

Implementation of Good Governance Principles in the Manifesto of Initiative Legislator in Policy Making

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Abstract: The manifesto of legislator initiatives in drafting local policy often results in problems in terms of quality and quantity. The manifesto of initiatives in public policy is a social thought that is institutionalized to take a policy or decision related to the administration of local government. In terms of quality, the manifesto of initiatives is reviewed with the principles of good governance, while in terms of quantity, comparative studies are conducted every year as well as comparisons to local governments in the same year. This research was designed to examine the application of the principles of good governance in the use of initiatives by the legislator. The research method used is a qualitative approach enhanced by field research and library research. The results of the study indicate that the legislator in manifesto its initiatives does not implementation the principles of good governance, specifically principles of participation, accountability, and legal supremacy. The substantive conclusions is the manifesto of legislator initiatives in Drafting Local Policy concerning the Guidance and Supervision of Zakat Management does not implemented the principles of Good Governance and the concept of making high quality about draft local policy and implemented (not only normatively legal) is still far from expectations.

Keywords: Good Governance Principles, Policy Making, Implementation, Manifesto, Legislator Initiatives

1. Introduction

Along with the development of the discourse of public administration, including the scope and paradigm, it cannot be separated from the conditions of power in which public administration is discussed or carried out (locus). Starting from the Old Public Administration (OPA), New Public Administration (NPA), New Public Management (NPM), and New Public Service (NPS). Power leads to the interpretation and formation of public administration, including the public administration system and all its derivatives depending on the system of a State. The conception of a clear relationship between power and public administration was put forward by Lasswell and Kaplan [13] in their work entitled "Power and Society" which defines power as the ability to influence legitimate decision-making. Then this concept derives decisions by including "choice" and "policy".

In Indonesia, the discourse on public administration in the contemporary era can be referred to from the thoughts of Prof. WarsitoUtomo in his book "Indonesia's New Public

Administration" [23] which explains that administrative activity or profession in government organizations is a process or activity that can be characterized as unavoidable, priority, compliance, and its activities are not controlled by the market. This means that the process of making and following up on policies by articulating them according to the goals and means of the actors.

Policy by itself becomes an action that contains several processes, no matter how poor the identification, justification, formulation, and goals to achieve. Many organizations and actors make policies, but "public" policies are made by government administrators and the condition that is of concern to researchers in this case is the administration of the local government of West Sumatra Province from the side of the legislative body (Local People's Representative Council) regarding the use of special rights to change or maintain some aspects of the status quo. The legislative body as one of the important elements of the region has a very decisive position in the administration of local government with its strategic position.

The condition of the regions after Indonesia's reformation

has given authority and distribution of power independently to regions to manage and regulate their own households, known as local autonomy and decentralization [21]. Local autonomy is a prerequisite in establishing good governance. This is a door for the community to get better and responsive policies that are easier to meet their needs. With the change in the strategic environment in the local government system in Indonesia, it was marked since the enactment of Law Number 22 of 1999 then changed to Law Number 32 of 2004 and became Law Number 23 of 2014 concerning Local Government providing opportunities for regions,

The right of initiative for legislator in making local policy is a special right. And one of the interesting problems in the administration of local government is the manifesto of legislator initiatives which are closely related to the quality of the public policies produced. This problem often becomes a dilemma, on the one hand it reflects the form of the legislator's response in capturing a number of issues that develop in the community. But, on the other hand, trapped in the problem of the resulting policy ability to solve problems. This phenomenon is described by Arter [3] as a weakness and there is no single tool that is precise in measuring the extent to which the legislative power makes a policy. Sjuhad, M. [19] assesses the dysfunction of legislator initiatives in producing a number of local policy.

Local policy are one of the instruments for implementing local autonomy in determining the direction and policies of local development. The legislator of West Sumatra Province as a local legislative body in administering local government

is required to produce policies according to the needs of the community and the demands of the era when manifesto its initiatives. This means that the use of initiatives in forming local policy greatly determines the quality of local governance in the province of West Sumatra. The local policy cycle can be characterized as a complex and interactive system in which local administrative public problems are identified and resolved by following the process of formulating local policy, implementing local policy, socializing local policy, evaluating local policy and following up on those evaluations. This is a tedious and time-consuming cycle of local policy. Local policy-making is a multi-step process and fraught with challenges for local legislators. From the formulation of local policy to the evaluation of local policy, various dimensions must be considered so that a local policy is more in line with the needs of the community. Local policy-making is not the end goal as implementation of local policy can also pose many challenges for local regulators if not framed properly. As this problem can be seen from the publication of the Ministry of Home Affairs of the Republic of Indonesia in 2016 regarding the canceled/revised Perda/Perkada as many as 3,032 with the composition of Perda being revoked/revised is 1,765 Provincial Perda and 1,267 Regency/City Perda [9].

In 2021, the legislator together with the Local Government of West Sumatra Province has agreed to discuss 17 Draft Local Policy in the Local Policy Making Program. Of the 17 policy initiatives, 11 are from the proposals of the Local Government and 6 of them are legislator initiatives.

Table 1. Policy-Initiatives by Legislator Initiatives 2021.

No.	Title of Draft Local Policy	Initiator
1.	Ranperda on Public Information Disclosure in the Implementation of Local Government.	Commission I
2.	Ranperda Management of Local Leading Commodity Prices.	Commission II
3.	Ranperda Amendment to Local Policy Number 10 of 2018 concerning Management of Local Property.	Commission III
4.	Ranperda Amendment to Local Policy Number 5 of 2007 concerning Disaster Management.	Commission IV
5.	Ranperda about Guidance and Supervision of Zakat Management.	Commission V
6.	Ranperda Amendment to Local Policy Number 6 of 2008 concerning Communal Land.	Bapemperda

Source: [1].

In 2020, the manifesto of the legislator's in initiating "Policy-Initiative" as much as 5 of the 15 Policy-Initiative discussed.

Table 2. Policy-Initiatives by Legislator Initiatives 2020.

No.	Title of Draft Local Policy	Initiator
1.	Protection of Women and Children	Legislator
2.	Protection and Fulfillment of the Rights of Persons with Disabilities	Legislator
3.	Local Leading Commodity Price Management	Legislator
4.	Fisherman Protection	Legislator
5.	Prioritizing Indonesian and Protecting Local Languages and Local Literature	Legislator

Source: [2].

The manifesto of the West Sumatra Provincial legislator's initiative in policy making seems to have increased from the previous year. However, in terms of public policy innovation, the legislator Initiative in 2021 only brings up 2 new planning, namely the policy-initiatives on Public Information Disclosure in the Implementation of Local Government and

the policy about Zakat. Meanwhile, the policy making on the Management of Local Leading Commodity Prices is a continuation of the manifesto of initiatives in 2020. And the other three initiatives are policies for changes to existing policy.

And another interesting side, for the past two years in

quantity the number of Draft LocalPolicy initiated by the legislatoris less than the number of policy proposed by the Local Government of West Sumatra Province. This means that there are indications that the policy initiative is dominated by local executives. This phenomenon, according to Yarni M., [24] hows that the more lack of role of legislator in exercising their right of initiative. This is due to the quality of legislators, very few legislators have the knowledge and experience that supports the ability to draft a policy. There are even indications that there is a lack of training to improve the quality of members. Whereas in Article 75 in conjunction with Article 76 of Law Number 12 of 2011 concerning the Establishment of Legislation and Article 7 of Government Policy Number 12 of 2018 concerning Guidelines for Drafting Policy for the Local Legislative, it is emphasized that the discussion of the draft localpolicy initiated by the legislatoris prioritized if its submission together with the policy draft originating from the local government during a session.

However, in the context of the quality of localpolicy based on legislator initiatives, it is not seen from the quantity, but from the materials, mechanisms, and principles in the use of their initiatives. As a form of implementing local government according to the needs of the community, which is self-initiative, participatory, and independent of the local community. To realize this goal, every institution/ including legislative is required to carry out good governance in its roles, functions and duties seriously, responsibly and effectively to improve the welfare and prosperity of the entire community and citizens [4]. The principles of good governance according to United Nation Development Program are: (1) participation, (2) legal certainty, (3) transparency, (4) responsibility, (5) agreement-oriented, (6) fairness, (7) effectiveness and efficiency, (8) accountability, (9) strategic vision. Where the principles of good governance are a global scale paradigm in realizing good governance.

Even so, in the context of good governance, the quality of "manifesto of legislator initiatives" is not seen from how many legislator ideas are contained in the policy idea which is set and then measured by the estimated weight in percentages. It is different from policy making from the previous government paradigm. The Old Public Administration paradigm emphasizes that policy and guidelines, making policy separate from implementation, and using a hierarchical organizational structure [22]. As Hood [8] mentions that the key elements of classical public administration related to public policy are emphasized on three aspects, namely the combination of the rule of law, obedience or focus on established rules, and commitment to incremental budgeting.

The New Public Management paradigm in the context of public policy as stated by Kettl, DF., [11] that the government can improve the ability to make and formulate policies, how the government can separate its role as a service buyer and its role as a real service buyer. The failure of the OPA and NPM to realize a socially just public administration gave birth to a new approach oriented to the

interests of the community, namely the New Public Service paradigm [18]. NPS considers that NPM and OPA place too much emphasis on efficiency and forget or ignore the community as the target of public policy.

In the Good Governance paradigm, the quality of the resulting local policy can be seen from the process of its preparation, for example, normatively whether it is accompanied by an academic text or not (although it is tentative). In addition, it is also necessary to see whether in the drafting process there was a public consultation involving stakeholders. Equally important to measure is the benefit of the local policy, whether for the internal interest of the legislator, internal local government or for the public interest, whether the local policy is more directed at exploring the potential of social engineering that encourages community progress in achieving happiness.

Research on good governance in the West Sumatra area has been widely carried out, for example Dewirahmadanirwati [5] studies on "Implementation of Local Autonomy in Realizing Good Governance in the West Sumatra Region" with the results of research that the local government of West Sumatra Province must pay attention to the four principles of good governance in carrying out localautonomy, namely; (a.) Transparency, (b.) Accountability, (c.) Rule of Law, and (d.) Transparency. Likewise, Yoserizal and Tovalini K., [25] who conducted research on "Implementation of the Principles of Public Accountability and Its Relation to Bureaucratic Reform in West Sumatra" stated that "The Provincial Government of West Sumatra only strengthens institutional and regulatory aspects without looking at the needs of the developing community."

Considering that the position of manifestolegislators initiatives in the formation of localpolicy is so crucial and its relation to good governance as a paradigm of good governance. Where the "manifesto of legislator initiatives" represents the quality of local government administration. However, research on the implementation of good governance principles by the legislator of West Sumatra Province to produce quality public policies (the manifesto of legislator initiatives) does not yet exist. Therefore, an investigation into the manifesto of the legislator initiative in a substantive and comprehensive manner is needed. The researchers above still leave weaknesses that are only fixated on visible problems. And the innovative-paradigmatic studies, in general, researchers and scholars of West Sumatra still focus their studies on the implementation of the concepts and principles of good governance and their relation to public services and the performance of the legislative. The performance of legislator and public services is the result, research that focuses on results does not target anything except additional reading material.

So, the aims of a researcher is to investigate causes, meaning substantive problems radically and comprehensively to the root. The investigations carried out by the researchers above have more than adequately confirmed the importance of "initiative manifesto". Therefore, based on the problems

stated above, to find out policy initiated by the legislator of West Sumatra Province which have been included in the 2021 Local Policy Making Program it is necessary to analyze the implementation of good governance principles, especially the principles of participation, legal certainty, and accountability so that local policy are formed which are not only normatively valid, but also the formation of local policy that are actually implemented. As research conducted by Kresnaliyska [12] in Europe on the role of monitoring public policy as a modern tool in good governance. Monitoring in this case is intended as an activity of research, analysis and use of information systematically and continuously for the purpose of management control, identification and corrective action in the formulation of local policy. The objective of monitoring is to correct deviations from duties and thereby improve the formulation of local policy and facilitate further process development. If history is continuity and change, then the historical record of legislator initiative manifesto in making local policy in 2021 has the potential to not promise much improvement. This means that the legislator of West Sumatra has the potential to again does not implementation the principles of good governance in the manifesto of its initiatives which has implications for poor performance in terms of quantity and quality local policy.

The objective of monitoring is to correct deviations from duties and thereby improve the formulation of local policy and facilitate further process development [14]. If history is continuity and change, then the historical record of legislator initiatives manifesto in making local policy in 2021 has the potential to not promise much improvement. This means that the legislator of West Sumatra has the potential to again not apply the principles of good governance in the use of its initiatives which has implications for poor performance in terms of quantity and quality. The objective of monitoring is to correct deviations from duties and thereby improve the formulation of local policy and facilitate further process development. If history is continuity and change, then the historical record of legislator initiatives manifesto in making local policy in 2021 has the potential to not promise much improvement. The key element of public policy is policy making which can be considered as concepts and conceptual models. To understand the whole range of public policies, it is necessary to analyze the policy-making tools. A number of books and articles on public policy and policy-making have appeared since the post-second world war period. In the existing literature, policy making is seen from various approaches such as behavioral models, policy cycle models, rational approaches, incremental models, group models, pluralist models and political systems models.

These models focus on different aspects of public life and therefore concentrate on separate [16] policy characteristics. Researchers critically review the most popular and generally accepted models of public administration science to provide early theoretical access to policy making. After the behavioral revolutions of the 1950s and 1960s, the policy cycle model divided policy making into distinct units to describe how policy was actually created and implemented.

Each policy cycle begins with identifying community problems and placing them on the policy agenda. Next, a policy proposal is formulated for adoption. In short, at the next stage, the policies taken are immediately decided to be ratified. And then, the impact of the policy is evaluated.

2. Research Method

In this study, the researcher used a qualitative approach that was refined by combining field research and library research. Rationalization of researchers using qualitative methods due to problems that are phenomenological and multiple realities. While the quantitative method is positivism and a single reality. Sugiyono [20] suggests that qualitative research is a research procedure that produces descriptive data in the form of written or spoken words from people and observable behavior. The data obtained through the method of recording, photographs, recordings, documents, and other official records.

The study "Implementation of Good Governance Principles in the Manifesto of Initiative Legislator in Policy Making", the researcher interprets that the legislator of West Sumatra Province implementation the principles of good governance in local policy making through the manifesto of its legislator initiatives. To further sharpen this research, the researcher focuses on the principles of good governance which consist of participation, legal certainty, and accountability in the manifesto of the West Sumatra Provincial by legislator initiative.

3. Result and Discussion

The local people's representative council is a legislative council which the researcher defines as a public policy-key holder at the local level. This departs from the constitutional (UUD 1945) mandate which gives the legislator the special right to initiate the making of local policy. The legislator's right of initiative when submitting a draft local policy must be by issuing ideas in taking or making a policy or decision related to state administration activities or government activities.

Then in proposing a draft local policy, the ability of council members to exercise their right of initiative by articulating the aspirations of the people and formulating them clearly according to the development of the local governance paradigm is a prerequisite for the realization of good governance at the local level. Comparing the use of initiatives with the principles of good governance when proposing draft local policy is a problem that is often overlooked. Public policy products in the form of local policy require the existence of good governance principles in them. Therefore, the application of the principles of good governance in the drafting of local policy, of course, begins with the manifesto of initiatives.

In accordance with the research focus, in this section the researcher describes research findings related to the Draft Local Policy on the Guidance and Supervision of Zakat

Management. On December 03, 2021, the legislator of West Sumatra Province held a plenary meeting of the Draft LocalPolicy on the Guidance and Supervision of the Management of Zakat in tandem with the Draft LocalPolicy on Openness of Public Information in the Implementation of Local Government [7].

Based on the research findings, the manifesto of the West Sumatra Provincial legislator's initiative related to the Draft LocalPolicy on the Guidance and Supervision of Zakat Management is carried out in the context of exercising the rights of legislator: First, the initiative in accordance with existing mechanisms and procedures. The initial step begins with the initiating commission, opening space for factions to respond, explaining the response by the initiator, and then obtaining the approval of the legislator institutionally. Furthermore, the Chairman of Commission V legislator of West Sumatra Province, Muchlis Yusuf Abit, ST. MM., by stating that:

"All mechanisms to make the Draft LocalPolicy on the Guidance and Supervision of Zakat Management an initiative of the legislator of West Sumatra Province have been carried out. The factions also agreed on the draft as a legislator initiative proposal."

Abit's explanation above was also found by the researchers as the same answer from legislator from factions, that "we (legislator) carry out their initiatives according to the mechanism". However, a slightly different statement regarding the use of initiatives in the drafting of the LocalPolicy on the Guidance and Supervision of Zakat Management was delivered by the Deputy Chairperson of the West Sumatra Provincial legislator, SuwirpenSuib. Suib stated that the Draft LocalPolicy on the Guidance and Supervision of Zakat Management is an initiative of legislator of Commission V. As an initiative of legislator, it provides considerations in various aspects such as philosophical, sociological and juridical. This discussion, has complied with the Policy of the Minister of Home Affairs Number 80 of 2015 on the proposal of the initiative submitted by members of the legislator in article 36 paragraph (1). As Suib emphatically stated that:

"The initiator has studied and considered all related aspects, starting from the philosophical, sociological and juridical aspects. So that all the rules in the formation of local policy have been fulfilled in accordance with the mandate of the Minister of Home Affairs Policy No. 80 of 2015 on the proposed initiative submitted by legislator members in article 36 paragraph (1)".

Carrying out all the mechanisms as proposed by Commission V and the West Sumatra Provincial legislator factions in proposing the Draft LocalPolicy is still taboo when juxtaposed with the good governance paradigm. This is because good governance mandates the principles of its implementation which can be flexibly interpreted widely. Meanwhile, the mechanism for proposing the Draft LocalPolicy must follow institutional standardization. It is clear that institutional standardization is only part of governance. This means that the answer to running all the

mechanisms in proposing the Draft LocalPolicy is a one-sided answer to keep the position of the initiator safe from the full interpretation of good governance that comes from academia, the community, and the private sector.

It is as if the answer to implementing according to the mechanism has established the principles of good governance in the use of its initiatives. This is in contrast to the Guidelines for the Preparation of Academic Papers on Draft Laws compiled by the Indonesian Parliament in 2017 by mandating that the manifesto of initiatives must implementation clear and firm paradigmatic governance when proposing public policy designs [6].

Furthermore, the study of considering all related aspects is the political answer in public policy. Especially regarding the Draft LocalPolicy on the Guidance and Supervision of Zakat Management which is an innovative policy discourse in the Local Government of West Sumatra Province. The novelty, paradigmatic nature, and standing position of the policy idea in presenting solutions to the West Sumatra region should be an emphasis on the leadership of the legislator to act in decision making.

The two information obtained above, when viewed normatively, the Draft LocalPolicy on the Guidance and Supervision of Zakat Management has met the requirements to be manifested as an initiative of the legislator. On that basis, the leader of the legislator, SuwirpenSuib gave an order to Bapemperda to carry out harmonization by consulting with the Ministry of Home Affairs as a further step in accordance with the Policy of the Local People's Representative Council of West Sumatra Province Number 1 of 2020 concerning the Rules of the Local People's Representative Council of West Sumatra Province Article 6 paragraph (3).

Following up on orders from the legislator leader, Bapemperda has conducted harmonization and consultation with the Ministry of Home Affairs regarding the Draft LocalPolicy on the Guidance and Supervision of Zakat Management [15]. However, there is a unique side, where Hidayat as chairman of the 2019-2024 West Sumatra Bapemperda has a different opinion with Commission V and the Deputy Chair of the West Sumatra legislator. Hidayat assessed that the Draft LocalPolicy on the Guidance and Supervision of Zakat Management was not feasible to continue its discussion as a proposed initiative by asserting that:

"The issue of zakat is an absolute matter that concerns religion and its authority lies with the Ministry of Religion. In addition, the Agency for Formation of LocalPolicy recommends that the Draft LocalPolicy on the Guidance and Supervision of Zakat Management takes into account the condition of zakat management institutions that are not yet optimal in terms of transparency, accountability, and supervision".

The information presented by Bapemperda above shows that the accountability, participation, and legal certainty related to the use of initiatives in proposing the Draft LocalPolicy on the Guidance and Supervision of Zakat

Management are minimal.

Furthermore, the more interesting information that the researcher obtained, one of which came from Prof. Yaswirman as one of the drafting teams for the Academic Draft of the Local Policy on the Guidance and Supervision of the Management of Zakat. He stated that the draft was rejected by the Minister of Home Affairs. He stated "The policy proposal was rejected by the Minister of Home Affairs". Then the researcher explained that the standing position of this research study was the use of initiative/right of initiative which incidentally is a special tool within the legislator for policy making.

Responding to the researcher's explanation above, Prof. Yaswirman stated that: "It means that it is good to go to the legislator. After all, it's their initiative or right of initiative. My advice is not to be limited to zakat alone, but to whatever is included in the legislator's initiative to draft the local policy".

From the information above, it can be said that Prof. Yaswirman advised researchers to review other academic texts originating by legislator initiatives. The suggestion provides three positivistic possibilities: first, Prof. Yaswirman evaded the study of this research regarding the rejection of the draft local policy that Yaswirman and his team drafted; second, Prof. Yaswirman would like to point out that the other academic drafts of the Local Policy Draft are also still having problems or at least have the potential to be problematic as well; third, Prof. Yaswirman wants researchers to conduct a thorough study of the manifesto of legislator initiatives during 2021 in making local policy.

The Concept of Drafting Local Policy on the Initiative of West Sumatra Province Legislator.

Making the draft local policy based on the manifesto of legislator initiatives as stated in the information collected from the informants above shows that its implementation is in accordance with existing mechanisms and procedures. Ideally, the drafting of local policy has several legal umbrellas that regulate the mechanism for manifesto of legislator initiatives in their proposals.

The legal umbrella regarding the manifesto of initiatives by legislator in proposing the formation of draft local policy has a comprehensive structure. Starting from the top level of the 1945 Constitution, then Law no. 23 of 2014 concerning Local Government in article 97 paragraph (c) and article 107 paragraph (a). Furthermore, specifically the formation of legal products in the regions has been regulated in the Policy of the Minister of Home Affairs Number 80 of 2015 concerning the Formation of Local Legal Products [10]. The Minister of Home Affairs Policy above is in line with the Policy of the Minister of Law and Human Rights Number M.HH-01.PP.01.01 of 2008 concerning Guidelines for the Preparation of Academic Papers on Draft Laws and Policy.

Not only that, internally the legislator of West Sumatra Province in manifesto initiative to propose draft local policy has also been regulated in the Policy of the Local House of Representatives of the Province of West Sumatra Number 1 of 2020 concerning the Order of the Local People's

Representative Council of West Sumatra Province.

When contextualized with the use of initiatives that run all mechanisms, the relevant draft local policy should not be rejected. Because basically the entire legal umbrella for manifesto of legislator initiatives in making local policy has explicitly regulated a series of good governance principles that must be implemented. This means that the use of the initiative does not run the mechanism, contrary to the submission of the legislator.

Similar studies have also been carried out by the Directorate of Facilitating the Drafting of Local Policy, the Directorate General of Legislation, the Ministry of Law and Human Rights on Provincial Policy in 33 Provinces and Regency/City Local Policy in 491 Regencies/Cities which were enacted in 2005 to by 2010 data were obtained that most of the Local Policy in their preparation did not follow the techniques for drafting laws and policy as regulated in the Attachment of Law Number 12 of 2011 concerning the Formation of Legislations.

The preparation technique is a formal aspect, in legal language the formal aspect and the material aspect are one unit. This means that if one is damaged, all of them are damaged. The findings of the Directorate of Facilitation for the Design of Local Policy, the Directorate General of Legislation, the Ministry of Law and Human Rights are not more severe than the problems contained in the use of the West Sumatra Provincial legislator initiative regarding its proposals related to the Draft Local Policy on the Guidance and Supervision of Zakat Management. Where the Draft Local Policy has formal and material (same with Bukittinggi City Regional Regulation Number 29 of 2004 concerning Zakat Management; [17] defects simultaneously so that it ends in rejection.

4. Conclusion

Based on the problems, findings, and discussion of this research, the substantive conclusions are arranged into two points, namely:

The use of legislator Initiatives in Drafting Local Policy concerning the Guidance and Supervision of Zakat Management does not implemented the principles of Good Governance and results in rejection. In particular, the principles of participation, accountability, and legal certainty.

The concept of making quality draft local policy and implemented (not only normatively legal) is still far from expectations. This is due to the entanglement in the making of the Draft Local Policy which seems to be a copy (copy paste policy), both the statutory policy above and the policy parallel to and below it.

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