Full Length Research Paper

The relationship between local parliament and the head of local government in Indonesia from the perspective of executive decentralization

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Accepted 2 April, 2014

This paper aims at discussing the historical background of local regulation and the relationship between local parliament and the head of local government in Indonesia. Data and information used were collected from the secondary sources. These data and information were analyzed from the perspective of law theory. The study found that it is a mistake to separate the Council/Regional Parliament from Local Government. In addition, the existence of Council is inclined toward local government institution in its relation to executive decentralization in a unitary state like Indonesia. On top of that, there is the principle of non-compliance, when parliament called as legislatorial institution, while the regional legislation establishment authority is in the hands of Local chief executive (LCE) or the head of local government. Thus, it can be summarized that the relationship between Local Government and Parliament are equal and have partnership nature, which also means both institution have the same position and aligned. This relationship is reflected in local policy making in the form of regional regulation.

Key words: Historical background, Head of local government, local parliament, and executive decentralization.

INTRODUCTION

Indonesia is now a decentralized unitary state. The type of decentralization in this country can be classified as an executive decentralization. This is simply because of the important role of the government in ruling the local region. A particular law that used as the basis to govern the decentralized region is the Law No.32 of 2004. However, there are two local regions in this country that cannot be called as the executive decentralization. These two local regions are the province of Papua and the province of Aceh. These two local regions cannot be classified as executive decentralization since there is special autonomy was given to legislative and judicial bodies in these two local regions. For the province of Papua, for instance, the law that regulates this special autonomy is stipulated in Law No. 21 of 2001 on Special Autonomy for Papua. Whilst for the province of Aceh, it was stipulated in Law No. 11 Year 2006 on Aceh government. This type of decentralization in theoretical context is called asymmetric decentralization.¹ Based on National constitution 1945, autonomous region in accordance with the Law No. 32/2004 consists of Province, County and City. Province is an autonomous region which the citizen and territory consists of several districts/regency and cities. District is an autonomous region which whole or most of its citizen and territory have rural characteristic, meanwhile City is an autonomous region which whole or most of its citizen and territory have urban characteristic. Generally the organizations from all three forms of the autonomous region are designated in the Law on Local Government. The outlines of the organizational design of such autonomous regions refer to the concept of regional autonomy which means to authorize, regulate and administer the affairs of government. The state is power to take legal actions which result in generally accepted legal norms and abstract. The product of regulation is local laws regulating authority (hereinafter referred to as Regulation) and Local Chief Executive (hereinafter referred to as LCE).

Authorization privileges can be distinguished in the
care of the authority to take legal actions and the authority undertakes material actions. Products of legal actions in the care of the administrative decision referred to in the form of individual legal norms and concrete. While the act of management of the material in the form of service to the community and the development of specific projects.

In the organization of autonomous regions, regulatory authority is in the hands of the Regional Representatives Council (hereinafter referred to as Council) and LCE. Both the local government agencies given functionary by the result of political parties’ election. All the functionaries are called elected officials. Meanwhile the authority management is in the hands of the local government such as the Regional Secretary, Regional Office, Regional Technical Institute and others. The Local Government stated can be called a regional bureaucracy function by local bureaucrats.

Local bureaucrats are not given authority by election but by appointment of the Civil Servants, the bureaucrats also can be called appointed Officials. The Regional Bureaucrats barred partisan politics in order to achieve the neutrality of the bureaucracy in accordance with the principle of meritocracy. These papers describe and analyze the existence of authority relations with Council and LCE in the formation of regional regulation from the perspective of the theory of executive decentralization and the history of local government legislation in Indonesia since independence.

**Decentralization and Local Government**

As stated at the outset, decentralization in unitary state is controlled by government. According to Philip Mawhood, the definition of “decentralization” and “local government”, are as follow:

*Decentralization is the creation of bodies separated by law from the national centre, in which local representatives are given formal power to decide on a range in public matters. Their political base in the locality and not as it is with the commissioners and civil services – the nation. Their authority in limited but within that area their right to make decision is entrenched by the law and can only be altered by new legislation. They have resources which subject to limits are spent and invested at their own discretion.*

Decentralization concept used by Mawhood does not consider the concept of deconcentration. While other writer use decentralization concept which comprise sub-concept of devolution and deconcentration. In other hand, the sub-concept of devolution used has similar meaning with decentralization concept used by Mawhood. In fact, Mawhood also describe that his concept of decentralizat-
-ion is actually the same with the definition of decentralization that applicable in France, Indonesia and Malaysia.iii Similar to Mawhood, Harold Alderfer also stated that local unit is formed by the government:

*In decentralization, local units are established with certain power of their ow and certain fields of action in which they may exercise their own judgment, initiative and administration.*

Thus, based on the opinion of Mawhood and Alderfer can be seen that local government was created by the government through decentralization. In Indonesia, decentralization creates autonomous regions. Therefore, in autonomous regions, there will be (local) government. According to the United Nations, the definition of local government is as follow:

*a political subdivision of a nation or (in a federal system) state which is constituted by law and has substantial control of local affairs, including the power to impose taxes or to extract labour for prescribed purposes. The governing body of such an entity is elected or otherwise selected*

While other United Nation book stated that:

*The term local government or local authority used interchangeably. Usually local government refers to the system and local authority to the unit*iv

Hence, the "local government" definition in Indonesian language needs to have contextual definition. When linked with organization, local government means the Local Government. But if the term is associated with the functions of local government adopted, it can be interpreted as Regional Parliament. In other hand, the term "local" in relation to local government and / or local autonomy does not mean only the territory but also the local community. In the given definition of decentralization, Mawhood seen that the regional government's political base is the locality or the local community. Meanwhile Page argues that:

*To be local implies some control over decisions by the community. The principles of representative democracy suggests that this influence is exercise at least in part through democratically elected official who may be expected to represent local citizens and groups. Local elected representatives can also provide the focus for forms of participatory democracy thought direct citizen involvement or interest group activity.*v

Given the diverse conditions of the community, then local government will be diverse as well. Thus the function of decentralization (devolution) is to accommodate a
 plurality of people's aspirations. The degree of decentralization varies between countries are even within a country over time. MR. Muluk mentioned seven factors that cause variations in the degree of decentralization. First, number of governmental affairs submitted to the Local Government, the more the government affairs handed over, the greater the degree of decentralization. Second, the method of government affairs transfer adopted by the Government. How open-end arrangement or general government affairs transfer could pose a greater degree than the details of how the delivery of affairs with ultra vires doctrine. Third, government control over autonomous regions as a loose control could pose a greater degree of decentralization than strict control. Fourth, regional government financial condition. Fifth, the establishment of local government with executive decision resulted in the smaller degree of decentralization rather than the legislative decision. Sixth, the bigger Local Government area, the greater the degree of decentralization. Seventh, the degree of financial dependence on Central Government, which mean the greater the dependence, the smaller the degree of decentralization. The greater the degree of decentralization can be translated to the greater the performance of Local Government. The term Local Government in this paper, as well as the Local Government term translated in various languages, includes Raad (Netherlands), Council (Anglo-Saxon), Conseil (France).

The term Raad first stated at the time of the Dutch East Indies and then changed to Regional Representative Council, as explained in Article 18 of the Constitution in 1945, then called the Regional People's Representative Council in explanation Law. 1 Year 1945 About the National Committee of Regions and eventually called the Legislative Council in the Law No. 22 of 1948 concerning the Local Government. Heeding to Chapter VI of the Constitution of 1945, entitled Local Government, and such term is defining Regional Government which includes Parliament. Especially over the emergence of the institution as part of the Regional Government is the embodiment of decentralization executive. Therefore, the mention of Parliament as a legislature body is incorrect because of four reasons. First, decentralization in Indonesia is executive decentralization. Second, unitary states only have one legislature body, while the Federal State has two legislative bodies, which are the federal and state level. Third, According to Antoft and Novak, who were quoted by Hoesslein, a federal state such as Canada, the legislative, executive and judicative are not commonly used. The regular term is policy formation and implementation functions. These four laws of Parliament called the Regional or Local Regulations Ordinance (instead of law or law act). The history of local government legislation since Indonesia's independence in 1945 is as follow:

a. Law no. 1 Year 1945 on Regional National Committee

The Law No.1 Year 1945 on Regional Committee was formed to carry out the Constitution of the Republic of Indonesia Year 1945, which also arranged the implementation of decentralization. According to the law, autonomous region is residency, city and county. While local government is consist of Regional People's Representative Council which has maximum 100 members for residency and 60 members for city/county, as well as 6 members of executive body. These two bodies were led by LCE who acted as official representative of central government as well as local instrument.

Regional People's Representative Council authorities as the legislature body include the autonomy of the household area, medebewind (running executive regulations) and between autonomy and medebewind. While executive body run daily administration (bestuur). These areas are given the autonomy of Indonesia based on popular sovereignty. Autonomy is widespread in nature because it is the regulatory authority over all the affairs of the area of origin is not contrary to the laws of the higher level. The regions have their own financial sources with the possibility of getting help from the central government. In explanation of Law no. 1 of 1945 the LCE is also Chairman of Regional People's Representative Council as well as Chairman and members of the Executive Body. This interpretation is the same as the provisions contained in the legislation decentralized Dutch East Indies.

In example, Regentschaps-ordonnantie Article 22 stated:

Deregent is voorzitter van den regentschapsraad", while Article 18 paragraph (2) stated: "het college van gecommitteeden bestaat uit den voorsitter van den regentschapsraad als lid en voorzitter enzoooveel gecommitteeder als voor elk regentschap door het college van gedeputeerden, den regentschapsraad gehoord wordt bepaald, doch ten minste twee, als leden".

Hence, for other region, gouverneur, burgemeester or groepsgemeenschap have similar position.

The position of LCE according to Law concerning Regional National Committee was like at the era of Dutch East Indies, which has double function (as a regional organ beside his capacity as an officer of the Central Government in the area). It raises the dualistic government, which is government in the function of decentralization and deconcentration. Alignment in the organization of local authorities and the central authority depends on the discretion of Head of Region.
respectively. This was stated by Sewaka (then the Resident of Jakarta, then assigned to the Governor of West Java) in his autobiography as follows:

As also stated by The Liang Gie that:\x

"Law No. 1 of 1945 equipping established autonomous regions with the National Regional committees and agencies working with the Indonesian National Committee of the Regions unfortunately does not provide explicit provisions on the duties of the agencies. In practice, the agencies working on extensive works will depend on the wisdom of their own from the heads of the relevant region".

b. Law No. 22 Year 1948 on Regional Government

In Law No. 22 Year 1948 on Regional Government, ultra vires doctrine system is in use. According to Article 1, the regions that can organize and manage their own household can be divided into two (2) types, which are typical and privileged autonomous region. Each type of the region can be divided in three (3) levels: provincial, district / large town and rural / small town.

The establishment of special autonomous region or area should be done with the law. It will establish the confirmed names, boundaries, and the rights and obligations of the level area concerned. Special autonomous region is the area that has the right of the origin and already established since before the Indonesian government gained control or in definition of zelfbesturende landschappen.

The specialty of special autonomous region is that LCE is appointed by the President of the Republic of Indonesia of the descendants of the ruling family in the area before the era of the Republic of Indonesia and is still in control of the area, with the terms of the skill, honesty and loyalty and also considering the customs in that area. The region will also be given a position equivalent to the provincial, district or village in accordance to the level of importance of the region.

From the establishment of autonomous regions under the law No. 22 of 1948 on Local Government, there were no longer rulers who held regional affairs and the dualistic government function is abolished. Governmental affairs formerly performed by civil servants will be included in a local government environment. While municipal servants will gradually abolished and transformed into autonomous employees (general explanation of the law No. 22 of 1948). Local Government consists of Regional Parliament and Regional Council. Both bodies have their own chairperson. Chairman of the Parliament elected by and from the members of parliament, while the Chairman of the Council is LCE. In this law, LCE is not concurrent positions as Chairman of the Parliament as specified in the Law No. 1 of 1945.

The number of members of parliament for each region defined in the establishment law of the region, as this depends on the number of residents in the area concerned. The members were formed by way of election and term of office is five (5) years.

c. Local Government in the Constitutional Era of The Union of Indonesian Republic (KRIS) Year 1945 to 1950

Article 192 of the Constitution of the Union of Indonesian Republic (KRIS) stated that all regulations concerning the administration of existing government affairs were still maintained. This means, all the provisions which are relics of the colonial government which has not been revoked and that has been made by the Indonesian government is still in effect. Local Government under Article 47 KRIS, and Law No. 22 of 1948, remain in place.

In May 1950, between the Government of Union of Indonesian Republic (RIS) and the Government of the Republic of Indonesia Proclamation reached an agreement to form a unitary state. To adjust to the newly stated country, the local government of Eastern Indonesia State (NIT) established a regulatory decentralization. This regulation is called "Local Government Act-regions of Eastern Indonesia", contained in the NIT Act No. 44 of 1950 and entered into force on June 15, 1950. The draft legislation was prepared decentralization haste. Therefore, the content of Article 1(1) mimics the Law No. 22 of 1948 Proclamation of the Republic of Indonesia with the necessary modifications. Parliament has a Chairman and Vice Chairman which are elected by and from the members of the parliament. Meanwhile, Head of Region concurrently sits as Chairman as well as the member of Government Council.

The number of members of the Parliament established by NIT Government with regard to factors such as the extent of autonomy tasks, financial strength, population and political atmosphere. Members of Parliament elected for a maximum of 3 years. The members of the Government Council are elected by the Parliament on the basis of proportional representation from among the members of the Parliament or of independent party. The number of members of the Government Council established by the NIT Government is considering factors such as the extent of autonomy, financial strength, population and local political atmosphere. The term of office of the Government Council is the same as members of Parliament.

The main authority of the Government Council is to run the day-to-day administration. As a whole or each member of the Board of Government is responsible to Parliament and shall provide particulars requested by Parliament. Parliament is entitled to dismiss the
Government Council. Meanwhile, “Local” Governments Council act as supervisor agency of the “Regional Courant”.

Chief of the “Region” shall be appointed by the NIT President from 2 (two) to 4 (four) candidates proposed by the Parliament. Meanwhile Chief of “Regional Courant” was appointed by the Government Council of the “Regions”. LCE can be dismissed by the supervisor agency upon the recommendation of the Parliament. To represent Head of Region if absent, Government Council will appointed among its members.

Finally, NIT Act No. 44 of 1950 includes provisions on Autonomous Regional Chief. The officials appointed by the NIT President by the descendant family nominated by the Parliament, which also considering factors of the skills, honesty, loyalty and culture in the regions concerned. Furthermore, for special autonomous regions, a Chief of region can be appointed. While the terms and conditions are the same as in the appointment of the LCE of Autonomous Region.

d. Local Government under the Provisional Constitution 1950

In chapter IV Provisional Constitution of 1950, entitled “Local Government and the Autonomous Regions” There are also chapters which arranged decentralization and medebewind as follows: Article 131, Article 132, and Article 133.

To carry out the mandate of the Provisional Constitution of 1950 stipulated Law No. 1 Year 1957 on Regional Government, which stated that the territory of the Republic of Indonesia is divided into large and small areas that are entitled to take care of their household itself. Henceforth the term “regional” is used as a technical term that means the unit organizations that are entitled to take care of their own household, whereas for territorial definition (gebied) term “territory” is used. This law uses a combination system of ultra vires doctrine and general competence.

Referring to the territorial term, autonomous region can be divided into two (2) types, namely autonomous regions and special regions. “Swatanta” is a territorial unit in the Republic of Indonesia which was formed and entitled to manage its own household. Such special region is referred to Article 132 of Provisional Constitution of 1950 which defined as an area that has the right to take care of its own household. Between the two kinds of territorial unit, there are no differences regarding the division level, shape, or the composition of the government. The only difference lies in the Head of Region position.

Based on the real autonomous system that was followed Act No. 1 of 1957 established a general formula of household affairs and also guaranteed the opportunity for the regions to fulfill their duties with utmost according to talent and ability as well as develop its region. Most important articles of the Law No. 1 of 1957 on regional autonomy are articles 31, 32, 33 and 38, which contains the following provisions:

a. Each region has the right to organize and manage its household;
b. As the restrictions toward right of autonomous region which stated that the region should not be managed specifics (onderwerpen) and subjects (punten) which has been stipulated in the legislation (wettelijk Regeling) from the central government or higher regional level;
c. Regulation of a region by itself is no longer valid if the points that have been arranged subsequently stipulated in the legislation of a higher order;
d. As basic rules, each region has the right to regulate and administer certain specified matters as stated in its regulation of formation;
e. The basic rules can be coupled with other affairs by the central government or regional supervisor with regard of the region's ability;
f. In the regulation of formation or other rules, regional authority can be assigned to a region to help execute laws of the central government or regional levels higher. This affair is in the right of medebewind.

The rights to organize and manage of the household are carried out by the institution called “local government”. According to Law No. 1 of 1957 local government consisting of Parliament and the Council. In addition there is also Head of Region which is not a separate organ but as a chairman and member of the Council.

In many ways, the new local government regulation has the same patterns of Law No. 22 of 1948. For example, the function of LCE in the Council, the terms and conditions of members of Parliament, the establishment of the Council, as well as the financial resources of the local and regional surveillance system. Law No. 1 of 1957 is a complementary of Law No. 22 of 1948, particularly in the elimination of differences between large cities and small towns, defining the interpretation of “medebewind” and consequently avoiding the dualism of the government.

e. The Regional Governments after Presidential Decree of July 5, 1959 until 1967

As a result of the political upheaval in the era of liberal democracy, which almost brought the Republic of Indonesia to the brink of disintegration and destruction, on July 5th, 1959, The President of the Republic of Indonesia announced the Presidential Decree. With the Presidential Decree, the Constitution of 1945 was reinstated for the entire archipelago. Therefore, the implementations of the Local Government in Indonesia continue to be governed by Article 18 of Constitution of
1945. To rearrange the Regional Government, Central Government issued temporary Presidential Decree No. 6 of 1959 (enhanced) which regulates local government (LCE) and Daily Administration, while the Presidential Decree No. 5 of 1960 regarding the Council for Mutual Aid regional Representatives and the Regional Secretariat. As for the arrangement is adapted to local governments at that time.


The New Order government, in its principles is contrary to the Old Order, therefore, the Law No. 18 of 1965 deemed to be incompatible, because a lot of the provisions that were in contrast toward the principles of the New Order. Accordingly, the government issued Law No. 6 of 1969, which among other things, stipulated the Law No. 18 of 1965 was no longer appeal. The new law also stipulated that the repeal of Act No. 18 of 1965 was made after the new law was enacted successor. Replacement Act No. 18 of 1965 was promulgated on July 23, 1974 and become the Law No. 5 of 1974 regarding the Principles of Local Government. The law provides ultra vires doctrine system.

The history and development of autonomous region as well as discourse about the existence and the relationship between Council and the LCE after 1998 until the reformation era (currently) in Indonesia will be discussed and analyzed in the next section.

RESULTS AND DISCUSSION

In the time of independence, Indonesia has enacted eight laws governing local government. Seven laws include laws in the future form of the Unitary State of Indonesia, while the legislation enacted in the future form United States of Indonesia is Law No. NIT. 44 In 1950 On Local Government by the constitution RIS. Seventh legislation above is NO law. 1 Year 1945 About the National Committee of the Regions, Law no. 22 of 1948 concerning Regional Government, Law no. 1 Year 1957 About Local Government, Law no. 18 In 1965 On Local Government, No. uu. 5 Year 1974 on Regional Government, Law NO. 22 Year 1999 on Regional Government and Law. 32 of 2004 on Regional Government.

Two of the eight laws mentioned above is not included in the discussion. The reason are, Law No. 1 of 1945 has very limited and vague material, while Law No. NIT. 44 of 1950 On Local Government enacted during the RIS, and only applies to Eastern State of Indonesia.

The constitution foundation of the seven laws on the era of Unitary State of Indonesia was composed differently. Law No. 1 of 1957 was based on the Provisional Constitution of 1950, while six other laws were based on the Constitution of 1945. One in six of the law was based on NRI Act of 1945, which is Law No. 32 of 2001 on Local Government.

Compared the tittle of this chapter with regional formation regulation, none of these laws pertained consistent. For example, Chapter VI of the Constitution of 1945, entitled Local Government, but the explanation of Article 18, Regional Governmental. While the five laws established in the period of the enactment of the Constitution, entitled Regional Governmental, similar with the Law No.5 of 1974, which also entitled Regional Governmental. Simultaneously, Law No.1 of 1957, entitled Local Government which insynchronize with the title of Chapter IV of the Provisional Constitution 1950 of Local Government and the Autonomous Regions.

In general, the Local Government Act before Law No. 22 of 1999 have a consistent perspective in giving an understanding of Local Government and Regional Government. Both in Law. 22 of 1948 and Law No. 1 of 1957 stated that the Local Government consists of Regional Parliament/House of Representatives (DPRD) and the Regional Government Council (DPD). Council members elected by and from the members of Parliament on the basis of proportional representation. Head of Region concurrently a member ex officio chairman of the Council. According to Law No. 22 of 1948, members of the Council, both collective or individual, were responsible to the Council. Meanwhile, according to Law No. 1 of 1957, the Council collectively responsible to Parliament. For the time being, in the Law of No.22 of 1948 LCE was appointed by the government on the proposal and election of Council, while according to Law No. 1 of 1957, LCE was chosen by the Council which then approved by the Government. Furthermore, according to both laws, the authority of Head of could be diminished by Parliament decision.

In contrast to the Local Government formulation in both the laws that put the existence of Council, Local Government formulation of the two laws, emphasizes the existence of LCE. Law No. 18 of 1965 stated that Local Government consists of LCE and Council. LCE was appointed by the Government among candidates proposed by the Council. In carrying out the duties, LCE will answer to Council, nevertheless LCE could not be diminished upon the decision of Council. Similarly, Law No.5 of 1974 also stated that Local Government were LCE and Council. LCE was appointed by the Government among candidates selected and proposed by the Council. Therefore LCE also could not be diminished by the decision of Council.

In spite of variations in terms of institutional prominence of the Local Government in the Law No. 22 of 1948 and Law No.1 of 1957, in contrast with the Law No.18 of 1965 and Law No. 5 of 1974, however, the notion of those four
such laws are the same. Local Government holds administration function of both government agencies, which are LCE and Council.

Similar to Law No. 22 of 1999, the existence of the Parliament in the Law No. 32 of 2004 also separate from the Local Government. The Law stated that Local Government is LCE and Regional Municipalities. The designation of Council as legislature institution was not appear in the Law No. 32 of 2004. However, Law No. 32 of 2004 emphasized that Local Governments and Parliaments are the regional administrators. In comparison, it also confirmed that LCE is the Leader of Local Government.

Article 25 of Law No. 32 of 2004 stated:

LCE has the duty and authority to:

a. lead the regional administration in accordance to policies established with the Council;
b. Submit the draft of regional legislation
c. establish the regional legislation that approved by the Council
d. prepare and submit the regional legislation regarding local cost and budget plan to the Parliament
e. undertake the implementation of regional obligations
f. represent the regional territory inside and outside the court, and may appoint legal counsel to represent LCE in accordance with the laws and regulations, and
g. carry out other duties and authority in accordance with the legislation.

Article 41 of Law No.32 of 2004 stated:
Council /Regional Parliament possess legislative, budget, and supervision function.

Article 42 of Law No. 32 of 2004 stated:
(1) Regional Parliament holds the duty and authority to:

a. compose regional legislation which then discussed with Head of Region for approval
b. discuss and approved the regional cost and budget plan alongside the LCE
c. supervise the implementation of legislation and other laws, budgetary as well as government policy in implementing regional development programs.
d. propose the appointment and dismissal of the head/deputy regional to the President through the Ministry of the Internal Affairs in the provincial level as well to Ministry of Internal Affairs through the Governor for the regency/city
e. elect LCE in the event of a leader vacancy in the region
f. examine and give opinion to Local Government towards international agreements in the region
g. approve the international framework carried out by Local Governments

h. request of accountability reports of the region to Local Government in accordance to regional administration
i. form local election supervisory committee
j. conduct surveillance and request the local election administration report, and
k. approve the collaboration between regions and with third parties, which could convey burden on community.

(2) In addition to the duties and authorities referred to in subsection (1), the Council also carries out other duties and authorities assigned out in legislation. Similar to the Law No. 5 of 1974, Law No. 32 of 2004 also determined that the regional regulation is established by LCE after obtained approval with Parliament. Nevertheless, the regulation draft could be derived from either LCE or Council. Such as Law No. 32 of 2004, in Article 144 paragraph (4) stated that if regulation draft is not defined by Head of Region within a period of 7 (seven) days from the date of approval, the draft remain valid and must be enacted into legislation.

In performing its duties, LCE reports to the Central Government and provide accountability reports to Parliament, as well as informing the regional administration reports to the public.

CONCLUDING REMARKS

In conclusion, the existence of Council is always associated with decentralization. Furthermore, the definition of Local Government and decentralization stated by the United Nations Council classified the Regional Parliament as local government. Therefore, it is a mistake to separate the Council/Regional Parliament from Local Government. In addition, according to the discussion above, the existence of Council is inclined toward local government institution in its relation to executive decentralization in a unitary state like Indonesia. On top of that, there is the principle of non-compliance, when parliament called as legislature institution, while the regional legislation establishment authority is in the hands of LCE. Thus, it can be summarized that the relationship between Local Government and Parliament are equal and have partnership nature, which also means both institution have the same position and aligned. This relationship is reflected in local policy making in the form of regional regulation.

However the “equal relationship” does not carried out as at the time of the enactment of Law No. 22 of 1999, when the law posed as the first post-reform autonomous regional regulation. Law No. 22 of 1999 put Council in a more compelling position than Council in earlier times. Article 16 paragraph (2) stated that "Council as Regional Legislative and became a partner of Local Governments". The article could be translated that LCE could not deny
the existence of Council, which also means that the Council should be involved in any public policy decision in the region of province, county, and/or city. LCE and Council, as institutions, have an aligned position but not exactly on the same level. LCE and parliament have equal footing in the sense of political and jurisdiction responsibility.

The partnership between Local Government and Council are as equal partner in local policy making in accordance to implement regional autonomy. Furthermore, both institutions are expected to have mutual respect toward one another in order to carry out their respective functions. In other word, all activities carried out by the LCE is based on the development design and budget allocation that require the approval of Council. While Parliament has the responsibility to supervise Local Government in order to avoid divergence. Along the administration implementation, there was often disputes occurred, such as in the disposition of regional regulation that the majority of the decision-making initiated by the Local Government is not in accordance with the Parliament, or budget allocation stipulation which often encounter constraints, both in terms of process, indicators and magnitude, as well as the mechanisms that control multiple complaints by the executive party, in the absence of similarity in the planning phase. Such problems are the result of the poor mechanisms or relationship between LCE and Council in carried out their duties and responsibilities.

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