The consideration of rights in delivery aspiration services of the regional representative members to the community

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Abstract. This study examines the performance of the local representative members in serving and channeling people's aspiration in Sumedang Regency, Indonesia. How the elected members serve their constituents and how they consider the people's rights were the questions to be answered in this study. The study used a qualitative approach to get the natural settings in which there are many behaviors and events occurred. This study also uses an institutional theory (institutionalism), because the theory could lead the researchers to find the structure, regulation and institutional procedures which could have a significant impact on a public policy and cannot be ignored in policy analysis. This study found that to carry out their functions as elected representatives, the members of the provincial parliament always make themselves available for the community. In doing so, the members of the provincial parliament, among others, absorb and collect the constituents' aspiration through regular working visits; accommodate and follow up the aspirations and complaints; morally and politically provide accountability to the constituencies. In addition, to receive complaints coming to the local parliament's office, public aspiration was also obtained in working visits on a regular basis by the members of local parliament in Sumedang as their own region at recess time. In terms of rights, all the services were conducted to fulfill them. Even so, some people still doubt the veracity of such works.

1. Introduction
Decentralisation is to transfer governmental affair by central government to autonomous local government according to autonomy principle, while deconcentration is the devolution some of central government's authority to govern as central government's representative, to vertical institutions in certain region, and/or to governor and regent/mayor as person in charge in general governmental affair. The auxiliary task is an assignment from central government to the autonomous region to execute some of the central governmental affairs from the provincial government to local government (regency and city) to execute some of the governmental affairs which are provincial government's authority. (the Law number 23 the year 2014 on Local Government).

In this context, West Java Province as an autonomous region has an authority to govern and manage governmental affair and people's interest within the region based on its initiative and people's aspiration. Therefore, the implementation of the governmental affair and people's interest ought to be based on people's aspiration. In the perspective of the governmental management system, people's interest and
aspiration are articulated and received through Musyawarah Perencanaan Pembangunan (Musrenbang) People's Meeting on Development and Planning which is held at the village, district, regency/city, and provincial level. In the perspective of local government's function implementation, aggregating and articulating people's interest and aspiration is entirely related to the implementation of local parliament's function.

In the dimension of function implementation, provincial Parliament has some functions, which are:

a) ratifying local law; b) budgeting; and c) controlling. These functions as meant by the law is held in the framework of people's representative in provincial level. To execute the function, local parliament ought to collect people's aspiration. In doing so, local parliament members have a duty to accommodate and gather constituent's aspiration through routine visiting; accommodating and advocating people's aspirations and complain, and giving moral and political responsibility to the constituent in their election area. Routine visiting is held by local parliament member to each election area during the recess period.

The population of West Java Province in 2015 reached 46.7 million. This figure consisted of 23.68 million of men and 23.03 million of women. West Java Province is the biggest province in Indonesia in terms of its population. With the extent of 35,377.76 Km

², West Java Province has 18 regencies and nine cities. The regencies are Bogor, Sukabumi, Cianjur, Bandung, Garut, Tasikmalaya, Ciamis, Kuningan, Cirebon, Majalengka, Sumedang, Indramayu, Subang, Purwakarta, Karawang, Bekasi, West Bandung, and Pangandaran, and the cities are Bogor City, Sukabumi City, Bandung City, Cirebon City, Bekasi City, Depok City, Cimahi City, Tasikmalaya City, and Banjar City.

In the dimension of developmental implementation, it is of course not all people get what he/she wants, especially in terms of his/her prosperity. Therefore, there are often some people who problematise developmental program, especially wealth distribution. Here, local parliament member has to be ready to receive various aspiration from various background, especially from his/her election area. So, the study that will be analyzed in this research is about the implementation of equality principle in articulating people's aspiration to the members of West Java Parliament who are elected in election area of Sumedang Regency.

2. Theoretical Framework

One of the categories that is embedded in every country which follows democratic system is the establishment of people's representative, where people as the sovereignty holder appoint some of them to take a role in government. John Stuart Mill (in Dahl, 1989) says that not all of people can participate in all public affairs. As a consequence, the ideal type of government has to be a 'representative government.'

People's engagement in policy making process can be reflected in the establishment of the representative institution. The institution or the Parliament is one of the important instrument in a country that follows the idea and the teaching of democracy. Active people's participation in decision-making process, as mentioned by Dahl (1989), ought to 'have an enough opportunity and equal chance to articulate their choices about the result. The decision-making process has to have an enough and equal opportunity to place problems in the agenda and provides the reason for why this decision is chosen not the others.'

Besides, people have an opportunity to control the ruled government through his/her representatives in the parliament. This idea is based on an argument pointed out by Arbi Sanit (2985), 'The representative role of legislative institutions is related to the relation between its institution, which consists of legislative institution's member, with the people who are individually represented by them, according to groups or general. The view that sees the relation is one of the main crux in a political system in general, and in the process of the legislative institution in particular.'

C. F. Strong (in Budiardjo, 2980), says that democracy is a governmental system where the majority of a mature member in political society engage according to the representative system that guarantees that government eventually accounts its doings to the majority.

According to Napitupulu (2007), the procedure to become people's representative is through the general election, since this way gives an equal opportunity to everyone to become people's representative
in government. Through this general election, some trustworthy and capable representatives will be selected.

The political representative can be seen as the representation of people's interest by their representatives in political institutions and processes (Pitkin, 2967). The level of the representation is determined by the system of political representation that works in the society.

The role of people consists of meaning that there is something that is represented. Napitupulu (2007) says that the representative process deals with two things, namely the representation in interest perspective, and the representation in opinion perspective.

In Indonesia, the principle of functional representation is also known, besides the principle of political representation. The general election in 1971 was held by involving either political party or functional groups. In other parts, according to Rahman (2007), the concept of representation is the concept that gives an authority or capability to someone or some groups to speak and act in the name of a bigger group.

In line with the demand of democratization in order to fulfill justice in local people; to widen and to increase the spirit and capability of local participation in national level; and to strengthen the Unitary State of the Republic of Indonesia, thus, in the context of constitutional renewal, Indonesian People’s Representative Assembly (MPR RI) established a new representative institution, namely Indonesian Local Representative Council (DPD RI). The establishment of DPD RI was held through the third amendment in Indonesian constitution year 1945 (UUD 1945) on November 2001.

Since the amendment, representative system and Parliament in Indonesia have changed from unicameral system to bi-cameral system. The change was not readily embodied as it passed through a long discussion among either society or MPR RI, especially the ad hoc committee I. The change process in MPR RI did consider not only political demand and some developed views within reform transition but also involved academic discussion with whom study governmental system used in other countries, especially in democratic states.

In article 40 Law number 32 the year 2004 mentioned that local parliament is a local representative institution and is posited as the organizer of local government. Local governmental institution consists of local government and local parliament, while local government consists of a head of local and local bureaucratic leader.

One of the most important thing in the idea of decentralization is the presence of a strong will so that developmental process in the future can be based on the majority of people's interest, especially in locals. The Law number 32 the year 2004 widely sets the task, right, and obligation of local parliament in formal. Therefore, theoretically speaking, local parliament gets a significant and important role in executing its duties as people's representative. Even though, local parliament, which works in a scope of the political system where it can prioritize or produce a maximal result, such as a pro-people policy, absolutely needs a qualified input that was covering all of the people's aspiration and support.

Although there are some differences, most of the political thinker see that freedom of speech is the most important freedom. In a democracy, freedom of speech has a special place, and, therefore, the right to choose cannot mean a lot if the voter cannot receive a good and qualified information about opposition’s idea and program and if the right to speech is not allowed. The same reason stands behind the idea of freedom of press media and freedom to socialize. The right to speech and to socialize become fundamental rights if the people are expected to critically and rightly participate. The right to speak/speech also consists the idea of freedom of information. Freedom of speech does not mean a lot without the audience.

Freedom of speech is one of human right which is the right to speak or express. Human right is categorized as a fundamental right; a right that is embedded in the first generation in history and human right development which is categorized in civil and political rights. It is said fundamental since far away from the society invented state organization, and the society had been given this basic right and freedom. According to the classical theory about the origin of the state from a philosopher and a follower of social contract theory, namely John Locke in his book *Two Treaties of Civil Government*, he says that the state was created in the form of social consensus.
Locke (1823) argues that when a consensus between the society and the ruler, individual will not give all of his/her natural rights since the natural right is a fundamental right which cannot be separated or released from the individual. Thus, the ruler who is given the task to govern individual life in the setting of governmental relation has to respect the fundamental right. For Locke, here is the function of social consensus, which is to limit the absolute power and to guarantee the natural rights. One of natural right intended is the right to speech/speak. This philosophy, then, based democratic states which cannot necessarily limit or prohibit everyone to speak. The state through the government as the holder of right intended is the right to speech/speak. This philosophy, then, based democratic states which cannot necessarily limit or prohibit everyone to speak. The state through the government as the holder of people’s mandate and state apparatus ought to give its respect and reward to those who exercise their natural rights.

John Stuart Mill (1806-1873) explained the importance of freedom of speech and pers slightly differently in his classical writings, *On Liberty* (1859). Therefore, freedom of speech is the right freedom for the human. It consists of, first, an inner consciousness which sued freedom from the inner voice at its best meaning, freedom from mind and soul, freedom to deliver opinion and to feel about everything, both practically and speculatively, intellectual, moral, and theology. The freedom to publish an opinion seems to be categorized into different principal as it is included into individual’s behavior to think about other. However, as it is close as important as the freedom of think itself and tends to stand on the same rationale, practically it cannot be separated. To Mill, the mind needs to express both orally or through writing. In seeking of true debate and argument is inevitable. Without freedom of speech, the truth will vanish, never be found, or weaken. By assuming that truth can be uncovered, freedom of speech is important, even otherwise, it is still important as the only tool to choose the best from the worst.

As for Rawls, participating into political does not make individuals control himself, it is more to give him the equal voice as others in managing the basic social conditions. Therefore, the participant needs to moderate the claims so others can accept it as something just. Public willingness to consider and to regard everyone trust and interest will be a foundation for civic friendship and to establish the political culture. Ultimately, it can strengthen the dignity and self-efficacy of average citizens.

Next, according to welfare state concept, citizen relationship is positive-active in which the state actively enforces welfare for the citizen while the citizen actively participates in the government. As do other rights, the right to speak in terms of human rights always consist of two aspects which are entitlement and freedom. What is called as rights are also called as freedom? For instance, the right to education, which is basic, cannot be maximally manifested without the right to speak. Included in this aspiration of the public can only maximally carry out its control function if there is freedom of opinion and expression. As a civil and political rights cluster, the right to argue is negative, in which its implementation is better if state less intervention. It is based on the aspect of freedom in the freedom in it self, which can not be restricted and imperative (Rawls, 1999).

The argument is defined as the result of thought. Delivering argument means delivering the thought. In Indonesia, delivering an argument is guaranteed constitutionally. Delivering thought in public is one of the human rights guaranteed in section 28 Indonesia’s Basic Constitution. It stated, "the freedom to gather, associate, deliver thought both orally or written, and so forth are guaranteed by the Constitution.

3. Research Method
In the effort to collect data and accurate information both primary and secondary according to the indicator, this research used observation, interview, and document analysis about the theme, policy, and public information service from the Province Government or the legislative members.

This research used the qualitative approach. Cresswell (2012) argued that the qualitative paradigm arises in the natural setting in which many behavior and occurrence took place. This tradition is based on the unwritten knowledge (intuitive knowledge) because often the nuance of various realities can only be appreciated this way (Lincoln and Guba, 1985). Therefore, the data is not quantifiable in usual definition.

Next, research approach is carried out to reveal the service process of constituent’s aspiration delivery done by the local House of Representative members. It is then analyzed based on the principle
of equal rights which related to political participation and society representing the system in West Java Governance.

4. Findings And Discussion
Local Government aims to reach society welfare. As mentioned in National Constitution 1945, local government is the implementation of local governance by the local government and the legislative council based on the autonomy principle and the assistive task under the system and the principal of NKRI.

West Java Province as an autonomous province has the authority to manage its local governance and its society matters based on the aspiration of its society. Therefore, the implementation of the government must be based on its society's aspirations. In the perspective of government management system, the social concern and aspiration are delivered and accepted through Muresbang (Musyawarah Perencanaan Pembangunan) mechanism. Muresbang takes place from village level, district, regency, up to province. In the perspective of local government function implementation, the local House of Representative serves the function of inseminating and distributing of society's concern and aspiration. The provincial House of Representative also functions as a) the body to establish local regulation in province level; b) budgeting; c) supervising. These three functions referred to the framework of representation of the people in Province level. In executing the function, the provincial House of Representative captures the society's aspiration. Thus, the member of provincial House of Representative is obliged to do this duty through regular work visit; accommodate and follow up them, and to give moral and political responsibility to the constituents in their electoral district. Regular work visit is carried out by the member of the House of Representative in their electoral district in recess time.

One of the characteristics of society's political participation is the inputs in the form of social aspirations that technically can be regarded as demands and support. Aspiration is a dissatisfied expression or a strong eagerness from society for government in the form of attitude statement, arguments, criticism, expectation, and suggestion.

Society has the rights to deliver their aspirations related to development, government, and local society. Here, the society must get justice from the government, in this case, is the local House of Representative. However, the government faces difficult to respond this due to a high number of aspirations.

In delivering their aspiration, the society express it through demonstration. The demonstration is a protest movement carried out in public by many people. It is usually done to express an opinion against a particular policy or to politically press an interest.

To ruling power, the demonstration is not a good thing as it can reduce people trust. According to the form of delivery, there are two kinds of aspirations; direct and indirect. Direct aspiration is delivered without any mediator, for instance, the demonstration which can go un control if there is no response from the government. This can bring disadvantages to many parties.

As for indirect aspiration is delivered through the media, such as letters sent to the government, emails sent via the website and so forth. These two aspirations are one of the communication channels to express dissatisfaction over public policy.

In responding the aspiration, West Java House of Representative has now had a specific media to publish its activities, that is http://dprd.jabarprov.go.id/. In the portal, there is an open rubric named "e-aspiration." This medium allows the member of the House of Representative and the public relation to publishing the progress of following up aspirations, such as fact-finding, planning, communication, and evaluation.

Fact finding or fact seeking is carried out by the member of the House of Representative and the Public Relations and the Protocol of participation service Sub Division. In this case, they seek data and facts in the field which later processed to be a particular information required by the program. In this stage, the factual data is sought out before concluding.
In the planning stage, the member of the House of Representative and the Public relation and the Secretary Protocoler will facilitate public participation by listing the plan based on the facts obtained.

In communication stage, the sub-division of service aspiration under the Public Relations and the Protocoler are doing the implementation in these activities so that communication takes place by itself.

Evaluation is the last stage after fact-finding, planning, and communicating. Often, modification of a particular program gives positive or negative impact, so for the next step, the program should be flexible. In this stage, the member of DPRD and the sub-division of service aspiration under the Public Relations and the Protocoler review the ongoing program. The review is needed for next implementation.

The follow up of the social aspirations cannot be separated from the activities of the role of structures and procedures within the framework of the local government system, also cannot be separated from the problems faced, how to accommodate and articulate the aspirations of the society through communication and coordination among work units in order to create a system of aspiration accommodation in Local government system procedures, whose feedback can be known and felt by the society, and what is equally important is the integrity and ability of DPRD members in understanding and accommodating the wishes and aspirations of the people. Speaking out an aspiration has now been approved by Law no. 9 of 1998 on freedom of expression in public, but still, must be based on rules or signs that have been agreed upon.

Besides accommodating aspirations from various parties to deliver their aspirations, the members of the DPRD went to their electoral area. This research found that DPRD member of West Java Province from Sumedang paid a visit to the field (in recess time). Thus, formal aspirations and a working visit by DPRD members in absorbing the aspirations of ordinary people is done in the DPRD office or outside visits. There is also the absorption of community aspirations in informal ways where most of the initiatives of each member of the DPRD are through informal work visits, through the activities of each party, dialogue with students, non-governmental organizations, educational institutions, As well as cultural approaches

In executing their tasks, authorities, rights, and duties, West Java House of Representative is assisted by public relation secretary and protocoler. The public relation secretary and protocoler consist of several sub divisions which are the aspiration service sub-division whose main duty is providing DPRD relation services with society and society institutions and facilitating aspiration services. All activities were supported by the news in the media, which is http://dprd.jabarprov.go.id/.

5. Conclusion

Drawn from the findings and discussion, the conclusion is as follows: 1) constitutionally, DPRD is the place to accommodate political participation from the society. Practically, its members have shown that the equal rights have already done, 2) The role of DPRD to increase society aspiration through the existing pattern does not only rely on the rule of law but also other ways which seen to be effective. This activity is published via http://dprd.jabarprov.go.id/. The Public Relation secretary and the protocoler are assigned to carry out this duty, 3) In carrying out their duties to welcome the aspirations of those who come to DPRD, The Public Relation Secretary and the Protocoler are assigned to fact-finding, planning, communicating, and evaluating, and 4) generally, the efforts done by the DPRD members to accommodate and to follow up society aspiration is already optimal. This can be seen from the effort to provide an opportunity for the society to deliver their aspiration. Besides accommodating via work visit, they also provide informal ways, which is usually risen from their initiation, such as informal work visit, programs of their political party, dialogue with NGO or educational institution, and cultural approach to local society.

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References
[1] Budiardjo Miriam 2008 Dasar-Dasar Ilmu Politik (Ikrar Mandiriabadi, Jakarta)
[2] Creswell John W 1994 Research Design Qualitative & Quantitative Approaches (Thousand Oaks, CA: Sage Publication)
[3] Dahl Robert 1989 Democracy and Its Critics (New Haven: Yale University Press)
[4] Heywood Andrew 2000 Key Concepts in Politics (New York: Palgrave Macmillan)
[5] Lincoln Y S and Guba E G 2000 Paradigmatic Controversies, Contradictions, and Emerging Confluences. In N.K. Denzin & Y.S. Lincoln (Eds.) The Handbook of Qualitative Research (Beverly Hills, CA: Sage) 2
[6] Locke John 1823 Two Treatises of Government (London: Thomas Tegg)
[7] Mill John Stuart 1859 [2001] On Liberty (Kitchener, Ontario: Batoche Books)
[8] Napitupilu Paiman 2007 Menuju Pemerintahan Perwakilan (Bandung: Alumni)
[9] Pitkin Hanna 1967 The Concept of Representation (Berkeley: University of California Press)
[10] Rahman H I 2007 Sistem Politik Indonesia (Jakarta: Graha Ilmu)
[11] Rawls John 1999 A Theory of Justice Revised edition (Cambridge: Harvard University Press)
[12] Sanit Arbi 1995 Perwakilan Politik di Indonesia (Jakarta: Rajawali)
[13] Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah