that the relationship between the two be carried out through the principle of "Checks and Balances" meaning that there is balance and there is continuous monitoring of the authority they are given. In this way, DPRD members can be said to have accountability, if they have a professional "sense of responsibility" and "capability" in carrying out their roles and functions. Related to this, it is argued that the "Checks and Balances" mechanism provides the executive with the opportunity to control the legislature. Although it must be acknowledged by the DPRD (Legislature) it has a very strong political position and often lacks political accountability because it is closely related to the general election system that is implemented. With this balance of rights and authority between the executive and the legislature, it is hoped that the rampant corruption that occurs in the DPRD (legislature) can be reduced along with the maturation of democracy in people's lives. The realization of "Clean and good governance" is the hope of all society. The main objective of supervision is to understand what went wrong for the sake of improvement in the future, and to direct all activities in the context of implementing a plan so that maximum results can be expected. Its essence is to help targets be achieved early, avoiding deviations, abuse of authority, waste and leakage of development funds.

In a Regional Government system, supervision is a control effort to ensure the realization of all provisions of the Law, policy decisions and regulations of the region itself. The results of supervision can be used as information or feedback for improvements both for the plan itself and in realizing the plan itself. Supervision in government organizations is necessary so that government organizations can work efficiently, effectively and economically. Supervision here is an important element to increase the utilization of state apparatus in carrying out general government and development tasks towards the realization of a clean and authoritative government. The supervisory function is an early warning mechanism (early warning system), to oversee the implementation of activities to achieve goals and targets. The benefits of supervision are:

1. Implementation of regional government policies goes according to plan;
2. Quick and precise corrective action can be taken against deviations and deviations found in planned regional government policies.
3. Growing motivation, improving, reducing, eliminating deviations from local government policies.
4. To find a way out if it turns out that difficulties, weaknesses or failures are found in regional government policies or programs towards improvement.

Supervision is ensuring that what is planned is in accordance with what is expected or becomes a reality, so supervision is very necessary as a means of safeguarding planning with the aim of ensuring that planned activities can run with maximum results as is the common hope. The practice of supervisory functions carried out by the DPRD towards the Regional Government in order to realize good governance so that it can achieve its objectives. The DPRD must be able to correctly interpret the function and objectives of supervision, so that it can become an effective check & balance mechanism, optimize supervision so that it can have a positive influence as expected on regional government management, prepare the DPRD's supervision agenda, formulate standards, systems and standard procedures for DPRD supervision, as well as involving community participation in the supervision process.

Supervision that the DPRD can carry out over regional governments in order to realize good governance includes:

Preventive Supervision

Supervision carried out at the preparation and planning stage of a regional government activity or policy. This supervision aims at aspects of prevention and improvement. For example, by supervising work preparations, budget plans, energy use plans, and other resources.

Repressive Supervision

Supervision of local government activity processes. Supervision aims to stop violations and return them to their original state, either with or without sanctions. This form of supervision is carried out through post-audits by conducting inspections of on-site implementation (inspections), requesting implementation reports, and so on.

Supervision of the DPRD during budget discussions. In this preliminary supervision, DPRD is expected to play a role in examining each budget proposal, especially from public service providers, both in terms of service prices, output and outcomes of each type of service. It is hoped that DPRD members will carry out supervision from the planning stage. made by the executive. And from the budget allocation for public services, it can also be seen whether the local government will provide adequate public services to the community or not. Furthermore, to ensure that public services run according to established standards and meet community expectations as long as the service is carried out within a certain period of time. Supervision can also be directed at budget implementation for public services or the duration of a regulation. as well as ensuring public services run according to expectations, also aimed at evaluating planned targets. Supervision is expected to produce recommendations to maintain, improve or improve service quality.

Based on this supervision, the DPRD can take action, among others. Administrative corrective action, for example the creation of a new draft regional regulation. Termination of projects or programs. The next step is legal action. Specifically for this legal follow-up, the DPRD must hand over full authority to the competent authorities, namely the police, prosecutors and courts or heads of public service institutions/commissions for regions that have ombudsman institutions or Public Service Commissions, the DPRD can take political action, namely in accordance with Article 43 Law no. 32/2004 states that the DPRD actually has legal rights which can at any time be used as a political action in measuring the performance of regional government. Even these political actions can have implications for law enforcement actions.

b) Obstacles faced by the DPRD in carrying out its supervisory function over regional regulations and regional head regulations

The obstacles faced by the DPRD include factors that can influence the enforcement or effectiveness of the law, including:

1. Legal factors

In general, law can be understood as a set of rules or norms created by an authorized institution containing orders and prohibitions where there is a threat in the form of sanctions for violators. Scholten in Satjipto Rahardjo stated that "a law that has never been implemented, in essence has ceased to be law". In order for the law to function, the law must meet the requirements for the validity of the law as a rule, namely:

- a. Legal rules apply juridically, if the determination is based on rules of a higher level or is formed on a predetermined basis.

- b. Legal rules apply sociologically, if the rule is effective, in the sense that the rule can be enforced by the authorities even though it is not accepted by members of the community (power theory) or the rule applies because of recognition from society.
- c. Legal rules apply philosophically, namely in accordance with the ideals of law as the highest positive value.

2. Structural Factors (Law Enforcement)

Law enforcement is part of the legal structure elements that function as drivers of legal substance (UU). The scope of the term "law enforcer" is very broad, because it includes those who are directly and indirectly involved in the field of law enforcement. However, in this case it is interpreted as those who are directly involved in the monitoring system for the implementation of Regional Regulations and Regional Head Regulations.

Obstacles that can be encountered in the monitoring system for the implementation of Regional Regulations and Regional Head Regulations are skills regarding a common understanding of the discretion of state officials (in this case the executive). The skill in question is an effort to understand or have the same view regarding executive discretionary actions. What are the parameters of the validity of discretionary actions? On the one hand, supervisory measures are important so that the implementation of Regional Regulations and Regional Head Regulations avoids deviant actions. On the other hand, some discretionary actions by the executive need to be understood as discretionary actions by the supervisor (who carries out the controlling function). Therefore, it is important that there is communication and a common opinion regarding the general principles of good government as a benchmark for executive actions that are classified as discretionary actions (freis emersen).

3. Political factors

In this case, the supervisory function has not been maximized because it is influenced by political factors and becomes more complicated when it falls into the trap of real power politics. The supervisory function carried out by the DPRD has a greater political policy weight compared to administrative weight.

4. Human resource factors

DPRD members have limited resources to carry out their supervisory function, which is influenced by the lack of education and experience regarding the supervisory function of DPRD members. This is because DPRD members are selected and appointed from the election winning parties who have different educational and work backgrounds before becoming DPRD members.

5. Regulatory Factors

DPRD supervision of the implementation of regional regulations regarding the duties and authority of the DPRD to carry out supervision over the implementation of regional regulations and other statutory regulations, regulations of the Regional Head, APBD, Regional Government Policy in implementing regional development programs and international cooperation in the region. Without further details regarding the limits of authority and methods of supervision. As a result, each DPRD describes its supervisory function according to what it wants.

There is overlap in supervisory activities, who should be called the supervisory apparatus/institution in the region? The law mandates that the Financial Audit Agency (BPK) carry out external audits, then there is also what is known as an internal audit agency, namely the BPKP with its authority based on Presidential Decree No. 31 of 1983 which goes to government agencies and even state and regional owned enterprises. There are also Inspectorate Generals in Departments and Regional Inspectorates in Provincial Governments and Regional Inspectorates for Regency/City. Meanwhile, according to Law no. 23 of 2014 there is also a

supervisory function carried out by the DPRD. So it is natural that many government agencies complain about overlap. 6. Legal Culture Factors

Soerjono Soekanto stated that "legal culture (system) basically includes the values that underlie the applicable laws, values which are abstract conceptions regarding what is considered good and what is considered bad. These values are usually a pair of values that reflect two extreme situations that must be harmonized." So, the culture referred to here is legal culture. Legal culture is very closely related to behavior and attitudes towards obeying or disobeying applicable legal rules/norms.

Derita Prapti Rahayu stated that in order for a law to be effective in achieving its goals and objectives, several basic elements in the law must operate or function well, namely as follows:

- 1) Legal regulations must be complete and up to date
- 2) Law enforcement must run well and fairly.
- 3) Law enforcement must be truly imaginative and impartial.
- 4) Legal culture and public awareness must support the implementation of the law.

From several theoretical arguments, it appears that legal culture is very important for the functioning of a system. The system referred to in this study is supervision by the DPRD as the essence of the control function of the legislative institution. In order for the supervision system to function, it is important that the existing legal culture of the legislative and executive institutions be integrated with each other in the administration of regional government.

The legal culture factor can be seen in the culture of pure separation between executive and legislative authority. In fact, in Indonesia, including at the district level, there is no pure separation because in the implementation of their authority they are still interrelated regarding the formation and implementation of regulations. The long-term impact of this situation is that there is a communication gap which assumes that the authority to implement regional regulations in the form of derivative regulations (Regent Regulations) is the authority of the executive without the need for reporting or copying to the legislature.

Of course, this situation is not impossible to happen, but it needs to be borne in mind that the essence of the power held by each bearer of this power is in efforts to administer regional government, which in fact is to advance the region and improve the welfare of the community. In fact, these powers are not different or even a single unit within the powers of the Regency regional government, so that anyone who develops these powers should return to the nature of the powers they carry by prioritizing the general principles of good government.

IV. CONCLUSION

He supervisory function carried out by the DPRD towards the Regional Government in order to realize good governance so that it can achieve its goals. The DPRD must be able to correctly interpret the function and objectives of supervision, so that it can become an effective check & balance mechanism, optimize supervision so that it can have a positive influence as expected on regional government management, prepare the DPRD's supervision agenda, formulate standards, systems and standard procedures for DPRD supervision, as well as involving community participation in the supervision process.

In implementing the supervisory function over regional regulations and regional head regulations, there are several factors that influence the role of the DPRD in carrying out the supervisory function over regional government performance, including political factors, human resource factors, regulatory factors, overlapping factors regarding supervisory activities, substantive constraints. , structure and culture.

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