

The Role of Members of Regional People's Representative Council (DPRD) in Making Regional Regulations (PERDA) in Eastern Seram Regency (Kabupaten Seram Bagian Timur) Maluku Province

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Abstract: This research aims to describe the role of members of the Regional People's Representative Council (DPRD) in making Regional Regulations (PERDA) as one of the important dimensions of regional government administration in Eastern Seram Regency (Kabupaten Seram Bagian Timur). It is also a part of the study of public administration narrowing to identifying the supports and barriers. This research used a descriptive qualitative approach. There are ten informants for this research. The instruments used to collect the required data are observations, interviews, and documentation. The findings showed that the performance of members of the SBT Regional People's Representative Council in planning the formation is quite good, carried out through the process of drafting the RAPERDA (Regional Regulation Draft) with several academic staff and other stakeholders, discussing it in the Regional People's Representative Council plenary meeting to hear the views of factions and commissions, then continuing to ratification and determination to become a Regional Regulations (PERDA). This role is determined by the quality of work, bad work experience, and adequate income earned by the member.

Keywords: *The Role of Members of the Regional People's Representative Council; The Making of A Regional Regulation; Determinant Factors*

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INTRODUCTION

The role of legislators in regional government is political and administrative and is one of the important dimensions of public administration. Public administration has a bigger role and is more involved in policy formulation, implementation, and evaluation (Gordon, 1982: 51), at both state and regional levels to improve people's welfare. Implementing the roles of Regional People's Representative Council members is a dynamic aspect of their duties and functions. With regional councils as a legislative board, the function of making regional regulations can take place with regional head partners in translating public interests and aspirations for improving people's welfare in line with the national legal order and the public interest in a region. Syahaputra et al. (2018) stated that the role of the legislative is significant and detailed, especially after the political transition in Indonesia in 1998. According to Yusuf et al. (2018), the role of DPR members in making regional regulations includes the Submission of Raperda, the Formation of a Special Committee, the Discussion Process, the Determination Process, and Legislation. DPRD members

perform their roles in submitting and discussing Raperda to become Perda. Within their roles implementation, there must be factors influencing it, such as: not having a regional legislation program, the lack of budget funds provided, the ability and competence of DPRD members lacking, and the agenda of DPRD members being tight. To properly assess the role of this board member, it is necessary to know the factors that influence it (2017). The role of legislators and regional heads in making regional regulations as an attribute of democratization is strategic for the representation system in realizing "good governance" through the regional government system (Kartiwa, 2006).

The representative system is a government mechanism to realize normative ideas by the people's will. The authority of a government depends on its role in transforming the people's will as the highest value of the will of the state. PERDA is an instrument for Regional Governments (PEMDA) to carry out their duties, functions and authorities based on the regional autonomy system (Masita et al., 2018). Regional regulation as material for legal management is formed to realize a set of laws and regulations to implement regional government to accommodate the community's aspirations (Watungadha, 2015). The Regional Regulation planning instrument is carried out in the regional legislative program (PROLEGDA) jointly prepared by the Regional People's Representative Council members and the Regional Government. PERDA is a juridical means of implementing regional autonomy and co-administration (Assidique, 2005). The national legislation program is an instrument for planning the formation of laws for the medium term (five years) and annually based on certain priority scales that are prepared in a planned manner (Haris, 2014).

The roles and functions as representatives of the people have not contributed to the fulfillment of the community's interests, as seen from the frequent policies set/decided by the Regional Government and the members of the representative council that also have no interests and aspirations of the community (Tunggal 2013: 2). In making and drafting a regional regulation as legislative function, the legislators draft a regional regulation together with the regional government to obtain mutual approval (Ni'matul Huda, 2005). From the real facts obtained, SBT legislators have played a role in making regional regulations (political process) together with the executive (administrative process) due to: 1) a lack of initiative by the legislators to make regional regulations according to regional needs, 2) too many proposals for making Regional Regulations from the Regional Government, 3) the Regional Regulations made by the council adapted from other regencies/cities inside or outside Maluku Province, and 4) a clear academic text supports of Regional Regulations. These, of course, depend related to the quality, capacity of human resources, and experience in the legislation. Thus, the problem formulation is: Why have the regional regulations in the SBT Regency not been satisfactory? What are the determinant factors influencing it?

This research aims to analyze and describe the role of DPRD in making regional regulations and the determinants of factors that influence them in the SBT Regency.

REVIEW OF LITERATURE

Public Administration

Public administration is defined as the formulation and implementation of policies carried out by the bureaucracy on a large scale and for the public interest (Keban, 2014). Gordon (1982), Nigro and Nigro (1980: 14) considered that public administration is involved and has a vital role in public policy formulation because it is part of the political process. Singadilaga (2000: 6) argued that political activity is administrative. On the other hand, the administrative process is political, and thus public policy is also an integral part of the field of public administration.

In public administration, the art and science of management regulate the process of achieving state goals. Winardi (1998) said management is a forum to determine and achieve goals using human and other resources. Decisions in the public administration process are public policies. However, decisions that become public policies only contain the values of the public interest and are good (Singadilaga, 2000). Singadilaga then states that public policy as a decision must contain two things, namely, first, an "ethical proposition" (professional behavior of individuals and organizations), and second, a "factual proposition" (individual and organizational behavior that is adaptive and responsive to people and regions' real aspirations and needs).

In the hierarchical relationship, there are three main policy strata. Gordon (1982) argued that public administration has a bigger role and is more involved in policy formulation, implementation, and evaluation of policies. As Kasim (1994) stated, the development of public administration science scope began to include policy analysis and formulation, implementation and control and assessment of the results in implementing the policy (policy evaluation).

Therefore, public administration is not only related to executive bodies but to all other state institutions, such as legislative and judicial institutions and the relationship between these institutions. Stilman II (1991) said that public administration varies greatly. Variations in various definitions of public administration are quoted by Stilman II (1991) as follows. Starling saw public administration as all that government achieves or does as promised during an election campaign. In other words, the limitation emphasizes the accommodating side of government and the selection of public policies. Nigro & Nigro (1980) stated that public administration is a collaborative group effort in a public environment, including the three branches, namely the judiciary, legislative, and executive, which have an important role in formulating public policy.

Shafritz and Russell (1997) argued that it is difficult to provide a definition of public administration that all parties can accept. The authors defined public administration into four categories: political, legal, managerial, and livelihood. The political category sees public administration as "what government does" either directly or indirectly as a stage of the public policy-making cycle, an implementation of the public interest, and an activity carried out collectively because it cannot be done collectively. In the legal category, public administration is the application of law (law in action) functioning as a regulation, as an activity of giving something from the ruler or king to the people, and as a form of "forced taking" against rich parties to be distributed to the poor where rich parties who feel aggrieved must submit and obey it. In the managerial category, public administration is seen as an executive function in government as a form of specialization in management (how to achieve results through other people). In the livelihood category, public administration ranges from lower-level government officials to the top.

According to Agustina et al. (2014), local government administration is one of the scopes of public administration. Therefore local government administration has an important role in administering local government to achieve the goals set. Nurcholis (2001) stated that regional government administration is a part of public administration examining the cooperative relationship between regional government components to achieve regional government goals. It is about how the local government provides good services to the community to create the local community's welfare. The regional government administration system is unified as a whole between the various components of the regional government in the policy formulation, planning, organizing, implementing, and controlling to achieve regional government goals.

Role

According to terminology, a role is a set of behaviors expected to be possessed by those who are domiciled in society. The term role is usually used in the theater world, where an actor in the theater must play a certain character. In his position as a character, he is expected to behave in a certain way. According to Suhardono (1994), a role is defined as a characterization carried by an actor in a drama stage. In the social context, a role is defined as a function performed by a person when occupying a position in the social structure. The role of an actor is a boundary designed by another actor who happens to be both in one role performance. In English, the role is called "role," in which the definition is "person's task or duty in undertaking" (Mukmin, 2014).

A role means a person's duty or obligation in a business or job. Poerwadarminta (2007) stated that a role is a person's action in a certain event. It is a dynamic aspect of position (status). If a person carries out his rights and obligations according to his position, he carries out a role. The difference between position and role is for the sake of science. The two cannot be separated because the one depends on the other and vice versa. There is no role without a position or a role (Linton, 1956). Everyone has a variety of roles that come from the patterns of social life. At the same time, it means that the role determines what he does for the community and what opportunities the community gives him (Soekanto, 2006).

The role has an important meaning in the life of a group or organization. Chinoy in Soekanto (2006) said that role is important because it regulates a person's behavior which causes a person, to a certain extent, that can predict the actions of others. Therefore, the person's concern can adjust

his behavior toward his community. The social relationships in society reflect the relationship between the individual and societal roles (Soekanto & Sulistyowati, 2014: 120). Roles can be divided into social roles and individual roles. Social roles are societal rewards (social) about behavior and attitudes associated with certain statuses regardless of the specifics of people supporting that status. The role of the individual is the rewards of behavior in a certain status which is closely related to the special characteristics of the individuals themselves. Social roles are a normal chart where this chart corresponds to the status of individuals in certain situations. However, there are still differences in it (Ahmadi, 2007). Humans can acknowledge social roles if they study and experience them in society by living together. The reason that determines the social role is our consensus or tradition, meaning that the group members determine the social role.

Regional Regulation

Regional Regulations (PERDA) is a tangible manifestation of regional autonomy by regional governments. PERDA is an elaboration of higher legislation (PPU) by looking at the characteristics of each region (Indrati, 2007). According to Soejito (1978) and Prakoso (1985), regional regulations are regulations set by certain authorities. The regional government, with the approval of the regional people's representative council, must meet certain formal requirements and can have legal and binding force. According to Isra (2010), PERDA is an official document in the form of legislation, which manages regional autonomy and assistance tasks to realize new policies, implement higher legislation and establish an organization within the local government set by the regional government and regional people's representative council.

Manan (2002) defined PERDA as all regulations made by the local government to implement other regulations of a higher degree. According to Zarkasi (2010), regional regulations are regulatory instruments that are legally given to local governments in administering local government. Since 1945 until now, several laws have been enacted that form the legal basis for administering regional government by stipulating a regional regulation as one of its juridical instruments. Sunarno (2012) argued that the substance or material content of the regional regulation is an elaboration of the legislation at a higher level. Considering each region's characteristics, the material's substance must not conflict with the public interest and higher laws and regulations.

In addition, regional regulations are provincial and regency/city regulations (Article 1 point 10 of Law No. 32/2004 on Regional Government). PERDA is legislation formed by the regional people's representative council with the joint approval of the regional government (UU.No.12/2004/on Perda). According to Law No. 12 of 2011 concerning the Formation of PPU, PERDA is a PPU formed by the regional people's representative council with the regional government's approval. According to Ranggawidjaja (1988), the materials for regional regulations generally contain matters relating to 1) regional household affairs in regional government organizations; 2) duties and assistance (Medebewind). Therefore, PERDA is a legal product and a reference for local government legality to implement the rights and authorities of regional autonomy in regulating and managing their household affairs. Agustina et al. (2014) stated that the role of the regional people's representative council in making regional regulations consists of four stages: planning for the formation of regional regulations, drafting regional regulations, discussing regional regulations, and approving the legislation of regional regulations.

The Role of the Regional People's Representative Council (DPRD) in Making Regional Regulations

The role of DPRD in making regional regulations is the ability of the council through its members to carry out a series of steps and activities to realize expectations in making regional regulations that accommodate the aspirations and needs of the people in the region. The board's role shows normal behavior in its duties and functions. Sukoco (2012: 92) and Jusmiati (2013) stated that the DPRD has the functions of forming regional regulations, budgeting, and monitoring. In carrying out this function, the DPRD has rights and obligations following the formulation of the applicable laws and regulations.

The members of the council are given the right to take the initiative to propose a RAPERDA (regional regulation draft), the right to amend (change the RAPERDA both substantially and editorially), and rights on budgetary including submitting the RAPBD, proposing the form and

direction of APBD policies, determining budget allocations according to the appropriate program and location (UU No.9/2015 Concerning the Second Amendment to Law. No.23/2014 concerning Local Government). The DPRD and the regional government jointly approve the RAPERDA. Then, it is submitted by the DPRD leader to the regional government to be stipulated as a regional regulation. According to Kartiwa (2006), the function of legislation is to accommodate the various interests of the parties (stakeholders) to determine how development in the regions will be carried out. The function of legislation is important in several ways because it is: 1) determining the direction of development and governance in the region, 2) a basis for formulating public policies in the region, 3) creating a social contract in the region, and 4) support for the establishment of regional apparatus and the organizational structure of regional apparatus.

Watungadha (2015) said that the implementation of the legislative function of the DPRD in the formation of regional regulation could be seen from whether or not the role is implemented in using the DPRD's initiative rights and the right to make changes to the RAPERDA. PERDA is a commitment of power holders in regions with power (*coerciae*) (Yarni, 2011). Legislation functions are needed to realize the desired society (social engineering) and social life. The function of legislation (formation of regional regulations) is the main function of the DPRD as a regional legislative body (Jusmiati, 2013).

Budiono (2013) said that the functions of the DPRD are: 1) legislation, the function of the DPRD to form Regional Regulations with regional heads; 2) budget, a function of the DPRD together with the Regional Government to prepare and determine the APBD, including the budget for the functions, the duties, and authorities of the DPRD, and 3) supervision, the function of the DPRD towards the implementation of laws, regional regulations, and stipulated regional government decisions and policies. Asshiddiqie (2006) mentioned that the main function of the DPRD is to control the running of government in the regions, while about legislative functions, the council's position is not the dominant actor. The dominant power holder in the legislative sector remains with the governor and the regent/mayor. Law No. 32/2004 concerning Regional Government (PEMDA) "requires" the governor and regent/ mayor to submit a RAPERDA and stipulate it as a regional regulation with the approval of the DPRD. The DPRD only acts as a controlling institution that can approve, reject or approve changes and occasionally can submit RAPERDA with proposals on its initiative.

Sanit (1985) stated that the DPRD activities aim to carry out the following functions: 1) Representative function. Through this function, the legislators make policies for the community represented in the institution overall. In this case, the DPRD protects the interests and distributors of the community it represents. 2) Legislative function, enabling the legislators as people's representatives to express the interests and aspirations of the community into formal policies in the form of laws, and 3) The supervisory functions, legislative institutions protect the interests of the people because the use of power based on the function of the DPRD can monitor all activities of state institutions through the realization of various rights.

Determinants of the Role of DPRD in Making Regional Regulations

In carrying out their duties or functions, including making regional regulations, the members of DPRD roles, whether optimal or not, can be seen from the roles displayed. According to Ndraha (1997), in carrying out his role as a legislature member, a person's choices and actions will be greatly influenced by the social and cultural environment, such as family, norms, religious groups, and customs. Therefore, the role carried out by each person will be different, depending on the social and cultural environment where a person comes from. Tangkilisan (2005) argued that the roles and functions carried out by legislature members would grow and develop on a certain social basis, influenced by internal and external factors. The logical consequence is that the appearance or performance of board members may change from time to time according to their interests. In terms of culture, customs, and socio-economic conditions, a heterogeneous society will give birth to different performances for each council member (legislative board).

Thaib (2000) suggested that the legislative board in the Indonesian constitutional system has four main roles, such as 1) the role in making laws and regulations, which are the main roles and functions of the legislature; 2) the role in making government revenue and expenditure budgets; 3) the role of supervising the administration of government by the executive; and 4) the role as people's representatives for accommodating and channeling people's aspirations. The role

and function of the legislature are reflected in the political choice/ orientation (Tangkilisan, 2007). According to Almond & Verba (1984), the political orientation of every citizen in a political system is to fight for their values and interests. This action is realized in an existing political system and flow.

Whether optimal or not, the role of DPRD in making regional regulations in an area is influenced by several factors. Tangkilisan (2005) and Thaib (2000) suggested that internal factors and external factors affect the role of board members. Internal factors are: a) rules and regulations within the legislature, which are often full of conflicts of interest to hinder the performance of each existing faction; b) the quality of legislators, which can be measured by the level of education and other capacities, directly affects their performance; c) facilities and budget needed for the smooth work of the legislative body. Meanwhile, the external factors are: a) the general election system carried out, b) the historical background and the prevailing political climate, and b) whether or not there is a right to recall members by an existing political party (recall).

Lipset (1980) stated that four factors could influence the orientation or attitude and behavior of board members so that they can carry out their functions and roles: 1) family factors; 2) education level factors; 3) income factors; and 4) an autonomous organization that activates the life of the local community and so on. Budiardjo (2007) said that the factors that influence the attitudes and behavior of board members in carrying out their functions are: 1) the quality of members, which refers to knowledge and experience; 2) the election system and procedures for becoming a member; and 3) organizational support capacity and existing work procedures. Abcarian and Masannat (1970) said that there are sources of political behavior that make individuals behave and behave in certain ways. Both said that sources in the form of a person's political orientation background are groups, social influences including one's socio-economic status, and personality factors.

From some of the opinions above, the determinants factors that can affect the performance of the role and function of making regional regulations in the legislative board members are the quality of member human resources referring to knowledge and experience, income level, work experience, work environment, procedures for becoming a member, carrying capacity, existing work organization, and procedures as well as various other factors.

On this basis, two concepts are studied in this research, namely: (1) The role of DPRD in making PERDA is understandable as the ability to carry out the role of the function of making PERDA, which is seen from four dimensions: a) planning for the formation of PERDA, b) drafting PERDA, c) discussion regional regulations, and d) ratification of regional regulations. (2) Determinants of the role of DPRD in making PERDA in this research are the factors that influence the role of DPRD in making PERDA considered to influence in supporting and hindering the level of performance of DPRD in the process of making PERDA: a) quality of DPRD members, b) income level DPRD members, and c) work experience of DPRD members.

RESEARCH METHOD

This research was conducted in Eastern Seram Regency (Kabupaten Seram Bagian Timur, SBT). The object of research was the members of the Regional People's Representative Council (DPRD). A survey with a descriptive qualitative research type was used to analyze and describe the council's role in making regional regulations and identify the determinants that influence the role of the councils in making regional regulations. There were 10 informants for this research: the regent, the chairperson, 2 deputy chairpersons of the DPRD, 3 commissions (A, B & C), and 3 DPRD members. Primary data collection used the interview technique with the help of an in-depth guide where questions and answers were direct and verbal. As for the information that had not been collected through interviews was completed through observation methods and document review. Therefore, the information collected was tested for validity, and the drawn research conclusions were objectively based on the facts obtained. Data analysis used descriptive qualitative techniques based on Miles and Huberman (1992) and Sukardi (2009): data collection, reduction, presentation, verification, and conclusions. Sugiyono (2008: 111) explained that the conclusions in qualitative research are expected to be new findings that did not exist before.

RESULT AND DISCUSSION

The analysis began with the profile of the SBT board members, followed by demographic information of the 25 members of the SBT board. There were 24 male members of the board (94%), only one female (4%), 10 people between 27-39 years old (40%), and 15 people between 40-50 years old (60%). There were 8 people with high school education (30%) and 17 with bachelor's degrees (70%). Then, 3 members of the council had 1 term of service (12%), 15 members with 2 terms of service (60%), and 7 members with 3 terms of service (28%).

The Role of DPRD in Making Regional Regulations

The role of the regional people's representative council in making regional regulations in the SBT in this research is done through a series of certain steps. The steps can be seen from four dimensions in sequence: a) planning the formation of regional regulations, b) drafting regional regulations, c) discussing regional regulations, and d) ratifying/ stipulating regional regulations. The data successfully collected are presented and analyzed successively as follows:

a. Planning for Establishing Regional Regulations

Planning shows important goals and explains what must be done to achieve them. A plan is an integrative activity that tries to maximize the total effectiveness of an organization as a social system following the goals to be achieved by the organization (Amrullah & Budiyono, 2004). Thus, planning must have at least three main aspects: 1) regarding the future, 2) involving action, and 3) having a series of actions in the future that planners will take. Planning is critical and necessary for every effort to achieve goals. To obtain certainty in the future, making a plan for every organization is necessary. Without good planning, the organization will lose its direction, and it will be difficult to anticipate the threat of environmental change. Good planning is a reflection of good management of the organization, and good management is what promises good results.

Planning for making regional regulations carried out in a PROLEGDA is one of the dimensions to see the role of the council members in making or forming regional regulations. PROLEGDA is a program planning instrument for forming regional regulations prepared in a planned, integrated, and systematic manner. The PROLEGDA is made by the regional people's representative council and regional government. This PROLEGDA is set for one year based on the priority scale for forming the RAPERDA. The preparation and stipulation of PROLEGDA are carried out every year before the RAPERDA on the Regency APBD. Priority scale criteria for preparing the RAPERDA list in PROLEGDA are based on: a) higher PPU orders; b) regional development plans; c) implementation of regional autonomy and assistance tasks; and d) local community aspirations. The PROLEGDA contains a cumulative list consisting of a) the consequences of the Supreme Court's decision and b) the regency budget.

In certain circumstances, the Council or the Regent may submit a RAPERDA outside the regency PROLEGDA, consisting of a) the deal with extraordinary circumstances, conflict situations, or natural disasters; b) a result of cooperation with other parties; and c) certain other circumstances that ensure the urgency of a RAPERDA that can be mutually agreed upon by the apparatus of the regency council specifically handling the field of legislation and the legal department. The regency PROLEGDA is set for one year based on the priority scale for the formation of the RAPERDA. The preparation and stipulation of the regency PROLEGDA are carried out every year before the RAPERDA on this regency's APBD. Interviews were conducted with informants to determine the role of council members in the planning process for making district regulations in SBT for the 2014 – 2019 period.

The data and information gathered from this research showed that the leadership and members of the DPRD play a sufficient role in planning the drafting of the RAPERDA, stipulated as a regional regulation as a reference for the administration and development of this region. At least ten regional regulations are targeted to be made in the economic, social, and mandatory affairs of the regional government of SBT during the term of service. In making the regional regulation, the two deputy chairpersons, three commissioners, and three council members carried out a fairly systematic and integrated approach according to the local government's priorities, aspirations and regional needs in responding to future conditions faced by the regional government and the people in the region.

However, the capacity for planning regional regulation is still in a condition that is not fully maximized as expected because the ability of some members of the council to understand the

nature of regional autonomy and orders from higher PPU is still limited as limitations in exploring, mobilizing, integrating input from the community or other stakeholders into the material on the agenda list to prepare a system for implementing the functions they carry out. The data and information above show that council members in this area have not maximally performed this role. According to Ndraha (1987), the ability to carry out tasks is the ability to achieve predetermined outputs or results to be achieved. This ability includes the ability to plan efforts to achieve goals and implement these plans in planning these efforts, including exploring, mobilizing, and combining input from the environment and preparing for the execution system.

b. Preparation of Regional Regulations

The word arrangement comes from the root word stacking. The meaning of the word arrangement is the process, method, and act of compiling something (Poerwadarminta, 1984). A regional regulation begins with preparing a regional regulation, one aspect of the council's role in forming a regional regulation. The preparation of the regency RAPERDA can come from the members of the regional people's representative council or the regent. The preparation of the RAPERDA must be accompanied by an explanation/ information and academic text regarding a) regency APBD, b) the revocation of the regency PERDA or c) Amendment to the regency PERDA, is only limited to changing some materials, accompanied by a statement containing the main ideas and content of the regulated content. The preparation of a good regional regulation must be in accordance with the principles of the formation of the PPU: a) clarity of purpose, the PPU must have a clear goal to be achieved, b) the right institution or forming organ, each type of PPU must be made by the authorized institution/ official forming the PPU and can be canceled or null and void if made by the institution/ official those who are not authorized, c) the suitability of the type and content, the PPU must really pay attention to the exact content of the PPU, d) pay attention to the effectiveness of the PPU in society, both philosophically, juridically and sociologically, e) the usability and effectiveness, every PPU is made because it is really needed and useful in regulating the life of society, nation and state, f) clarity of formulation, every PPU must meet the technical requirements for preparation, systematics and choice of words or terminology, and the legal language is clear and easy to understand so that it does not rise to various interpretations in its implementation, g) when transparency, in the PPU process starting from planning, preparation, preparation and discussion is transparent and open. Thus, all levels of society have the widest opportunity to provide input in making PPU.

In orderly administration and improving the quality of regional legal products, a process or procedure for preparing regional regulations must be more focused and coordinated due to the need for careful and in-depth preparation in forming regional regulations. The preparation includes knowledge of the content material to be regulated in the regional regulation and how to put the material into the regional regulation in a concise, clear, and easy-to-understand manner compiled systematically without leaving good language procedures according to Indonesian rules. The same reality is also found in drafting regional regulations at the council. The RAPERDA can come from the council's proposal and the regional government's proposal or the council's proposal and the regional government collaboratively discussed together. The drafting of RAPERDA is accompanied by an explanation/ information and academic text. Academic Papers are the results of research or legal studies and the results of other research on a particular problem that can be scientifically justified regarding the regulation of the problem in a RAPERDA as a solution to the problems and legal needs of the community. An academic manuscript must accompany each regional RAPERDA.

The harmonization, unanimity, and consolidation of the RAPERDA draft come from this district council, coordinated by the council's equipment, specifically in legislation. Informants were interviewed to find out data and information regarding the role of council members in drafting the RAPERDA during the 2014–2019 term of office. The data and information from the chairman of the council, the regent, and members of the regional legislator have played quite a role in drafting a regional regulation, both from the DPRD initiative proposal and the SBT regional government. From the right of initiative, this regional council proposes 5 RAPERDA. In comparison, the regional government comes with 5 RAPERDA as well, each relating to the regional government's economic, social, and mandatory affairs. Data and information from the two deputy chairpersons of the council state that the preparation of the RAPERDA by these two institutions is sufficient to accommodate the aspirations, hopes and needs of the people. The drafting of the nine regional

regulations tends to rely on references from the results of comparative studies in several regions. Lack of academic drafts support, systematic and integrated research or scientific studies affect the articles in the RAPERDA, which tend to be an adjustment to the conditions of other regions.

Moreover, the content is not detailed and integrated. Therefore, the articles in the RAPERDA are not integrated and detailed yet. The data and information above show that the chairpersons, council members, and the regent seem to have the attention, commitment, and ability to process the RAPERDA in a systematic and integrated manner per the authorities and mandatory affairs they have. However, the academic base is not fully integrated and detailed in responding to the problems the regions face.

c. Discussion of Regional Regulations

The discussion of the RAPERDA is the next step that must be played by the legislative and executive parties to obtain input and comparisons from the point of view of the public and related stakeholders. The DPRD carries out this activity by conducting working meetings, public hearings (public consultation), and outreach by inviting relevant Regional Apparatus Organizations (OPD), community representatives, or non-governmental organizations related to issues raised in the regional regulation. Activities to enrich academic texts and RAPERDA can also be carried out by conducting working visits or comparative studies at competent institutions or regional governments which have issued the same regional regulations. After all the material content and substance obtained were deemed sufficient, the academic text and the previous RAPERDA were refined and harmonized again by the regional people's representative councils to meet the region's needs.

The DPRD and the regent discuss the RAPERDA through the levels of discussion in the meeting of commissions, committees, and council equipment that specifically handle legislation and plenary. The procedure for discussing regional regulations is regulated in a DPRD regulation. The RAPERDA can be withdrawn before the DPRD discusses it with the regent. The Raperda under discussion can only be withdrawn based on the council's and the regent's mutual consent. In this process, there was a political process with lobbies at the faction level so that the discussion could be resumed. If there is no deadlock, it will usually be done through closed voting. When an agreement is found, it is a solution to the deadlock.

DPRD regulates provisions regarding the procedure for withdrawing RAPERDA. Usually, the RAPERDA can come from the DPRD or the regent. If it comes from DPRD, then there are 2 (two) discussion mechanisms must be taken. First is the internal discussion by the board. If the plenary session approves, it becomes a RAPERDA on the council's initiative. After this, it will continue to the second discussion with the regent and will be discussed in 2 (two) levels. If the plenary session rejects it, then the process stops there. If the RAPERDA comes from the regent, the process will immediately enter the stage of the discussion levels: level 1 (one) and level 2 (two) discussions.

Data and information collected from the council's chairman, the regent and the three chairpersons of the commission regarding the role of council members in the RAPERDA during the 2014-2019 term of service show that the mechanism for the discussion process of the RAPERDA was quite well done. It is seen either from the proposal of the council's initiative or from the regional government, or collectively together in the 2014 – 2019 period of service. For the DPRD's right to initiative, they propose five RAPERDAs, while the regional government is five RAPERDAs. Each RAPERDA relates to the regional government's economic, social, and mandatory affairs during this service period. Discussions of the RAPERDA were conducted through 4 phases. Phase I includes 1) an explanation of the regional government in the plenary meeting of the RAPERDA conducted by the regional government and 2) an explanation in the plenary meeting by the chair of the joint faction meeting or the chair of the special committee on behalf of the DPRD regarding the general opinion of DPRD members. In phase II, the discussion includes: a) In the case of a RAPERDA originating from the regional government: 1) general views in the plenary meeting by DPRD members submitted by their factions against the RAPERDA submitted by the regional government, 2) answers of the regional government in the plenary meeting on the views general members of the DPRD. b) In the case of the RAPERDA from DPRD members: 1) the opinion of the regional government in the plenary session of the regional regulation submitted by the DPRD, and 2) the response of the chairman of the commission, the joint committee meeting, or the leaders of the special committee on the DPRD in the plenary session on the opinion of the regional

government. Phase III, the discussion of this stage, is in the joint commission meeting or special committee meeting, which is held with the relevant officials.

The procedure for submitting a proposal of an initiative RAPERDA is regulated in the DPRD rules regarding the right to propose/initiate regional regulations. At least 5 (five) council members consisting of one faction may submit a proposal for an initiative to regulate regional affairs. The proposed initiative is submitted to the council's leadership in a RAPERDA accompanied by a written explanation and given a key number by the council's secretariat. The proposed initiative by the council's leadership is submitted at a plenary meeting after consideration by the deliberation committee. The proposers were allowed to explain the proposed initiative in the plenary meeting. The discussion of the RAPERDA is carried out by listening to the views of other members of the council and the opinions of the regional government and providing answers to the views of the members of the council and the regional government. If the RAPERDA is approved with amendments, the council leaders assign a commission/ legislation board or special committee (*Pansus*) to make its improvements. If the RAPERDA is accepted without any changes, the council submits the RAPERDA to the regional government. The regional government appoints a representative to follow up on the RAPERDA that will be discussed. The discussion is carried out at two levels. The first is determining the RAPERDA to become a regional regulation. An explanation is held in a plenary meeting by the chief of the commission/ joint commission or the chief of the special committee on the RAPERDA. The second is listening to the regional government's opinion on the RAPERDA based on the council's suggestion and listening to the faction's answer to the opinion of the regional government. The next step is to discuss the RAPERDA in a commission/ joint commission or special committee meeting with the regional government or appointed official based on the results of the regional government's opinion and answer from the faction. This information provides an overview of the process of discussing the RAPERDA, both proposals from the council and the regional government. It can take place in a systematic and integrated manner according to the authority and mandatory affairs. However, it must be admitted that not all members contributed their thoughts and views in the discussion process of the existing RAPERDA.

The regent submits the RAPERDA approved by the council and the regional government to the council leaders for approval and stipulation as a regional regulation. The time for submitting the RAPERDA is no later than seven days from the date of the mutual agreement. The regional government determines the RAPERDA through the regent to become a regional regulation by affixing a signature within 30 days after the RAPERDA is jointly approved. If within 30 days, the regional government (regent) does not sign the RAPERDA that has been mutually agreed upon, the RAPERDA is valid as a regional regulation and must be promulgated. Suppose the discussion of the RAPERDA in the final meeting at the council has been completed and approved by the regency council. In that case, the RAPERDA is sent by the council leader to the regent through the regional secretariat for approval. The legal division of the regency regional secretariat carries out the numbering of regional regulations. After that, the head of the legal division will authenticate it and send it to the regent to ratify by signing the regional regulation. Meanwhile, the legal division of the regency regional secretariat is responsible for the copying, distribution, and documentation of the regional regulation.

Suppose there are still technical errors in the preparation of the Regional regulation. In that case, with the approval of the Chairperson of the Council and the Regent, the council secretary may refine the technique for preparing the RAPERDA approved by the council before being submitted to the regent. If there are still errors in the preparation technique after it has been submitted to the regent, the regent may refine the technique with the approval of the council's chairperson. After a regional regulation is promulgated and there are still technical errors in drafting, the regional secretary, with the approval of the council leader and the regent, can rectify the error without changing the substance of the regional regulation through the regional gazette. Information gathered regarding the role of council members in the process of ratifying and enacting this district regulation during the 2014 – 2019 term of service reveal that the leader and members of the SBT council played a role in the process of ratifying local regulations either proposal from the council's initiatives or local governments. From the right of initiative, this regional council proposed 5 RAPERDAs and the regency government with 5 RAPERDAs. Each RAPERDA related to economic, social, and government affairs is made during this service period.

The process of ratification and stipulation of the PERDA is quite dynamic. No deadlock agenda has been prepared because of good communication, coordination, and collaboration between the council and the regional government (executive party). In the process of ratification and stipulation, the views and thoughts of each faction were presented at a plenary meeting. After being accepted, the obtained ratification and stipulation to become a PERDA was immediately implemented in the administration of government and regional development according to aspirations and needs. It is only that one RAPERDA from the regional government was not successfully enacted into a regional regulation.

The DPRD's initiative rights consist of 5 RAPERDA, concerning: 1) prostitution, 2) *khatam* Quran for elementary & secondary education students, 3) non-smoking areas, 4) amendment to PERDA No.04 of 2017 regarding the establishment of PDAM Mitra Karya SBT Regency, and 5) the changing name of Lian Vitu district to become a Sirituan Wida Timur district on regional regulation No. 11 of 2012 concerning the Establishment of Kian Darat district, Lian Vitu district in Eastern Seram Regency & Waru Bay district. Meanwhile, 5 RAPERDA were proposed by the SBT regional government, concerning: 1) fish auction retribution, 2) calibration service retribution/recalibration, 3) liquor charges, 4) regional innovations, and 5) the addition of SBT regency government capital participation in the Bank of Maluku and North Maluku. The fifth RAPERDA from the SBT regional government was not successfully enacted into a regional regulation.

The data and information above illustrate that the chairperson, council members, and the regent have contributed views and thoughts in the ratification process and stipulation of the enacted regional regulations. However, some board members still have limitations in providing their views and thoughts.

Determinants Affecting the Role of DPRD in Making Regional Regulations

Some experts stated that the role of council members in carrying out their duties and functions as legislative members in each region is optimally influenced by various factors. Factors influencing the role and function of legislators in making regional regulations are: a) the work quality of DPRD members, b) the income level, and c) work experience.

1. Work Quality of DPRD Members

Work quality, according to Goestach and Davis, is a dynamic condition associated with the product services, people, processes and the environment that meet or exceed expectations (Ibrahim, 2008: 22). Public attention and demands on the quality of work are reflected in the strengthening of the role of the council (DPRD) in the region. The higher public expectations of local legislatures are an important part of political democratization. This situation has spurred efforts to revitalize the role of members of regional legislatures in making regional regulations, budgeting, and monitoring optimally to prevent waste and irregularities in government and regional development. The ability and quality of the individual to the institutional level of the council will ensure the level of moral integrity and professionalism of his work. The ability and quality of the board members are not only seen from how high their graduation qualifications, such as high school graduates, bachelor, master, and doctoral degrees, but also on the ability to understand constitutional orders, operational skills in implementing the function of high-quality supervision (controlling) and budgeting.

Data and information obtained by informants reveal that the council members in this region have sufficient quality work in carrying out their roles and functions. Admittedly, some of the council members' abilities and quality of work have not been fully maximized. Thus, this affected their optimality to carry out their roles and functions in making regional regulations that are expected to follow the region's aspirations and needs. Eight people have a high school education, and 15 have an undergraduate education in law, economics, public administration, and education. In carrying out the role of making this regional regulation, the capacity of some members to understand the constitutional instructions was still limited. The quality of work is key to effectiveness because an organization without quality will become ineffective (Tjiptno, 1996).

2. Income Level

Income and welfare are intertwined. Income can be in money or facilities within a certain time frame. Income must be able to meet the needs of life, both for himself and his family (Priasna, 2018). In other words, the income of employees/ apparatus of public organizations should consider the welfare of employees/ apparatus. According to Moenir (2002), income is the entire

receipt of a person in return for the energy and thoughts devoted to other people or bodies/ organizations of money or facilities within a certain period.

In carrying out their functions as leaders and members of the council, they are given income in the form of representative money (salary) in the amount equal to the basic salary of regent and other benefits regulated in more detail in the protocol and finance positions of the leaders and the members. The salaries and allowances of board leaders in regencies/cities throughout Indonesia are the same. The difference is the amount of housing and communication allowances according to each regional income. Data and information collected from informants reveal that the monthly income earned by regional council members was 32 million Rupiah, consisting of a basic allowance of 18 million Rupiah. Other allowances amount to 14 million Rupiah. In addition, official housing facilities and vehicles are obtained to facilitate mobility and their role in carrying out tasks or functions. From the income earned by council members in this region, it must be recognized that they can meet the personal needs of council members and their families for a month. It must be admitted that this level of income can indeed encourage and stimulate each member of this council to a commitment to carry out their role and duties or functions as expected, especially the function of making regional regulations in responding to the aspirations, hopes, and real needs of the people.

From the data and information above, the members of the SBT council earn sufficient income to meet the needs of their families per month, accompanied by the provision of official housing facilities and official vehicles. These facilities can motivate them to carry out their roles effectively, particularly in making regulations as expected. According to Moenir (2002: 126), income supports the implementation of service tasks because the goal of people to work is to get commensurate rewards enough to meet their needs. If income is insufficient, people are filled with anxiety and restlessness in their work. As a result, the performance usually does not meet the requirements, and some even deviate from getting a profit.

3. Work Experience

Experience is an inseparable part of everyday human life. Experience is also very valuable for every human being. Experience can also be given to anyone to use and be a guide and human learning. Experience is the overall lesson a person learns from the events he does throughout his life (Siagian, 2002). Experience can be obtained by someone directly or indirectly. Direct experience is when someone has worked in an organization, then leaves and moves to another organization. Meanwhile, indirect experience is an event observed and followed by someone in an organization, even though the person concerned is not a member of the organization where the observed and followed event occurs.

There are two aspects to see the ability of regional council members. First, personal background related to; name, gender, age, religion, educational background, work experience, and so on, which highly affect the process of making a regional regulation. Second, political background or the background of one's political experience, such as work experience as a council member with a background in political parties and ideologies from commissions and factions. Each DPRD institution has individuals with political party backgrounds and values as guidelines for individuals to carry out their respective roles and functions.

These two personal aspects called personal capacity, determine board members' roles and functions. This personal capacity relates to several experiences gained intentionally or unintentionally in life, which also affect the quality of a person's self before becoming a board member. Likewise, when a member of the council repeatedly becomes a member of the council, it certainly adds experience in carrying out functions in the legislative board in this region. Therefore, there is no doubt that it will have a maximum capacity to realize the legislative, budgeting, and supervisory functions. With the experience possessed by council members, of course, they will be able to support the maximization of the performance of making regulations.

Nevertheless, it is still found that the legislative function by council members has not been maximized in the submission of the RAPERDA, not only due to the limited quality of human resources that affect their knowledge of legislation but also because there is a lack of knowledge about the function of legislation which comes from the experience factor of each member. Therefore, work experience is one of the determining aspects of the role and function of making regional regulations by council members in a region.

If we look at the terms of service obtained, the work experience of SBT board members of 25 people, for those who have served as board members with three terms of service totaling 8 people, and as many as 15 people having two terms of service as board members, and only 2 people have one term of service. Admittedly, their work experience affects their role in carrying out their functions. Council members have produced at least six regional regulations for 2014 – 2019. Including the executive, they succeeded in discussing the four regional regulations made by the executive and stipulating them into regional regulations. Most board members have bachelor's degrees in law, economics, public administration, education, and engineering.

From the data and information above, the leaders and members of this regional council have quite good work experience for two and three terms of service. They also have a background in undergraduate education, such as law, economics, public administration, education, and engineering, which affects their role in making and enacting regional regulations based on the aspirations and needs of the region. Following the data and information above, the roles and functions of the SBT legislative members in making regional regulations have been carried out quite well with the regional government as a working partner during the 2014-2019 period of service. Of ten RAPERDAs targeted for creation, as many as 10 regional regulations have been successfully established as a reference for governance and implementation of regional development. It must be admitted that the role of council members in this area has been carried out with adequate income support, but it has not been fully maximized, so it must be increased again in the future according to the trust given by the people. The quality of work and the bad work experience of the members of this regional council determines this. According to Ndraha (1987: 113), the ability to carry out tasks aligns with the ability to achieve predetermined outputs or results. This ability includes the ability to plan efforts to achieve goals and the ability to implement these plans. The ability to plan the effort includes exploring, mobilizing, and combining input from the environment and preparing for the task execution system.

According to Kartiwa (2006: 12), in practice and current reality, the projection of good public governance in legislative function still requires structuring and transformation for a better direction. Improving the performance of regional councils can be done through a) increasing understanding of planning in the legislative function, b) optimizing council members in accommodating the aspirations of stakeholders, c) growing council initiatives in drafting RAPERDA, d) increasing analytical skills (public policy & law) in the process of drafting the RAPERDA, and e) understanding the function of representatives in the legislative function. Tangkilisan (2007) said that one of the important functions of the DPRD is the legislative function. With this function, the DPRD's role is demanded in building and seeking support for local government policies and decisions to be accepted by the wider community. In this case, the DPRD bridges the local government with the people and seeks agreement and support for the political system as a whole and certain policy. DPRD becomes a partner of the regional government by providing or seeking the necessary support in optimizing the implementation of regional autonomy within the framework of the Unitary State of the Republic of Indonesia.

Regarding the role of council members, Sanit (1985) said that several parties are involved in making the political orientation of council members in Indonesia, namely voters, political organizations, executives, and the individual members of the council. Thus, the role of board members is essentially based on the ideas and interests of the five parties. Certain patterns mark the role of board members according to their relationship and the parties who carry the influence.

Marbun (1983) argued that making regional regulations is the main and original function of the DPRD as a legislative board. Through this function, the DPRD can show the color of its character and the quality of its role, both materially and functionally. Its members must be optimal in making regional regulations in regional council institutions. With this optimal role, a successful regional regulation is made according to the interests or aspirations of the region and the applicable laws and regulations. To optimize the legislative function of regional council members in the country, council members must have reliable human resource capacity (HR) and work experience in the field of legislation. These three factors support the optimization of council members' roles and legislative functions to optimally produce regional regulations as a legal framework for regional government institutions and social communities. The lack of work quality, human resource capacity, and work experience of DPRD members in legislation impacts the non-optimal role of carrying out legislative functions in the regions, including in the SBT regency.

The roles and functions carried out by legislature members can be optimal on a certain social basis and influenced by various internal and external factors (Soekanto, 2006). If a person carries out his rights and obligations according to his position, he carries out a role. Therefore, with the optimal role of council members, the duties and functions of making local regulations can work well. According to Robbins (2001), the ability to work is an individual's capacity to do various tasks in a job. All of a person's abilities are composed of two intellectual and physical abilities. Intellectual ability is needed to carry out mental activities, while physical ability is needed to carry out tasks that require stamina, dexterity, strength, and similar skills. According to Priasna (2016) and Moenir (2002), factors of awareness, work rules, organization, work skills, income in the form of salaries and facilities, and work facilities greatly affect the effectiveness of a person or group of people.

CONCLUSION

The Role of Members of the DPRD SBT in the Making of Regional Regulations

Five stages are used as dimensions or aspects in PERDA making process conducted by DPRD members with the Regional Head. At the RAPERDA Submission stage, the SBT council members have played a sufficient role in proposing six RAPERDA through their right of initiative to respond to the demands of the aspirations and needs of the people and regions, along with the five RAPERDA submitted by the Regional Head. At the stage of Forming the Special Committee (Pansus), it was carried out by involving representatives from the six factions in the DPRD. These are PDIP Faction, Golkar fraction, Gerindra fraction, PAN fraction, PKS fraction, and NKRI fraction. At this stage, the Special Committee formed by the DPRD of SBT Regency had roles which were creating recommendations in the form of performance evaluations from the local government and synchronizing it with local government performance reports with facts on the ground. These roles were carried out by the leaders of the six existing factions, following their main duties and functions. The special committee carries out certain tasks within a period determined by the plenary meeting. The Special Committee is responsible to the DPRD. The Special Committee is dissolved by the DPRD after its term of the assignment ends or because its duties are declared finished.

Members of the SBT DPRD also played a role in the discussion process by providing general views containing thoughts, suggestions and opinions that colored the contents of the 10 RAPERDA into PERDA. The determination process took place dynamically in a collaborative atmosphere with the executive. In the discussion process, 1 RAPERDA was coming from the Regional Head, leading to a quite tough discussion. In the end, it could not be stipulated as a Regional Regulation until the period of service of the DPRD members in the Regency of SBT 2014 - 2019 ends. At the stage of legislation 9 (nine) of local regulations that have been jointly determined between members of the DPRD and the Regional Head in the regency, the SBT regulation documents were then filled and submitted to the Ministry of Home Affairs to obtain a registration number to be later implemented by the local government to answer the problems, needs of the people and the region as well as to improve the expected social welfare.

Determinants Affecting the Role of DPRD Members in Making PERDA

Based on the analysis, three factors were considered sufficient to influence the role of members of the SBT DPRD in making regional regulations in this area. First, the quality of the work of legislative members is a factor that has a major influence on the role of making local regulations. This factor is important, especially regarding the theoretical basis of systematic and integrated drafting. Second, the level of income of members of the legislature. Sufficient factors influence the motivation of district council members of SBT on their role in making local regulations as a reference in local government administration. Third, the work experience of DPRD members. This factor is seen in service/service period years and their education level. This factor affects the role of district council members of SBT in the making and stipulating Regional Regulations that respond to the region's real needs.

Leaders and members of the district legislature of SBT have tried to present their role in making local regulations a reference in governance and development in this area. However, it has not been fully optimal, especially from the factor of work quality and work experience of council

members. Hence, the implication is that to optimize the role of the DPRD in making Regional Regulations, especially in the dimensions of planning, drafting RAPERDA, amending and enacting Regional Regulations following the needs of the people and the laws and regulations above, it must be supported by efforts to improve the quality of work and work experience of the members. A qualified board, accompanied by adequate income, is to meet personal and family needs. On the other hand, if there is a suboptimal role for DPRD members in an area, the determinants that must be tracked include the quality of work, work experience, and the income earned by council members.

Therefore, from the findings of this research, several propositions can be formulated:

First, to increase the role of DPRD members in a region in making Regional Regulations, then the ability to carry out the tasks and functions should be done properly and optimally with the Regional Head in submitting RAPERDA, discussing, stipulating, ratifying and legislation producing Regional Regulations under aspirations and needs of communities and regions following the provisions of the applicable laws and regulations.

Second, to increase the role of the DPRD along with the head in making regional regulations properly and optimally, it is necessary to increase and develop the political, administrative, and managerial capacity of DPRD members continuously and optimally, even maximally.

Third, to increase the actual quality of work and work experience (education and ability or work capacity) of DPRD members politically and administratively - managerially, it must be done through efforts to increase education and training activities in planned, systematic and sustainable ways.

The theoretical implication of the findings of this research is that the increasing role of DPRD members in making local regulations in an area can be seen from their ability in the submission process, the formation of the Special Committee, the process of discussing the RAPERDA, and the process of determining the Regional regulation in responding to aspirations. The expectations and demands of the people's and regional needs will be greatly influenced and determined by several factors, including the quality level of the board members, the level of income earned, and the work experience they have (their level of education, knowledge, and skills or work skills).

RECOMMENDATIONS

Based on the conclusions of this research, two suggestions or recommendations can be formulated as follows:

1. The legislative leaders of the SBT Regency can seek to increase the role of its members in carrying out their functions optimally in the future, especially the function of making Regional Regulations through the following dimensions: submission of RAPERDA, formation of a Special Committee, the process of discussing RAPERDA, Process of determining Regional regulation, and its legislation so that it can be applied in the framework of efforts to answer the aspirations, interests and needs of the people and regions in improving the expected welfare.
2. The need for commitment and consistency from competent leaders to plan systematic and sustainable efforts to increase the role of legislative members in making regional regulations in regulating governance and regional development in the future through education and training

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