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**THE ROLE OF THE REGIONAL ASSEMBLY IN ACHIEVING THE
OBJECTIVE OF DECENTRALIZATION
AND REGIONAL PERSPECTIVES IN THE IMPLEMENTATION OF
DECENTRALIZATION**

Executive Summary

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Executive Summary

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1. Introduction

This study is in response to series of two workshops on the Fiscal Decentralization held by the IRIS in collaboration with LPEM – FEUI in Jakarta on March 5 – 14, and on June 5 – 10, 2000. The workshops were attended by representatives from 31 state and private universities in Indonesia. Both workshops were aimed at improving the capability of the participants on the fiscal decentralization in theory and practice. It is expected that they could contribute their ideas to the related institutions in the implementation of Regional Autonomy.

Every participant was given a chance to do a study based on their own willingness to deepen his/her knowledge in the field of regional autonomy, so that it will be useful for the region. We choose the topic of the study in relation to the above title namely: “THE ROLE OF REGIONAL ASSEMBLY (DPRD) IN ACHIEVING DECENTRALIZATION AND THE REGIONAL PERSPECTIVES IN THE IMPLEMENTATION OF THE DECENTRALIZATION”. The important role of this institution in achieving the local autonomy becomes the main reason for choosing this title. The failure of the regional assembly (DPRD) in performing its role as people representative body at the region is meant a disaster for the implementation of the autonomy pursuant to law 22/1999. Financing is aided by the IRIS –URCI under contract number: 479-C00-98-00045-00, 104-000.

The constitution and the rule of its implementation determine the role of the local assembly. Whereas the legal product at the region as public policy at the regional level is the form of the implementation of the legislative role. How far the role of the local assembly has been properly implemented will be reflected by the decisions having been taken. All these assumptions are the objectives that will be answered by this study. To complete the study, it is supplemented with the knowledge on the perspectives of the government as well as non-government organizations. The number of respondent from the government organization is 51 persons that consist of government officials and member of regional assembly. And from the non-government organizations, which are represented by 59 persons, consists of public figure, academic persons and local business leader. The data were first collected from the middle of November to December 2001 in six areas of regency and municipality of Padang, Bukittinggi, Padang Panjang, Padang Pariaman, Solok and Tanah Datar and one province namely West Sumatra. Then, for the second period the data is collected after the local budgeting of the sample areas has been approved as the local regulation.

2. The Objective of Regional Autonomy

The autonomy given to the regional government has been performed for quite long time now, since the Dutch colonized Indonesia. This notion kept developing when Indonesia proclaimed its independence in 1945. Its implementation was started by the formation of various forms of regional autonomy. The

autonomy based on the power determination was just performed after the issuance of law 5/1974. There are four concepts of autonomy comprised by this regulation, they are: (1) tier based Autonomy, (2) Regency and Municipality based autonomy, (3) Authorization submission based autonomy, when the region has been provided to accept, and (4) The authorization submitted can be withdrawn. The third characteristic creates an impression that more centralization of power than decentralization.

Different from the law 5/1974, the law no. 22/1999 on the Regional Government uses the concept of authorization division between the governments of province and regency/municipality. The province is given a limited autonomy, whereas the unlimited autonomy is given to the regency and municipality. Limited and unlimited autonomy is differed based on the forms and the kinds of the authorization possessed by each government. The authorization of the province is clearly regulated by the law 22/1999 article 9. Regency and municipality have the authority beyond the province. The consequence of this regulation is the elimination of hierarchy between the provincial government and the autonomous regions and the freedom of regency and municipality government to determine the authority they need.

There is no any document that clearly regulates the objectives of why limited autonomy is given to the provincial government and why unlimited autonomy is given to regency and municipality governments. By having an assumption that the authorization given to the local government is identical with the objective of the autonomy, so there are six (6) reasons of the submission the autonomy to the regional government as follows: (1) to increase the service, (2) to increase the society welfare, (3) to develop the democracy, (4) to have a justice, (5) to get even distribution, and (6) to maintain a harmonious relationship between the central, the provincial, and the regency/ municipality governments. These six reasons include almost all tasks of a state/provincial and local governments, and therefore they cannot be treated as the objectives of the autonomy that can be achieved easily.

Referring to the statements of the executives from central and regional governments and by observing the law 22/1999 from its opening, to its content and explanations, the objective of the autonomy can be divided into three groups: Firstly, the objective is viewed from the system of government. The government is executed based on democracy based on five-basic-philosophy (Pancasila). The implementation of the Pancasila is aimed at creating a harmonious relationship between the central government and the provincial

and regional governments in order to maintain the unity of the national government of the republic of Indonesia (NKRI). The second objective can be viewed from the provision of service. There are three objectives to be achieved, they are: (1) efficiency, (2) justice, and (3) even distribution. Increasing the efficiency in providing the service to the society will increase the competitive strength of the region and at the same time it will give a positive impact to the society's participation. The third objective can be viewed from the approach used to achieve the target in terms of empowerment. The empowerment is not only given to the regional government, but also to the member of regional representatives as legislative body at the regional level as well as to the society. The empowerment of the regional government and regional assembly can be measured through various policies that they produce. Whereas the society empowerment can be measured in various perspectives from government and from society.

3. The Role of the Regional Assembly in the Law 22/1999

The role of the regional assembly has undergone a significant change to comply with the law 22/ 1999 and its implementation compared to the law 5/1974. The Regional Assembly as the people representative body at the regional level is no longer as a partner of the executives, but it is an institution of the people representative that functions to express the aspiration of the society for the purpose of making public decisions. Therefore, each member of representatives has to be really capable in observing the society's aspiration, particularly from the society that have chosen that member.

The above conclusion is based on article 16, 18, 19, and 22 of the law 22/ 1999 and its explanation. These article cannot be interpreted one by one partially. They must be translated as one understanding, of which to the writer's mind, they can be supposed as the soul of the regional government's regulation. Article 16 is the umbrella for the implementation of tasks and authority and the rights of the local assembly as explained explicitly in that regulation.

Article 16: Regional Assembly as the people representative body at the regional level is a vehicle to perform the democracy based on Pancasila. The general explanation of this clause states that the separation between the regional government and the regional

assembly is aimed at empowering the regional assembly and increasing the responsibility of the regional government to the public. Therefore, the rights of the regional assembly is quite wide and is directed to absorb and express the society' aspiration in order to be accommodated in the regional policy, besides that it also has controlling function.

The above statement indicates the important role of the society's aspiration in making a public policy at the regional level. The closeness of the regional leader and the society is as one of the reason for giving the wide autonomy to the regency and municipality governments. This can support the above conclusion. Because the regents and the mayors are very close to their society, so they will be able to use the aspiration of their society as the basis for making the regional government decision. The strong role of the society in making a regional government policy has a positive relation with the word "democracy" as stated in article 16 of the law 22/1999.

Is the democracy mentioned above same with the democracy widely applicable? Linz and Stepan (2001) mention fives conditions of the democracy: (1) civil society, (2) political society, (3) government based on law, (4) bureaucracy based on necessity, and (5) economic society. Law 22/1999 requires that the regional government meet these five requirements. The importance of the society's aspiration is an indication to realize the civil society. The existence of the regional assembly regulation as the peoples' representative at the regional level with a number of tasks, authority, rights and controlling functions that they possess direct it to the emergence of the political society. Indonesia is a country based on law. Increasing the responsibility of the regional government to the society as well as the policy of privatization implemented by the government, is an indication of the fulfillment of the fourth and the fifth requirements. However, the existence of Pancasila will become an obstacle if the principle of 'the society is led by the policy of discussion/representative' is translated like in the Old Order and New Order, The Democracy indicated a dictator.

The role of the regional assembly will clarify the objective of the regional autonomy that will be achieved, that is the implementation of democratic government. Democracy means the strengthening of the society's role. The strengthening of the society's role that will be achieved through the people representative body at the regional level, called DPRD, is emphasized by article 16 of the law 22/1999. This conclusion is consistent with

the word regional empowerment viewed from the government side, namely regional government and regional assembly. The power of the regional assembly will increase when the role of society in taking the regional decision increases, and at the same time this also increases the responsibility of the regional government to its people. This role is stated in article 22 of the law 22/1999 regarding the responsibility of the regional assembly.

Furthermore, the points available in articles 18 and 19 are only the job description and the authority as well as the rights of the regional assembly. The implementation of the job, authority and the rights must be referred to the content of article 16 as mentioned above. For example, the first job in article 18 is to choose the regional leader. This job cannot be performed without referring to the rule stated in article 16. The same case with the Regional Budgeting (APBD). The society's aspiration becomes the measurement in the legalization of the RAPBD to be APBD by the regional assembly.

The significant change of the regional assembly's role creates two important issues: Firstly, is it possible that this change can be performed by using the same general election system? Secondly, Is the existing member of the Regional Assembly capable for performing the above mentioned roles (functions). The quality and the attitude of the assembly member will obviously determine their capability to perform these functions.

On the other hand, the existing regulation of the Assembly has been able to accommodate the above mentioned roles of the Regional Assembly. This conclusion is obviously seen from the five obligations of the Regional Assembly available in the seven sample areas as referred to the law 22/1999. One of them is to "develop the democracy" in executing the regional government.

4. The Role of the Regional Assembly in Preparing the APBD of 2001

The preparation of the APBD 2001 is the first activity performed by the Region pursuant to the validation of the law 25/1999 in line with the implementation of the law 22/1999 commenced from January 1, 2001. So that, this becomes one of the regional assembly product in the implementation of its role as mentioned above. The main issue is that whether the regional assembly still depends on the old regulation in performing their functions or has made a change.

Four norms and principles in preparing the budget issued every year by Home Ministry becomes the appropriate reference to be used as the measurement of the implementation of the regional assembly's role in the era of regional autonomy. Although, there is some modification either in the forms or in the substance, the change is relatively insignificant. There is no principal change found in the guidelines of the budget preparation issued by Home Ministry. Balance and dynamic budgeting is used to be the reference for the preparation of the APBD 2000 and previous APBD. For the 2001 APBD, this norm and principle is replaced by the formatted budget. The formatted budget gives the opportunity to the region to determine its unbalanced budget.

The four norms and principles of the budgeting are: (1) transparency and accountability of the budgeting, (2) discipline of the budgeting, (3) justice of the budgeting, and (4) efficiency and affectivity of the budgeting do not change. This norm and principle seems to be consistent with the 'performance approach', stated by the government regulation no. 105/2000 as the basis of the APBD preparation if it is followed by the understanding of the performance indicator determined by LAN/BPKB in the module of AKIP (Performance Accountability Governmental Institution), and Bappenas in the guideline of the development project evaluation. Even so, there are still some regulations that need to be prepared by the region in the implementation of the performance approach, such as: SAB (Standard Spending Assessment), SPM (Minimum Service Standard), and others (see: Mardiasmo, 2001).

The concept of the APBD preparation has indirectly changed the approach in composing the budget and at the same time has also changed the concept of regional planning. The budget with performance approach (performance budgeting) or the budgeting composed based on the planning and programming known as PPBS (Planning Programming and Budgeting System) might be more appropriate in line with the existing regulations and the guidelines rather than planning by using macroeconomic approach like reflected by the First Five Year Plan up to the Fifth Five year Plan.

Efficiency becomes the main reference for the implementation of the above mentioned concept. The efficiency does not only relate to the society's aspiration, but also determines the regional government's responsibility to its people and at the same time it can increase the power of the regional assembly as the people representative body

at the regional level. The efficiency here does not only mean the minimum cost, but it is the highest comparison between the benefit and the cost as Masgrave (1973) mentions it as B/C ratio. The concepts of LAN/BPKP and Bappenas will bring to an understanding that the performance indicator is the benefit and to be quantitatively counted.

There is no significant change in the implementation of regional assembly's role in composing the 2001 APBD, by using the case of Padang and West Sumatra province either it is viewed from its substance or from its procedure. Such behavior seems to be worse in preparing the 2002 APBD.

The procedure for the 2001 APBD composition still refers to the old procedure with the reason that the change is being prepared. The involvement of the Budgeting Committee of the regional assembly based on regulation 105/2000 that has been reduced, is still significant. The involvement of this Budgeting Committee is not only in the formal discussion at the assembly to comply with the existing rules, but it also takes part together with the executive in preparing the RAPBD. Therefore, becoming chairman of the Budgeting Committee becomes a strategic position in the regional assembly.

The involvement of the Budgeting Committee to prepare the RAPBD together with the executive is a form of procedure that is regulated by law 5/1974. This law states that the regional government is the Regional Leader and the regional assembly (article 13 point 1). So it means that the Regional Assembly is the working partner of the Regional Leader, not the people representative body at the regional level that will struggle for realizing the society's aspiration in making the regional government's policies.

The regulation 105/2000 as the rule for the implementation of the law 25/1999 states that the role of the Regional Assembly in preparing the APBD has two stages. The first stage is at the preparation period of budgeting. The issue discussed at this stage is the general direction and policy of the APBD (article 21, point 1). The description of the general direction and policy that results the RAPBD is the responsibility of the executive. The involvement of the regional assembly is not necessary anymore.

Furthermore, the RAPBD along with its Financial Explanation (Nota Keuangan) is submitted to the Regional Assembly to formally discussed (Article 22). Have the general policies determined at the preparation stage of the budgeting been well accommodated in the RAPBD. This becomes the basic evaluation for the Regional Assembly. If the

policies have been accommodated, there is no reason for the Assembly to reject the approval of the RAPBD to be APBD. But, if the policies are not accommodated yet, so it is the obligation of the Assembly to request the executive to improve or to reject change the RAPBD. The condition of the improvement depends on the general policies that have been agreed by both sides, the executive and the legislative.

The understanding of the general direction and policy of the APBD either by the Regional Assembly or by the executive is considered as the main problem. The problem is getting more complicated when both parties have different understanding. The comprehensive understanding about the performance approach in preparing the budget might be used to get the same view. The implication is that they need to determine the quantitative performance indicator, and the policy might be based upon the composition of the targeted synergy indicator for every governmental institution at the region (see: Model 3 AKIP socialization, compiled by LAN/BPKP), not the physical target as currently practiced.

The evaluation of the APBD of 2001 using the two cases as mentioned above, is certainly far from the expectation. The understanding about the performance indicator is relatively low. For several sectors like education, health might be high. The committee who prepared the Renstra (da) has started to use certain performance indicator as the basis for determining the target that wants to be achieved. Indicator APK, APM for various levels of education has been used as in the education sector. The same is also used for the health sector like: IMR e: etc. This activity is still not overall, it needs to be continued to other sectors. The indicators need to be improved too.

There are two obstacles in using the performance indicator as the basis to determine the general policy: First, the support from BPS (Central Statistic Bureau) and Second, the standard cost. BPS is needed to provide the accurate data. The data needed as the basis to determine the target based on indicator must be prepared on time. This support is hardly obtained at the regional level. The prediction of cost standard for different indicator, for example, the marginal cost, is still not available as needed. Maybe, several sectors like education, road facility, do not really need, but this prediction is really needed for the health sector.

A small insignificant changes have emerged in preparing 2002 APBD in both sample areas, Bukittinggi and Padang Pariaman. The expenditures are classified into three groups which are: (1) expenditure for general administration, (2) expenditure for operation and maintenance, and (3) expenditure for investment (capital expenditure). Cash flow and

Regional Balance Sheet based on government regulation 105/2000 are also presented in the annual report. But these changes cover only the implementation of the System of Regional Finance Accounting. Implementation of performance budgeting and the new procedure of budgeting process are not done at all.

The same condition also has emerged in implementation of the rule related to the role of DPRD. There is a tendency that the behavior of regional assembly member becoming worse in preparing 2002 APBD compare to the previous one. The budget entitled "others" has been used by DPRD West Sumatra Province for their own expenditure. The amount of Rp. 300 million has been approved by DPRD for PT. Semen Padang spin off in the 2002 APBD. They also received the amount of Rp. 270 million for the day of celebration at the end of fasting month from PT. Semen Padang. They don't want to consider recommendation of NGO to revise 2002 APBD because of against the government regulation. DPRD Kabupaten Solok went to Kabupaten Sawahlunto Sijunjung just to know how to increase earning of DPRD members. Such behavior will affect the objective of desentralization is more difficult to realize.

And then, the role of the regional secretariat particularly financial institution involved in the composition of the budget is very significant in determining the allocation of the budget at a given year. Their less attention to the efficiency based on the comparison of cost and benefit, tends to cause wasting. The case that happened in the APBD 2001 of Padang city, has given an obvious strong evidence to that conclusion. The amount of the regional secretariat budget both for the routine and development compared to the budget allocated for operational institution (Dinas Daerah) is consistent due to less attention of that institution to the efficiency. The existing data do not show any different condition from the APBD 2000.

Having no any change in the role of the Regional Assembly in preparing the APBD 2001, even the rules are already available, becomes the conclusion of the above explanation. The comprehensive understanding on the general direction and policy is relatively low judged from the product resulted by the Regional Assembly, namely the APBD 2001. The knowledge about the implementation of the existing rules and the status of the regional assembly membership become two main handicaps for the change expected. Besides, the support from BPS is relatively low.

5. The Perspective of the Government and Non-Government Organizations

It still hard to determine clearly the perspective of the organization represented by the government official and the Regional Assembly as well as by Non-Government represented by the public figures, academic people, and local busines leader. The influence of the centralization is still strong for the government officials, and the influence of the chairman is still clearly dominant in the Regional Assembly. The indication is seen from the presence of the respondent in the discussion and the number of answer ‘do not know’ or do not complete to the important questions.

Even so, From the answer received, a conclusion can be drawn that the level of the loyalty is relatively high for both government officials and members of regional assembly. The degree of loyalty is indicated by the answers to some questions about the use of certain regulation for a specific activity. If they are asked: Has the regulation 105/2000 been used as the basis for preparing the APBD 2001? Most of them answered “Yes”, even in reality it is against the fact.

The decision to obey the regulation in line with the objective is relatively low. This condition is caused by (1) the creativity of the officials is still low in knowing the objectives of the existing regulations, (2) most of the regulation is not detailed, and (3) the controlling function is not properly performed yet, even the authority of the government for it has been stated in the regulation 20/2001, for all policies of the regional government, and law 34/2000 for the regional regulation about local tax and retribution. It seems that the government is still not ready to perform their controlling function properly.

The involvement of the society’s aspiration either through government or regional assembly still do not reflect any significant change in 2001 compared to that of the 2000. Gathering the society’ aspiration by direct or indirect observation or interactive dialog is preferable. Besides that, the reactive gathering of the society’s aspiration in terms of sudden inspection is also one of the preferable approach. On the other side, the documentation of the society’s aspiration is just as what has been done before. There is no any change in the documentation in the year 2001. However, there is a plan to improve it in the year 2002.

Both executives and the members of regional assembly seem not to fully comprehend the difference between the routine budget and the development budget. The same also happen in determining the priority in the development which is still based on the result of hearing and site visit. Other approaches are relatively less. The relation of various regional planning documents with the APBD is relatively small.

The perspective of the non-government organization is still unclear, except for the respondent from the academic. The unclear perspective is seen from the low attendance of the respondent when a discussion is held. Even so, from the answer of the respondent, it is known that there is no any significant change in service in relation to the implementation of the regional autonomy. The same also happens in the obstacle and the tax levied in the trading inter regions and islands. Only a small number of the respondent that indicated that a change has been affected in the obstacle and the tax levied in the road, of which according to them is very influential to the selling price. Academic tends to support the implementation of new rules.

The conditions of the business world in the era of autonomy still do not show a significant change. Some said the same condition as before, and some said even getting worse. It is indicated by the quantitative answer of the respondent. Only three persons of the 26 business leader invested for Rp. 1.029 millions since January 1, 2001. Besides the existence of the regional regulation, unprofitable business conditions become their main reason. High bank interest and high labor cost are the two components of the business costs that caused the unprofitable business.

It is still hard to draw a conclusion about the society's participation in the era of autonomy. The respond of the society to answer the questions is still relatively low, mainly from the public figure and the academic. Whereas, the respond from the business leaders indicated that the policy is the main factor that influence the society's participation. On the other hand, the existing respondents in this research tend to perform their obligations properly, including paying the tax as well as obeying the regulation.

6. Recommendations

- ◆ The objective of the regional autonomy must be re-clarified, so its success can be measured. Based on the existing analysis, the objective of the autonomy can be

divided into three perspectives: (1) the objective based on the government system, (2) the objective based on the service for the society, and (3) the objective based on the approach used to achieve the goal.

- ◆ The implementation of the regional assembly's role needs to be repositioned to be the vehicle of the democracy based on Pancasila. The members are the people's representative that absorb the society's aspiration and pass it to the executives to be used as the basis in making a public decision, not as part of the regional government as regulated by the law 5/1974.
- ◆ The implementation of the controlling function is a weak point as caused by breaking the rule or not obeying the existing regulations as it should be. There is no other alternatives that force the region to perform all regulations, except performing the controlling function to comply with the existing regulation (government regulation 20/2001 and the law 34/2000).
- ◆ The low capability of the region, the government is obliged to prepare the detailed guideline in order to avoid the difficulties in its implementation. The collaboration with the university that has the experts in that field will be very helpful in preparing that guidelines aimed at making progress of the regional autonomy.
- ◆ Finally, a transparency is really needed particularly in the member of regional assembly to listen and accept various criticisms from the society. The willingness to listen and receive the criticisms is an obligation of the people representative at the region and becomes a successful indicator in performing the function of the regional assembly.

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Appendix

The Role of DPRD Based on Law 22/1999

