

## Conference Paper

# Accountability of Institutional Performance of the Regional People's Representative Council (DPRD) of North Kalimantan Province in Forming Regional Legal Products

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**Abstract.**

Accountability is a crucial aspect in the process of developing regional legal products. This study holds significance for enhancing good governance, strengthening the rule of law, and improving the quality of legislation at the regional level. The research aims to analyze the accountability of DPRD institutions in producing regional regulations, employing qualitative methods. Data were collected through in-depth interviews, observations, and documentation, and analyzed using data reduction, data display, and conclusion drawing/verification techniques.

The research findings revealed that the regional representative council of northern Kalimantan demonstrates accountability in forming regional legal products. This is evident in the transparency and liability of the process, as well as the responsibility in creating legal products that adhere to existing regulations. However, it was noted that many Propemperda have not been prioritized, and several drafts lack in-depth study, either in the form of a statement or an academic text. Therefore, it is crucial to improve the responsiveness of the DPRD by increasing the number of initial regional regulation drafts and conducting further studies for the drafts.

**Keywords:** accountability, local regulation, regional legal product

## 1. Introduction

In Indonesia, the legal politics of local government administration are currently regulated by Law Number 23 of 2014 concerning the Regional Government. Indonesia is also divided into several Regional Governments which with an autonomous systems have the authority to regulate their households through regional autonomy or decentralization policies to accelerate the implementation of development based on the interests of the local wisdom community in the area that is in line with national goals and does not violate laws and regulations.

North Kalimantan is a new province in Indonesia that was officially formed based on Law No. 20 of 2012 as the 34th province in Indonesia and carried out a gubernatorial

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election in December 2015. Regional legal products, such as regional regulations (Perda) and policies, play a very important role in the new province. Overall, regional law products are very important for North Kalimantan as a new province, because they provide a legal basis for the implementation of regional autonomy, adjust policies to the local context, encourage economic growth, and regulate governance.

The drafting of regional legal products requires the planning of competent individuals in the legislative drafting field. Regional legal products are a legal reference framework for the implementation of regional autonomy. The formation of regional legal products is a complex and significant undertaking that shapes the legal landscape in a specific geographic area. Whether it involves the creation of a regional legal framework, the development of harmonized laws, or the establishment of cooperative agreements, accountability is of paramount importance throughout the process. Accountability serves as a guiding principle to ensure transparency, fairness, and adherence to the rule of law. They play a critical role in upholding the legitimacy, trustworthiness, and effectiveness of regional legal products.

Koppel [1] explained that five dimensions of accountability describe the conditions under which an organization is said to be accountable. The five dimensions of accountability are transparency, liability, controllability, responsibility, and responsiveness.

The first element is transparency, defined as a public organization granting access to the public, the press, interest groups, and other parties interested in the organization's activities. Transparency is the literal value of accountability, and an accountable bureaucrat and organization must explain or account for its actions. Transparency is the most important instrument for assessing organizational performance, and is a key requirement for all other dimensions of accountability. Transparency is, therefore, a critical tool. This is also an end of itself. Belief in the openness of the government to regular inspection is so firmly ingrained in our collective consciousness that transparency has an innate value. In practice, transparency is important.

The second element is liability; Koppel [1] defined this element as some definitions of accountability required for individuals and organizations to face performance-related repercussions. Transparency is associated with guilt. In this opinion, individuals and organizations should be held accountable for their activities, punished for wrongdoing, and rewarded for achievement. In liability, individuals and organizations should be held liable for their actions, punished for malfeasance, and rewarded for success. Elected representatives are said to be accountable because voters can "punish" them by removing them from office, [2].

The third element is controllability, defined as one of the three substantive dimensions of accountability built on the foundation of transparency and liability. The dominant concept of accountability revolves around *control*. Controllability plays a significant role in determining the extent to which someone can be held accountable for their actions.

The fourth element is responsibility, which refers to the sense of individual responsibility and concern for the public interest expected from public servants ('professional' and 'personal' accountability), an 'internal' sense that goes beyond the core external focus of the term [3]. This element of accountability is emphasized in the customer-oriented approach suggested by reforms aimed at reinventing the government [4] [5].

The fifth element is responsiveness, used here to differentiate an organization's attention to direct expressions of the needs and desires of its constituents (or clients) from the orders of elected officials. Accountability is linked with the extent to which governments pursue the wishes or needs of their citizens' accountability as 'responsiveness' regardless of whether they are induced to do so through processes of authoritative exchange and control [3].

## 2. Methods

This study used descriptive qualitative research. A qualitative approach was selected to reveal the actual reality of the research phenomenon under study. The data were collected through in-depth interviews, observations, and documentation. Observations were made on activities and legislative processes at the DPRD level. In-depth interviews were conducted with staff members of the North Kalimantan Provincial DPRD, members of the DPRD, and the community. Tracing documents related to legislation.

Data processing and analysis techniques were performed through data reduction, data display, and conclusion drawing/verification. The research was conducted at The Regional Representative Council (DPRD) in North Kalimantan Province.

## 3. Results and Discussion

Based on Article 1 Number 17, Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 120 of 2018, Regional Legal Products are legal products in the form of regulations covering Regional Regulations or other names, Regional Head Regulations, Regional People's Representative Council Regulations (DPRD), and some in the form of decisions including Regional Head Decrees, Regional People's

Representative Council Decrees (DPRD), Decisions The Leadership of the Regional People's Representative Council (DPRD), and the Decree of the Honorary Board of the Regional People's Representative Council (DPRD). In forming regional legal products, North Kalimantan province has implemented 51 regional regulations since 2018, as shown in the following table.

TABLE 1: Amount of Regional Regulation.

No	Year	Amount of Regional Regulation
	2018	11
	2019	21
	2020	4
	2021	9
	2022	6

Source: North Kalimantan Province DPRD Secretariat, 2022

Table 1 shows the performance of the Regional People's Representative Council, which experienced fluctuations in realizing the number of regional regulations. The highest achievement in 2019 was 21 regional regulations, and the lowest was in 2022, with six regional regulations. The results of the research regarding the five elements of accountability in forming a regional legal product are explained below.

### 3.1. Transparency

The form of transparency in the formation of regional legal products for the North Kalimantan Provincial DPRD is carried out using Propemperda Socialization (a regional regulation formation program), Draft Regional Regulations, and the dissemination of Regional Regulations by the North Kalimantan Provincial DPRD to the public. Transparency was also carried out using mass and electronic media. This is done so that the purpose of establishing a legal product can be achieved according to the needs of the community.

Information transparency regarding the process of forming regional law products at the Regional Regulation Formation Agency (BAPEMPERDA) level is carried out through mass media, electronic media, panel discussions, workshops, and outreach from Bapemperda in the process of submitting draft regional regulations proposals, both from the Regional Government and initiatives DPRD.

### 3.2. Liability

Based on the DPRD work plan, accountability in the implementation of the legislative function for the performance of the North Kalimantan provincial DPRD is made in the form of an activity report. The report can be seen in the reports on the work of the Board's Complementary Instruments (Commission/Special Community) in conducting discussions on the Draft Regional Regulations, both at the initiative of the DPRD and at the initiative of the government, at the level I and Level II discussions.

The DPRD is a representation of society in which all societal expectations in a rule of law can be achieved. Therefore, when their performance does not match the expectations and needs of the community, it results in a loss of public trust.

### 3.3. Controllability

Controllability is one of the major factors in Koppel's theory that determines whether an organization can be deemed accountable. In terms of proposals and discussions on the Draft Regional Regulations (Raperda), the DPRD of North Kalimantan province always refers to Law Number 23 of 2014 concerning Regional Government, which regulates every authority, whether Regency/City, Province, or Central.

As for the implementation, the DPRD of North Kalimantan Province has accommodated the interest of the central government in the formation of regional legal products, which can be seen from the existence of various regional regulations that are delegations of higher regulations, such as Regional Regulations on Regional Financial Management.

### 3.4. Responsibility

Regulations regarding guidelines in the process of forming regional legal products in North Kalimantan Province are contained in Law Number 12 of 2011 and Ministry of Home Affairs Regulation (Permendagri) number 120 of 2018 concerning the formation of regional legal products.

The DPRD of North Kalimantan Province has followed regulations regarding the formation of regional legal products by carrying out a program for the formation of regional legal products following what is stated in law number 12 of 2011 and the Minister of Home Affairs Number 120 of 2018 Amendments to the Regulation of the Minister of Home Affairs Number 80 of 2015 concerning the Formation of Regional legal products. North

Kalimantan Provincial DPRD Regulation Number 1 of 2021 concerning Amendments to North Kalimantan Provincial DPRD Regulation Number 1 of 2019 concerning Rules of Procedure.

Although the process for making legal products complies with existing regulations, many Propemperda have not been based on a priority scale, and many drafts have been made without further in-depth study either in the form of a statement or in the form of an academic text.

### 3.5. Responsiveness

The regional legal product/regional regulation of North Kalimantan Province is formulated by prioritizing the needs and demands of the public. Various regional regulations originating from the initiative of the North Kalimantan Provincial DPRD have complied with public demands such as the Implementation of Family Resilience Development, Empowerment of Indigenous Peoples, Implementation of Customary Institutions, and other regulations. The following shows the number of draft regional regulations that have been passed into regional regulations based on the DPRD’s initiative as the community representative in conveying their needs.

TABLE 2: Amount of Regional Regulation formation program (Propemperda).

No	Year	Amount of Propemperda	Amount of Regional Regulation Draft	
			North Kalimantan DPRD Initiative	North Kalimantan Government Initiative
	2018	44	16	28
	2019	48	18	30
	2020	24	9	15
	2021	21	8	13
	2022	27	9	18

Source: North Kalimantan Province DPRD Secretariat

Table 2 shows the number of regional regulation formation programs (Propemperda) over a period of five years, from 2018 to 2022. From the table, it can be seen that Propemperda can be initiated by the DPRD or North Kalimantan Provincial Government initiatives.

However, Table 3 shows that the number of local regulations based on the DPRD of North Kalimantan initiative drafts is less than the number of local regulation initiative drafts by the government. The DPRD should be more responsive to the problems

TABLE 3: Amount of Local Regulation.

No	Year	Amount of Local Regulation			
		North Kalimantan Initiative	Kalimantan DPRD	North Kalimantan Government Initiative	Kalimantan
	2018	2		12	
	2019	6		18	
	2020	2		5	
	2021	2		3	
	2022	1		5	

Source: North Kalimantan Province DPRD Secretariat

experienced by the community and submit draft local regulations as solutions to their problems.

## 4. Conclusion

Based on the description of the results of interviews and observations in this study, it can be concluded that the regional representative council of North Kalimantan was accountable for forming regional legal products. This can be seen in the transparency and liability of the process and the responsibility for making legal products that comply with existing regulations. However, many Propemperda have not been based on a priority scale, and many drafts have been made without further in-depth study, either in the form of a statement or an academic text. However, the responsiveness of the DPRD must be improved by increasing the initial number of regional regulation drafts.

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