



## **PUBLIC POLICY ANALYSIS AND THE ASPIRATIONS OF THE COMMUNITY IN THE PROCESS OF DRIVING PERDA**

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### **Abstract**

*The regional government is held to create the welfare of all people in the region. Therefore the affairs of regional government are the affairs of the whole community, not only the affairs of politicians and bureaucrats. So the preparation of "Perda" involves not only politicians, and bureaucrats but also the public, so the regional regulation aims to create a bonum commune. This paper is a contribution from Political Philosophy (Normative Political Science) regarding the making of public policy which is of course very different from the empirical political science approach. Therefore this study method is a normative political science method that includes main elements such as interpretation, internal coherence, holistic, idealization, heuristics, and description. The result is that post-amendment local government changes the paradigm of public administration into a "new public service" which views the public as citizens. So the two previous paradigms were abandoned, namely the "old public administration" which views the public as clients, and the "new public management" which views the public as consumers. Starting from this result, namely the existence of a new paradigm, the discussion about public services has also changed, namely that all regional government affairs are the affairs of all citizens in that area. Thus, the making of regional regulations is no longer only the business of politicians, and government bureaucracy which is purely procedural in nature, but the affairs of all the people so that it truly becomes a substantive regional regulation, namely a regional regulation to create the welfare of all people.*

**Keywords:** Public Policy; Community Aspirations; Perda; Democracy; Good Governance

### **INTRODUCTION**

According to Gibson, there are two approaches to identifying the effectiveness of an organization, namely the goals approach and the systems approach (Siswadi, 2012:82). The goal approach emphasizes the achievement of predetermined goals as a measure of organizational effectiveness. While the systems approach emphasizes the importance of adaptation to external demands as a criterion for evaluating effectiveness (Turner et al, 2022:333-334). The regional government bureaucracy is an organization that has goals and

also has goals to achieve those goals. Therefore, the question that we should ask here is: Is the local government bureaucracy running effectively or not? We can only answer this question when we know what the objectives of the regional government bureaucracy are. And we know that the purpose of local government is to carry out functions such as service, regulation, development, representation, and control.

Then regarding the efficiency of the regional government bureaucracy, we all know that our APBN (Anggaran Pendapatan dan Belanja Negara=Income and Expenditure Budget of State) until now has not been able to prosper the government apparatus. One of the reasons is inefficiency in the bureaucracy, and bureaucratic overhead costs, especially to finance the operational needs of departments and agencies. PP (Peraturan Pemerintah=Government Regulations) No. 41 of 2007 concerning Guidelines for Regional Government Organizational Structure as one of the strategic steps to organize a streamlined and simple government, thereby saving operational costs. If savings can be made then the budget can be optimized for the benefit of the community, especially in the education and health sectors.

We can mention some recent studies on this theme as follows. First, a study was conducted by the research team (Rasyid et al, 2022), entitled "The Performance of Legislative Secretary Services: Perspective of the New Public Service". They examined the three functions of DPRD according to PP no. 18 yrs. 201 concerning Regional Apparatuses with a focus on service quality from a new perspective of civil service public services. This study is based on the concept of "new public service" but does not talk about making regional regulations based on this new concept.

Second, a special study on the formation of regional regulations from a legal perspective was conducted by Eka N.A.M. Sihombing (2016), with the title "Problematics of Programming the Formation of Regional Regulations". This study found that there was a problem with the making of regional regulations, namely that there was no in-depth study of what was to be stipulated in the regional regulations. The impression is that the regional government together with the regional parliament are merely making regional regulations. The next weakness is that regional regulations are made without adequate scientific explanation. Thus, this study is indeed related to regional regulations but does not speak from a normative political science perspective on the relationship between procedural and substantial democracy with procedural and substantial regional regulations.

Third, a sociological study was conducted by Syulhennisari Siregar and Mhd. Iqbal Tanjung (2018), with the title "Factors Influencing the Making of Regional Regulations Based on the Initiative Rights of the Regional People's Representative Council in North Padang Lawas

Regency". This study found that several factors influence the making of regional regulations, such as a. Ability, b. Experience, c. Availability of time, d. Discipline. These four factors influence the quality and non-quality of regional regulation. So, this study also does not talk about issues of procedural and substantive regional regulations.

Fourth, a study from the perspective of law science was conducted by two researchers (Eriko Fahri Ginting, Dian Agung Wicaksono, (2020) with the title "Dualism of the oversight authority of Draft Regional Regulations by the Central Government and the Regional People's Representative Council". The poor quality of regional regulations is because the two supervisory institutions have shifted responsibility for supervising the making of regional regulations. What relates directly to the regional government is the Central Government, while the DPD is only related to its position as a senator representing the region at the national level. So, this study also does not talk about procedural and substantive regional regulations issues.

Fifth, a recent study is very interesting because it talks about strengthening local government about the role of non-governmental organizations. This study was conducted by Rinawati Rinawati and Nussyirwan Effendi (2022) with the title "The Role of Non-Governmental Organizations in Strengthening Local Government". This study found that NGOs as the embodiment of civil society play a major role in strengthening regional governance. NGOs can take part in accelerating development, especially in increasing community self-sufficiency. Thus, this study also does not discuss issues of procedural and substantive regional regulations.

Based on the five types of research which can be said to be up-to-date, there was no study on the issue of community participation in the making of regional regulations as described in this study. The novelty of this study lies here, namely that the five studies did not delve into issues regarding procedural and substantive regional regulations. The purpose of this study, based on the perspective of political philosophy, is to broaden politicians, bureaucrats, and the public's insight that local government is the business of all the people in that area.

For the regional government to work effectively and efficiently it is not enough that the local government intends to restructure or reform the regional government bureaucracy. Because the plan only concerns the internal plans of the regional government, even though the post-amendment regional government of the 1945 Constitution is not the business of the regional government itself, but the business of the whole community in that area (Jegalus, 2000). Therefore, if it is said that the preparation of regional regulations must be democratic, it means that the preparation of regional regulations must involve all three components

according to their respective capacities and scopes, namely the state (state, in the form of bureaucratic institutions of regional government), parliament (political society, in the form of DPRD (Dewan Perwakilan Rakyat Daerah= Regional People's Representative) institutions) and society (civil society).

## **METHOD**

Philosophy is a science at the second level (second-level sciences), and the method is far different from science at the first level (first-level sciences). Because it recognizes the six main elements of methodical namely interpretation, internal coherence, holistic, idealization, heuristics, and description.

Interpretation means that researchers read philosophical conceptions, namely the most basic conceptions of humans as individuals and humans as social beings. As a social being, he belongs to the members of society. And as a member of society, he is a citizen. Researchers here try to capture the meaning of its presence in political society at the local government level.

Internal coherence means that researchers try to look at all the basic points of view on public policy with all their relation to the idea of democracy in a country. Here the researcher wants to find real and logical dependencies between the idea of democracy and public policy, especially in terms of making regional regulations.

Holistic means that researchers view all elements of thought and philosophical conceptions within the framework of the overall vision of regional government, where regional government according to the new vision after the amendment to the constitution includes bureaucrats, politicians, and the public. We can only assess local government if these three elements are considered.

Idealization means going through all the inconsistencies and mixing with inspiration from outside democracy, then trying to form as pure a conception as possible about the relationship between public policy and people's aspirations in making regional regulations.

Heuristics means that with the above methodical reflections, researchers will try to see new views on local regulation-making, such as views on procedural and substantive regional regulations.

The description is the final stage of the philosophical method, namely the stage of formulating the results of a philosophical study in the form of a logical-rational description.

## RESULT

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## DISCUSSION

### Public Policy and Good Governance

The first thing to note is that there is a difference between "government and governance." The definition of "good governance" is broader than good government. In words, governance means management or regulation, while "government" means government, as we now

understand it in the context of government bureaucracy. So, "good government" means good governance and good governance means good governance. From this literal difference in meaning, we can further understand that "good governance" can also include "good government."

James N. Rosenau and Ernst-Otto Czempiel (1992: xii) explained the different meanings of the two words in their work entitled, "Governance without Government: Order and Change in World Politics". Rosenau and Czempiel understand governance as managing government. So, there is a difference between governance and government. The similarities lie in that both refer to purposive behaviors, activities that are oriented towards achieving certain goals (goals-oriented), and the existence of a set of rules (system of rules). The difference is that the "government" carries out its activities with the support of formal authorities, in the sense of having the authority and power, and strength to ensure the implementation of its policies is carried out. Whereas "governance" refers to activities based on common goals or interests, which may - but not always - originate from formal legal responsibilities, and do not depend on the necessity of power or authority, either to ensure their fulfillment or to resolve conflicts that arise in implementation (cf. Azzam, 2022).

Thus, "governance" is a broader and more complex phenomenon than "government", because "governance" includes both "government" and "non-government". Therefore, the concept of "good governance" applies both to national, local, and private government or other forms of interaction in society. This distinction is emphasized by T. Bergman, who said that the term "government" is not the same as "governance". "Government" is understood as a series of institutions for public policy making, while "governance" is a public policy process that involves both the government itself and the community (Winarno, 2011:262-263). That means the policy of government in the process of making and also its implementation first involves the government itself and also society (non-government).

Meanwhile, UNDP (United Nations Development Program) defines "governance" as "the exercise of political, economic and administrative authority to manage a nation's affairs at all levels" This definition contains three things: first, "economic governance," namely the process of making decisions in the field of economic development to promote the prosperity of all people and not only for the prosperity of the capitalists; second, "political governance," namely the process of making government decisions that involve all citizens; third, "administrative governance," namely the system of implementation of the decided policy.

Based on UNDP's understanding, the use of the term governance in politics includes three aspects, namely "state" (concrete government bureaucracy), "private sector" (business world,

or now more commonly referred to as the market), and "society". " (citizens). Here the "state" functions to create a conducive political and legal environment, the "private sector" creates jobs and income, while "society" plays a positive role in social, economic, and political interactions, including inviting people to participate in economic activities, social activities, and political activities.

Based on this definition, UNDP then proposes the characteristics of "good governance" from a "government": (1) "participation", namely the involvement of all citizens not only in carrying out government policies but also in planning them; (2) "rule of law," namely that government is administered within a fair and impartial legal framework; (3) "transparency", namely that administration of government must be open to being accessed by all people; (4) "responsiveness", namely that the government must be responsive to what the community wants and needs; (5) "consensus orientation," namely that the government must be able to bring together different and even conflicting public interests; (6) "accountability," namely that the government, the private sector and "civil society" institutions must be accountable to society; and finally (7) "strategic vision", namely that government leaders must have a strategic vision of development.

### **Community Aspirations in Drafting PERDA**

#### **Procedural Democracy and Substantial Democracy**

The ruling political elite tends to understand democracy only as a "procedure" or mechanism to gain political legitimacy from the people. Therefore, for politicians, democracy already exists and has been implemented, when it has followed political procedures or mechanisms, such as holding an "election". So, they also feel that they have gained political legitimacy from the people. That they are given legitimacy by the people is not their main problem. That they are appointed by the people and therefore must work for the benefit of the people's welfare, is not the main thought. It is most important for them that they have occupied a political position according to a legitimate political recruitment process (Apter, 1998). While the people understand democracy as an answer to questions about how problems of welfare and justice are to be resolved by the leaders and representatives they choose through general elections. This society adheres to the ideology of "substantial democracy", that is, they demand the goal of government, namely "bonum commune" (public welfare). The substance of democracy is not the welfare of individuals but the welfare of all people. Even though all the people in this country depend on their trust and hope for a change for the better in the leaders and also in their representatives who have been entrusted by the people through the

"election". In the end, people don't believe in democracy either (cf. Mouffe, 1995).

These two forms of democracy, "substantial democracy" and "procedural democracy", exist in Indonesia. The New Order carried out "substantial democracy" rather than "procedural democracy" (Jegalus, 2009: 258-259). Suharto ignored democracy (people's rights) to succeed in the development program and succeeded in building the people's economy. The success of economic development is the most important measure to measure the achievements and therefore also the legitimacy of this regime in front of the people. Just look at, for example, President Suharto's state address every year before the DPR, almost all of which mention figures that reflect achievements in the economic field. Democracy was never an important part of the New Order's political management. Meanwhile, the second form, namely "procedural democracy", is actually what we are still experiencing in this Reformation Era (Jegalus, 2020). Democracy as a right that is realized according to a certain procedure, such as "election", is emphasized, but has not fully led to the creation of general welfare. We prioritize and spend a lot of energy and thought to discuss the mechanisms and procedures of democracy but ignore the interests that we want to work on, namely the general welfare of the people. Therefore, it is not surprising that the emphasis on democracy as a mechanism benefits the political elite more than the general public.

#### “Procedural PERDA” and “Substantial PERDA”

Do we give priority to general welfare which means more to "substantial democracy" and ignore democratic procedures or vice versa, do we prioritize democratic mechanisms rather than the substance of democracy, namely to create public welfare? Our answer is clear, based on the amended 1945 constitution, we do not choose one, but both. This means that in the context of making a "Perda," we do not only pay close attention to the process and legal mechanism for making a "Perda" but also pay attention to the contents of the regional regulation. So, the "Perda" must be procedural and at the same time substantial. "Procedural regulation" means that the regional regulation is produced according to the procedure for preparing regional regulations as regulated by a higher law. Meanwhile, "substantial regional regulation" means that the regional regulation contains the contents of the interests of all levels of local society, not only the interests of the powerful, both economically (the capitalists) and politically (the regional rulers).

If we only pay attention to procedural aspects in the preparation of "perda" then it is okay for us to have a "Perda" which is correct and good legally, but its content turns out to be very far from expressing the aspirations and interests of the local community. Legal procedures and

mechanisms are indeed important to ensure legality, but the fate of the people must not be ignored. Do not let "Perda" be successfully drafted and ratified by DPRD and local government, but a "Perda" as the result of collusion between the government and DPRD (cf. Rashyid et al, 2022) and not a manifestation of the aspirations and interests of the people at large. If we seriously examine the "Perda" in each region from the aspect of its substance, then perhaps we have to admit that only a few "Perda" create democracy, namely realizing the interests of the people (Mandey, 2016).

In this context, we can reflect on the law-making process at the state level, where a draft law is drafted by the government and then proposed for discussion and ratification in the DPR, never escaping from value stakeholders (Susanto, 2018). So here it can happen that the "Perda" does fulfill procedural and substantial demands, but it is a procedure that is "arranged", or a substance that is "filled in", by parties who have a business and political interests. So don't be surprised, if, at the national level, there are laws that are masterminded not by politicians but by capitalists (Jamesson, 1991), this may also happen at the regional level in the making of "Perda".

We need to be aware that "Perda" is a political product, and because of that "Raperda" (Rancangan Peraturan Daerah=Draft on Regional Regulations) is discussed, debated, and finally passed into "Perda" in the political space, namely in the regional parliament. As a political product, "Perda" is a text that cannot be separated from one's values. It is not and has never been neutral of a certain value or value. All parties/fractions in the DPRD parliament may agree on the procedure, but it is not certain that they will agree on the substance (Santoso, 201; Susanti, 2015). However, regional regulations must be passed, and there is a game of interests and also the politics of "dagang sapi" (cow trading) among members of parliament. But finally, the law was passed too. The consequence is clear, regional regulations of Perda were successfully passed but far from realizing the people's aspirations (cf. Wiryanti et al, 2022: 58-59).

If so, how do we overcome this weakness? There is only one answer, namely that we must democratically organize the regional government. Because only within the framework of democracy can people control the actions and policies of the government together with the DPRD (cf. Laclau, 2006; Aminudin, 2015). In other words, the executive is controlled by the legislature, while the executive and the legislature are directly controlled by the people. If this is not the case, regional regulations of Perda may fulfill procedural and substantial demands, but still do not guarantee the general welfare of the people, but only guarantee the interests of a few people who are involved in influencing the making of said regional

regulations through economic power (money pressure) (Jameson, 1991) or political power (political pressure).

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