

THE IMPLEMENTATION OF THE PRINCIPLE OF TRANSFERENCE IN DETERMINATION OF THE BUDGETS IN THE LEGISLATIVE MECHANISM OF SOUTH SULAWESI

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Abstract

Regulations of the province of South Sulawesi provincial tertip no. 17 of 2004, which became the basis of the implementation of budget revenue assignment mechanism Government Regulations area 2005 South Sulawesi province turned out not to Government Regulationsthe implementation of the principle of transparency. Because none of the regulatory charge lighting material which requires tertip transparency in the establishment of national mechanisms in 2005. The mechanism of the grant budget 2005 in the south sulawesi provincial government does not comply with the principle of transparency which is set in the context of the law of the country, in particular those provided for in article 23 paragraph 1 of chapter vii of the constitution of 1945 which confirmed, budget revenues and state spending as a form of state financial management are set each year by law and carried out in an open and responsible for the most of people's prosperity

Keywords: principle of transfaransi, budgets, legislatif machanism

I. Introductions

Preparation of the grant system in south Sulawesi can be seen from two processes: a process that occurs in the executive and the legislative process going on. The process that occurs in the executive is a process of preparing budgets as a whole is in the hands of regional secretary who is also responsible for coordinating all the activities of the preparation of budgets. While the process of preparing a routine expenditures compiled by the local government finance, the process of preparation of the acceptance by the regional revenue and process for preparing the development expenditures compiled by the regional development in this part of the preparation of the program and the financial section. The legislative process going on in the groove in the authors start with the new fiscal year ahead of the entry into force, the governor is obligated to deliver the draft budgets and attachments change of information with the financial memorandum to parliament. The next chairman of the Representatives area gave the financial memorandum and draft budgets to change about the budget committee to obtain his opinion. Then the opinion of the committee budget submitted to the committees for discussion. After that from the commissions it was decided together with the Representatives area plenary meeting with executives.

Before compiling the draft income and expenditure area of south Sulawesi, local government (executive) together with provincial legislators crafting general policy direction and budgets beginning with do networking community aspirations based on regional strategic plan and or planning document specified areas, as well as issues of national policy in the field of finance the minister of internal affairs, as contained in annex vi decision of minister of the interior no. 29 2002, that budgets drawn up based on the performance of a system Government Regulations to the budget that prioritizes efforts to the achievement of

the work or output from planning the allocation of costs or the input set. Budgets drawn up based on the specific target to achieve in a budget.

Therefore, in order to prepare draft budgets, local authorities together with legislative drafting general policies and direction budgets that contain instructions and general provisions agreed upon as a guide in the preparation of budgets. This later became the basis for the assessment of the financial performance of the budget for one year. The point is how the focus was more components and performance expected arranged by aspiration by considering the conditions and the ability of the area, including the performance of the services has been achieved in the previous fiscal year.

In a discussion about a grant made the delivery that comes from south Sulawesi governor presented to legislators through the introductory notes of the governor. While that comes from the proposals of parliament along with the explanation submitted in writing to the chairman of the Representatives area. Both the draft presented to the members of parliament in accordance with the Government Regulations mechanisms.

II. The forms of participation in the process of establishment of a grant.

In the south Sulawesi provincial code of conduct no. 17 in 2004, the participation of the community to participate in the process of establishment of a grant specifically is not set. Public engagement is only implemented on the basis of proposals of the fraction-fraction or commissions. Implementing public participation were implemented at the time of the pre-budget discussion by executives.

In pre-budget deliberations, executives seeking inputs from the community for the manufacture of preserved material in making these notes will Government Regulations a list priorities or the scale hereinafter called. In making community no longer involved, but the executives and the board asked for input from the department concerned.

In the code of conduct article 12 no. 17 of 2004 are mentioned the faction receiving and channeling the aspirations of the community. Therefore the community has the right to transmit his opinion related to national policy. However in practice the community opinion is channeled through the fraction cannot be monitored the extent of their effectiveness.

Chairman of the Representatives area in south Sulawesi, Agus Arifin Numang (interview, November 7, 2005) says, Forms of public involvement in the preparation of budgets do not become the responsibility of the council, because the process of filing of draft budgets implemented by the executive. In practice, presented to the parliament after a discussion with technical agencies, after gaining input from the community.

But legislators in south Sulawesi so far remain scheduled for dialogue with society and representatives of the before meeting the national discussion. Forms of public participation which is exercised by the board are:

- a. The commissions in the dialogue with the community with regard to the deliberations of the national plan. Results of the dialogue and the findings of the commissions will be submitted to the budget committee.
- b. In the meetings of the plenary, the council invited the representatives of the communities to present to listen to regional development policy direction in the coming year. In the plenary meetings of the community does not have the right to speak can still respond to the budget policy through the media?
- c. The fraction-fraction in parliament is given the Government Regulations to accept the aspirations of the community. Usually the fraction-fraction will invite non-

governmental organizations to hear the opinions and proposals with regard to the discussion of national material.

- d. Ngo also conduct interactive dialogue with members of the faction as an extension of political parties in parliament. The dialogue that took place between Ngo and faction-faction in parliament of the duties and functions of the provincial government to raise the aspirations of the community.

Responding to criticism of the implementation of transparency in the decision-making process in the council, according to a member of the budget commission of parliament in south Sulawesi, Annas Genda, also from Golkar faction's (interview, November 7, 2005) states:

Thus a whip for the members of the council in particular budget committee to work better. However, the budget committee of parliament in south Sulawesi refused if Ngo assess the Representatives area in discussing budgets along with the executive is not transparent. So far, the budget committee's opinion thus obtained input from either direct or through community institutions competence included are the Ngo themselves.

More are said to be chairman of the Representatives area in south Sulawesi Agus Arifin Numang that:

The attitude of parliament in the setting of budgets is very clear, as set forth in the code of Conduct no. 17 in 2004. In article 68, paragraph (2) mentioned that the closed meetings, as referred to in article (1) done for a decision unless the following among others the Government Regulations the draft income Government Regulations budget areas, the determination of the budget revenues and Government Regulations areas and the determination of the change, the removal of taxes and regional levies.

Meanwhile, the chairman of the commission a local house in south Sulawesi. Muhammad rum (interview, November 18, 2005) says:

I disagree if all policies are decided by the parliament must be consulted with the public. But in the matter of the determination of national mechanisms that are best implemented by the board is asking for public input with respect to the budget plan submitted by the executive.

With the above opinion, Government Regulation to be members of the parliament should set up a mechanism of consultations based on the code of Conduct board. The thing is, so far there has not been a strong legal basis to regulate how the procedures of implementation. If there is indeed a decision together, then the mechanism of implementation of the public participation partnerships forms are pre-arranged in Local Regulations. In principle, the commission could not agree more with Representatives area in south Sulawesi, there are parties who could help the council to prepare draft local regulations concerning transparency.

Legislative monitoring coordinator (coupling) in south Sulawesi, Syamsuddin Alimsyah (interview, December 5, 2005), In the practice of drafting budgets on actual people in south Sulawesi, the executive and the legislature should be directly involved. But in the process of preparing a grant intended for the people, the public is involved only at the level of village development council. At a coordination meeting of development and Draft Income Government Regulations Districts Budget, the community authorization in no way involved. Local governments use the concept of hegemony and social representation.

I need to know the structure of the discussion of budgets, based on Minister's Decision 29 2002, identifies the direction of public policy, that would describe the vision and mission of the government. So there is also Draft Income Government Regulations Districts

Budget, Strategic Plan and grant himself later became the (list of budget unit of work) is explained further by Syamsuddin Alimsyah as follows:

From the experience that exists, all the elements of those policies was started from the initiative of the executive which is then discussed in parliament for Government Regulations to regulatory regions. The question was then raised the question of whether determinations is in compliance with the existing mechanisms or normal? Since then, almost everywhere throughout the area especially for people of marginal do resistance is massive. And myself looked at did indeed there are irregularities in the assignment grant.

Irregularities, the first can be seen from the lack of consistency of the parties (executive and legislative) to make the structure of budgeting as a guide. I Government Regulations, as a document that should be the main reference in program Government Regulations budget thus could be ignored, and so on, and the tiny presentation program on real budgets are in line with the document above. Bottom line, Strategic Plan etc. surely no more to fulfill the formalities of the rules. Even more wretched again, some regions found coupling thus more Draft Income Government Regulations Districts Budget First new discussion following the drafting of the, Even after receiving protests from the public, such as Bulukumba in budgets 2005, second, the problem of scheduling the discussion of who is always late. Based on an existing rule, budgets should follow the current year that is set to start in January and end of year/month of December. But the fact is, a new Draft Income Government Regulations Districts Budget usually submitted by the executive to the legislature discussed in February or March.

So hopes for the community to be able to take control of the process of discussion in parliament has been very difficult for the reasons you have time. Similarly, with its own legislative requirements be basic hope for society to be more optimally using the right (make critical budgeting) difficult to materialize.

Otherwise the aroma of infidelity executive and legislative branches for the ration program through grant more wide open. And it's actually not hard to prove, we can see the before and after the establishment of a grant, the program first and foremost once done there was " out of the streets " that wrap with the term the course of Government Regulations. And to fool public says is simple, the funds used are usually leave on the executive post, so as if the executive and legislative program is the passive ones (invited).

Looking ahead, we need a strong Government Regulations for the prompt to the executive and legislative branches in designing the schedule starting from the stage of the process, the drafting, discussion and assignments. In the executive, for example, should have available time and space for the involvement of the community. Similarly, in the legislature, in particular agency/committee deliberations closely in allocating the budget deliberations schedule with absolutely no guarantee of availability of time and space to get back involved in the discussion, as the fulfillment of the fundamental rights of citizens as set forth in the act government regulation no. 10 in 2004

Based on the above, it Government Regulations that no national assignment is done via the rules through Local Regulations resulted in openness to involve the public in the process of grant assignment in the south Sulawesi provincial government has no legally binding force. Passion for seeking the change is also entirely closed Government Regulations because there is no code of conduct that is specifically intended for the lexspecialis discussed the regulation about the budget area (Draft Income Government Regulations Districts Budget). Conduct regional Sulawesi Selatan only procedural mechanisms governing members to convene and others in general. This code of conduct is

also only refers to the Government Regulations 25 in 2004 about the preparation of legislative conduct minimal once accommodate transparency and public participation, including access to information and the minimum service standard becomes a necessity in to organize a more democratic government.

On that basis the coupling itself actually has urged immediate legislative code of conduct amendment Sulawesi Selatan more participatory cells based on the underlying law no. 10 of 2004 that must any conduct of representatives must accommodate or provide a space for the community to participate in any process of preparing, setting up implementation policy discussions particularly in article 28 and 53. Other considerations that must be allow is the act of a criminal offence of corruption act 31 of 1999 and Government Regulations 71 2000 regulating the minimum service standards on the public in the code of Conduct was Government Regulations to organize explicitly about the nature of the meeting with reduce or narrow the chances of performance of closed meetings.

Like just allocated to the material pertaining to the importance of privacy and state secrets as set forth in the code of criminal procedure. In the code of Conduct also there needs to be an assertion in a closed session of the meeting stated the leadership or one of the participants of the council to designate a spokesman to clarify the reasons for the perceived need to be declared closed.

III. Implementation of the principle of transparency mechanisms in the south Sulawesi provincial government

In the implementation of the principle of transparency of managing budgets, regional government of south Sulawesi through regional development in south Sulawesi conducting deliberations development plan province. The goal of is to be the main media in carrying out public consultation for all policy recommendations to Government Regulations the implementation of the programed of activities for the next fiscal year. Province was held throughout the month of March. in the south Sulawesi provincial government the principle of transparency is implemented through a series of activities i.e. Visits directly to field (recess) implemented by the commission-commission the completeness of the board. During this recess members of Representatives area collects data and conducts an evaluation of the results of development activities carried out by the local government in the budget. In this report the council members are also incorporated in the budget committee would make material from the recess for budget deliberations meetings with executives.

Fractions-fraction in parliament can make a dialogue with the constituents, in order to hear their hopes and aspirations. But the ceremonial Government Regulations raised only dialog and does not reflect the interests of society in general. But faction-fraction as an extension of the hands of political parties in parliament the dialog rate is very effective if it can be utilized by all circles, including Ngo to state his opinion.

In the explanation of article 33, the code of Conduct in south Sulawesi provincial government, the council actually has the right to propose draft Local Regulations. These rights are intended to encourage, stimulate creativity, passion and the quality of members of the provincial parliament in addressing as well as transmit and follow up the aspirations of the community it represents in the form of the submission of the act. Whereas the right to ask questions is a member of parliament delivered the question whether oral or in writing to the local governments related to the duties and powers of provincial legislators.

While the right to convey the suggestion and opinions is a member of the provincial parliament to convey a proposal and opinions freely to provincial legislators so that no

guarantee of independence in accordance with the call of conscience as well as credibility. Therefore any member of parliament cannot be taken by anyone in the decision-making process.

If the involvement of the community is simply to invite outside parties in discussion of policy especially in the legislative, specifically to the Representatives area in south Sulawesi honestly acknowledged there is a positive progress. Data coupling, the tradition of community involvement in the discussion of ran Local Regulations started in 2000. Although usually still was initiated by coupling to invite party representatives were to exit the building discussing directly with the people. Frame is pretty varied, ranging the term public hearing outside the building or go to direct the office of parliament. And in 2003, the provincial government responded to complaints and initiatives agreed upon to be the stages that must be traversed before the assignment. And this is indeed more advanced with other areas.

Even then the impact of the meeting was very low. Even impressed still mere formalistic to meet the expectations of the community. The forums are available yet to give guarantees against the aspirations of the community will be listen by the board. Even in some fact, aspiration merely considered angina passed. Examples of corruption cases a grant in 2003. The coupling itself has officially proposed to the legislators to be careful in drawing up the budget. Especially the addition of allowances for the members of the board to be rp18, 2 billion. But in fact, the council continues to meet his budget allocating welfare for those that go beyond Government Regulations 110 2000. Similarly with other posts, such as the office of exit travel program areas include out of state. However all that remains are. This practice is actually going on in the executive. If there is a change only on posts that are less direct contact to the " lifeblood " of officials in the executive and the legislative.

Community groups including coupling required extra work to escort the aspirations of the community. Surely by strengthening partner co-operation with others especially the media to do a movement campaign continuously. Another step that made coupling is also making a recapitulation of budget posts more readable by people, especially projects that get into the environment so as to facilitate supervision.

Since 2002, the coupling has actually been consolidating the community in small-group group is termed a parliamentary group or a parliament on the deliberately given reinforcement and mentoring to more critical in the advocate for each policy issued by the government.

There are actually a lot of legislation that regulates the involvement of society of the importance in any policy formulation. The act of 31 may 1999 concerning the criminal offence of corruption, law no. 28 of 1999 on the organization of the government clean included in regulation no. 78 of 2000 on minimum service standards to the public, all of them giving how important community involvement starting from the stage of the process to the implementation of the policy.

In fact article 53 Government Regulations no. 10 2004, more firmly regulate the right of society to participate in any policy. And the participation model is defined should be regulated in the conduct of parliament. This means that the closed meetings especially regarding public interest should not do. It's just that, of all the allow legislation in south Sulawesi provincial code of conduct considerations, thus opening up spaces for meetings closed to the public.

It is realized, the ubiquitous nature of the meeting there were two known, open and closed meetings, all of which should be measured. Unlike the code of Conduct far, there was no clear criteria concerning the discussion of the matter until a meeting must be

declared closed. Whether it concerns public interest, budgeting or privacy, when the council has agreed to do a closed then its implementation will be closed to the public.

Another drawback of closed meetings, nor does it charge to one person being the spokesperson of the council of the results so that the public really doesn't know the outcome of the hearing and the reason the trial is done. In that sense, the frequency of open and closed meetings actually still much influenced on the integrity of individual board members. We should not get caught up on the amount of a percentage of meeting opened and closed. In the south Sulawesi provincial government, for example, is certain the number of open meetings would be more of a closed meeting. And the coupling itself gets an invitation to attend the meetings of the Representatives area, it even has the right to speak, propose opinions. However, as described above, whether the aspirations are heard there is no guarantee that tie. Because usually in the stage of finalization of policy, especially the budget, the public is not involved anymore (closed to public).

And strategy we used to play here the maximization of existing I to some people who could be allies with us. The next stages of coupling directly involved do the escort from the stage of the level of village, district, county, including meetings at the level of regional development agencies to the discussion and determination in the legislature. All of this, it is also Government Regulations by public campaign and movement strengthening base to drive awareness to join together to play an active role controlling budgets, so instead to house members chose two way coupling gives reinforcement to the legislative members e.g. Do the training how to understand more of the budget in favor of underprivileged and how to read a budget are critical. Both brought house members to conversations directly with community groups at the level of the base. Right now, its own attempt to coupling the identification or commonly known with the originator of the term to identify a few board members who are considered still have the commitment, concern to the people, anti-corruption. They-they are organized in a single container caucus who later became allied partner relationships, in fighting for the interests of the community.

IV. Conclusion

Regulations of the province of south Sulawesi provincial tertip no. 17 of 2004, which became the basis of the implementation of budget revenue assignment mechanism Government Regulations area 2005 south Sulawesi province turned out not to Government Regulation the implementation of the principle of transparency. Because none of the regulatory charge lighting material which requires tertip transparency in the establishment of national mechanisms in 2005.

The mechanism of the grant budget 2005 in the south Sulawesi provincial government does not comply with the principle of transparency which is set in the context of the law of the country, in particular those provided for in article 23 paragraph 1 of chapter vii of the constitution of 1945 which confirmed, budget revenues and state spending as a form of state financial management are set each year by law and carried out in an open and responsible for most of the prosperity of the people.

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