

Function of Supervisory Board of People's Regional Representatives Regarding Registration on Free Education in South Sulawesi

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Abstract: This study aims: (1) to identify, explain and discover the nature of the oversight function of the Regional People's Representative Council on the implementation of free education in the province of South Sulawesi, (2) to analyze and explain the implementation of the oversight function of the Regional People's Representative Council on the implementation of free education in the Province of Sulawesi South, and (3) to analyze, explain and find factors that influence the implementation of the oversight function of the Regional People's Representative Council on the implementation of free education in South Sulawesi Province. This research was conducted in South Sulawesi Province with data collection techniques in the form of interviews, questionnaires and document studies with sources from members of the Regional Representative Council, education observers and education practitioners and independent groups. Data were analyzed by qualitative analysis.

Keywords: Implementation of Free Education, Regional People's Representative, South Sulawesi

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I. INTRODUCTION

Local government is one of the structural aspects of a country in accordance with the view that the state is an organization or a system. The division of the country into smaller parts in the form of a province which is then subdivided into several districts and so on is intended to facilitate community services and establish an orderly and systematic government network.

In Article 18 of The 1945 Constitution of the Republic of Indonesia (hereinafter referred to as The 1945 Constitution), it was formulated "The division of Indonesian regions into large and small regions with the form of government structure is determined by law, by looking at and considering the basis of deliberation in the state government system, and the rights of origin in special regions." Article 18 of The 1945 Constitution is the basis for the formation of regional governments which will be regulated by law that the said regions will be autonomous and will have regional representative bodies.

Regional House of Representatives has a unique position in our constitution, Law of the Republic of Indonesia Number 17 of 2014 on the People's Consultative Assembly, the House of Representatives, the Regional Representatives Council, and the Regional House of Representatives explained that the House Of Community Representatives are elements of local government, other elements of government is the regional government headed by the regional head (executive). We can say that there are three main elements in government, namely between the legislative, executive and judiciary which have their respective functions and roles in accordance with the laws and regulations. There are three main functions of the Regional Representative Council, namely the legislative, budgetary and supervisory functions. These three functions are carried out by each member of the Regional Representative Council as a reflection of the people's representatives who must be accountable back to the people.

The oversight function of the Regional Representative Council is a political oversight which is certainly an oversight that represents the community in the community because the Regional Representative Council is a representative/representative of the community. Therefore, this function should run as it should to ensure the running of good governance in favor of the people.

The Province of South Sulawesi has a program that strongly supports the interests of the people, namely the implementation of free education that is regulated in the Regulation of the Province of South Sulawesi Number 4 of 2009 on Implementation of Free Education in the Province of South Sulawesi. This

program is in line with the interests of the people, therefore the Regional Representative Council of South Sulawesi Province has the obligation to carry out its duties as a supervisory institution that specifically has the duty and authority of the State to oversee the running of the regional government especially the policy on the Implementation of Free Education in order to remain in accordance with the interests of the people and does not favor the interests of the groups.

In the implementation of the Regulation of the Province of South Sulawesi Number 4 of 2009, it does not cover there are deviations and deviations from the existing rules. Therefore, the function of the Regional Representative Council as an oversight body of the regulation has a very vital role and function. For this reason, researchers are interested in examining the extent of the supervisory function of the Regional Representative Council of South Sulawesi Province in the implementation of Free Education in South Sulawesi.

II. STATEMENT OF THE PROBLEM

1. What is the nature and implementation of the oversight function of the Regional Representative Council of the implementation of free education in South Sulawesi Province?
2. What factors influence the implementation of the oversight function of The Regional Representative Council to provide free education in South Sulawesi Province?
3. What are the factors that hamper the implementation of the oversight function of the Regional Representative Council to the provision of free education in South Sulawesi Province?

III. THEORETICAL FRAMEWORK

A. Theoretical Basis

1. Rule of Law Theory

In the Indonesian constitutional system, the term rule of law has been affirmed in Article 1 section (3) of The 1945 Constitution that "Indonesia is a law-based state". Conceptually, there are five state concepts, namely: Rechtsstaat, Rule of Law, Socialist Legality, Islamic Nomocracy, and the rule of law (Indonesia), and the five terms of the rule of law each have their own characteristics.

The idea of a rule of law actually begins with Plato's writings on "nomoi". Then the concept of rechtsstaat, the rule of law, socialist legality, the rule of law of Pancasila, and Islamic nomocracy: but the term rule of law (rechtsstaat) began to be known in Europe in the 19th century. In this connection, according to Hadjon (1987), that historically the emergence of the term rechtsstaat and the rule of law was born by the background of different legal systems. The term rechtsstaat was born as a reaction against absolutism, because it is revolutionary in nature and relies on a continental legal system called civil law. Clearly different from the term in understanding the rule of law, the development of which occurs evolutionarily, and rests on the common law understanding or legal system. However, in its development the differences in background do not need to be contested anymore, and therefore aim at the same target, which is aimed at realizing the protection of human rights.

Rule of Law according to Gerald Turkel (Arinanto&Triyanti, 2011), implies that law is the highest source for social control (the law is the ultimate source of social control). Under the principle of rule of law, people believe that the relations between them are limited by legal provisions and the role of legal institutions. However, it must not be forgotten that the growth of the rule of law principle cannot be separated from the patterns of community relations and community movements that place individual independence as the main foundation for organizing society (the liberty of individuals as a basic principle of social organization).

In a country of law, the government must provide guarantees of law enforcement and the achievement of legal objectives. In law enforcement, there are three elements that must always get attention, namely: justice, benefits or benefits (doelmatigheid), and legal certainty (Mertokusumo & Pitlo, 1993).

The idea of a rule of law can only grow and develop in a democratic society (democratic rule of law). Conversely, democracy will not grow healthy if it is not based on law (the constitution) and is accompanied by the establishment of the 'rule of law' (constitutional democracy). The principles of 'the rule of law' itself must also be accompanied by the upright and functioning of the 'rule of ethics' simultaneously, so that governance of state power, governance of business organizations and civil society organizations in general can grow and develops according to modern principles, namely 'good governance'. In a life together, it is idealized that all people are able to distinguish and even separate what is personal business and what is institutional, which is the right and what is one's own and other people's obligations. Everyone just takes no more than they should, and gives obligations no less than they should. This situation must be exemplified by law enforcement professionals, ranging from investigators, prosecutors, advocates, and judges as well as other legal experts.

2. Function Theory

Asshiddiqie (2006) states that the function of legislation involves four forms of activity, namely, firstly, legislative initiation initiatives; second, discussion of the draft law (lawmaking process); third, approval of the ratification of the draft law (law enactment approval); and four, granting approval of binding or ratification of international agreements or agreements and other binding legal documents (binding decision making on international law agreements and treaties or other legal binding documents).

a. Legal Function Theory

The legal function according to Hoebel suggests four basic functions of law, namely (Asmah, 2017):

- 1) Establish relationships between community members, by showing what types of behavior are permitted and what is prohibited;
- 2) Determine the distribution of power and specify who should obey it, and at the same time choose appropriate and effective sanctions;
- 3) Settling disputes;
- 4) Maintaining the ability of the community to adapt to changing living conditions by redefining the relationships between members of the community.

Based on the theory of legal function above, the law relating to the function of legislation or the formation of regional regulations of the Regional House of Representatives can be utilized to realize the legal function, not only as an instrument of control or control, but also as a means of social engineering.

b. The Trias Politica Concept in Government Systems in Indonesia

The emergence of the ideas of constitutionalism, the idea of the rule of law (rechstaat and rule of law) which basically tries to limit the power of the government so that it is not too dominant. However, at least there are certain forms of law, for example laws in the form of laws which must be controlled by the parliament, or made by parliament. While the lower forms of law are still made and produced by government organizations (Asshiddiqie, 2006).

The vertical division of power is the division of power according to its function, and this has to do with the doctrine of Trias Politica. Trias Politika contains three axis of state power, legislative, executive, and judiciary which is a normative principle, that the reverse power is not left to the same person to prevent abuse of power by the ruling party.

Regarding the distribution of power according to Budiardjo (1998) is divided into several sections, both regarding the person and about its function. While the division of power itself, means that power is divided into several parts, but not separated. This has the consequence, that among these parts it is possible for cooperation. However, it must be understood that the substance of the distribution of power in the administration of government, is the existence of functional independence of each power institution, without coordinating with each other. This concept, first it was stated by John Locke and Montesquieu, and at that level it was interpreted as the stage of separation of powers.

Based on the opinion above, shows that the functions in accordance with the fields of power are divided into three fields, each of these fields requires the perfection of the system, by not violating the limits of power that have been set in their respective fields, and each must be limited to the exercise of power in accordance with its own field, so that such institutions such as the Legislature can be held accountable for what is under their authority.

In daily life, there is a tendency for the media to interpret the actual socio-political reality. The ideology that permeates the media is nothing but an ideology of democracy that makes them very sensitive to the issue of law enforcement. Upholding good governance, empowering civil society and eliminating the values of militarism, with ideology is the desire to continuously roll the wheels of political, economic, legal and government reform.

The democratic dilemma in the Indonesian state, on the one hand requires a democratic state, guarantees freedom and pluralism, while on the other hand requires a state that is "strong" in the sense of having adequate capabilities to prevent conflict and protect pluralism.

c. Regional Autonomy Theory

In the literature there are three regional household systems, namely the formal household system, the material household system, and the real date home system. Formal household system (*formalehuishoudingsbegrip*). According to Manan (2001), an order of division of authority, duties and responsibilities between the Center and the regions to regulate and manage government affairs is not specified in detail. Therefore it can be said that in the formal household system, functions which become the authority of the Region are not determined in a limitative manner in the legislation.

The material household system (materiele huishoudingsbegrip) stems from the idea that there are indeed fundamental differences between Central and Regional government affairs. Regions are deemed to have a separate scope of government affairs that are materially different from government affairs that are regulated and administered by the Center.

Regional autonomy according to the material household system is limited, because the Autonomous Region can not do something that is not mentioned in the law of its formation. The work steps from the region cannot come out of the applicable provisions (Supriatna, 1993). Based on this, all matters that are not listed in the legislation as regional affairs, remain the affairs of the Center. Based on this, all matters that are not listed in the legislation as regional matters, remain the affairs of the Center. The inclusion of government affairs that can be carried out by the region, makes the region concerned have the opportunity to take the initiative in the use and allocation of regional financial resources.

According to R. Tresna that the real household system (rielehuishoudingsbegrip) is a middle way or middle range, between formal and material household systems. This system is often referred to as real autonomy or real autonomy, because the contents of regional households are based on real conditions and factors

d. Educational Policy Theory

Thomas R. Dye (Syafiie, 2002) states that state policy is:

"Whatever government choice, to do or not to do. That is, state policy is whatever the government takes either to do something or not to do it at all. So doing something becomes a decision, then doing nothing is also a decision, because the government as the party has the power."

Educational policy is the key to excellence, even existence, for nation-states in global competition, so educational policy needs to get top priority in the era of globalization. One of the main arguments is that globalization brings the value of democracy. A democracy that produces results is a democracy that is supported by education. Olssen, Codd, & O'Neill (2004) suggest that:

"... education policy in the twenty-first century is the key to global security, sustainability and sumiVal... education policies are central to such a global mission., a deep and robust democracy at national level requires strong civil society based on norms of trust and active response citizenship and that education is central to such a goal. Thus, the strong education state is necessary to sustain democracy at the national level so that strong democratic nations-states can buttress forms of international governance and ensure that globalization becomes a force for global sustainability and survival."

Educational policy is understood as part of public policy, namely public policy in the field of education. Thus, it can be said that education policy is an effort to improve the level of education concepts, legislation, regulations and implementation of education and eliminate past educational practices that are not appropriate or not good, so that all aspects of education in the future become better. Educational policy is needed so that national education goals can be achieved effectively and efficiently. Although during this time, education policy was not formulated comprehensively and integrated, so that education policy would end with the end of the term of office of each government.

e. Supervision Theory

Oversight basically seeks to uphold national discipline and prevent deviation, while simultaneously tackling high-cost economies and creating national efficiency. In this connection, Bohari (1995) considers that the main purpose of supervision is to understand what is wrong for future improvement, and to direct all activities in the context of implementation rather than a plan, so that maximum results can be expected. Its essence helps so that targets can be achieved early avoiding irregularities, abuse of authority, waste and leakage of development funds.

From the various definitions and opinions expressed by the experts above the writer can draw the conclusion that supervision is basically an activity carried out so that the work can go according to plan so that the objectives can be achieved. In using supervision there are several methods, including:

1) Preventive Supervision

Supervision is carried out at the stage of preparation and planning of an activity of an institution. This oversight aims at aspects of prevention and improvement, including proposing improvements or forming new regulations to improve quality standards for public services. Preventive supervision is carried out through pre-audit before work begins. For example, by supervising work preparations, budget plans, plans for use of labor, and other sources.

2) Repressive supervision

Supervision of the processes of activities in an institution. Supervision aims to stop the violation and return to its original state, whether accompanied or without sanctions. The form of supervision is carried out through a post-audit by conducting an inspection of the on-site implementation (inspection), requesting an implementation report, and so on.

3) Direct Control

The method of direct supervision means supervision carried out by visiting the relevant work unit. This supervision can be done by studying and analyzing various information and data as input material that illustrates various activities that want to know the effectiveness and efficiency of its implementation.

4) Indirect Monitoring

The indirect supervision method means that the surveillance activities are carried out without visiting the object being monitored. The way to do this is by studying and analyzing all documents relating to the object being monitored, whether in the form of periodic or incidental work reports, inspection reports obtained from direct monitoring devices, complaint letters, news or articles in the mass media, and other documents.

In a system of Regional Government, supervision is an effort to bring order to ensure the realization of all the provisions of the Law, the policy decisions and the provisions of the region itself. The results of supervision can be used as material information or feedback from improvements both for the plan itself and in realizing the plan itself.

B. Position and Function of the Regional People's Representative Council in the Government System

According to Asshiddiqie (2006) that what is meant by the function of legislation is the activity of studying, designing, discussing, and ratifying the law. Meanwhile, Purnomowati (2005) suggested that the House of Representatives had the function:

1. Legislation, namely; function of forming laws discussed with the president for mutual agreement;
2. Budget, namely; function of formulating and determining the state budget with the president;
3. Supervision, namely; function of supervising the implementation of the 1945 Constitution of the Republic of Indonesia, the laws and regulations implementing it.

Regional House of Representatives is a regional people's representative body formed in the regions, through general elections as a consequence of the granting of autonomy in a region. This, according to Bratakusumah&Solihin (2002), that the Regional People's Representative Council is equal and becomes a partner in the Regional Government. The definition of being equal and becoming a partner is that the Regional House of Representatives and the regional government have the same responsibility in creating an efficient, effective and transparent Regional Government in order to provide the best service to the community in order to guarantee the productivity and welfare of the people in the region.

The function of the Regional Representative Council as one of the elements of the Regional Government is crucial in the realization of the implementation of regional autonomy. There are three main tasks that must be carried out by the Board Of Community Representatives: First, giving approval to the Regional Head or together with the Regional Head to make regional regulations, which regulate the implementation as long as the authority has been handed over to the region, both to regional autonomy matters and related to assistance matters (legislative function); Second, together with the Regional Head compile and determine the regional income and expenditure budget (budgeter function); and Third, channeling the aspirations of the local people and overseeing the running of the Regional Government (supervisory function).

In Law of the Republic of Indonesia Number 23 of 2014 on Local Government (hereinafter referred to as Law No. 23 of 2014) is governed by the composition of the Regional Government, which consists of the Regional People's Representative Council (House Of Representatives), which is a regional legislative body, and the Regional Government as a regional executive body.

One very important change in the administration of government in the regions after the enactment of Law No. 23 of 2014, is the strict separation between the institutions of the Regional Head and the Regional Representative Council. As a legislative body in the region, the Regional Representative Council has the position of equals and becomes a partner of the Regional Head. This is evident from the existence of the Regional Representative Council that is a vehicle for implementing democracy based on Pancasila.

In the Regional Autonomy Law places the Regional Representative Council, as an important and central component in carrying out governance and popular sovereignty at the regional level, which is reflected by the participation of the people through regional people's representative bodies (Regional Representatives Council), in determining government policies and development in the blood concerned (Darumurti&Rauta, 2003).

C. Formation of Legislation

In Article 7 section (1) of Law of the Republic of Indonesia Number 12 of 2011 on Legislation Making (hereinafter referred to as Law No. 12 of 2011), it determines that the types and hierarchy of Legislation are as follows:

- a. the 1945 Constitution of the Republic of Indonesia;
- b. the People's Consultative Assembly Decision;

- c. Law/Government Regulation in Lieu of Law;
- d. Government Regulation;
- e. Presidential Regulation;
- f. Provincial Regulation; and
- g. Regency/Municipal Regulation.

The characteristics of the formation of local regulations in terms of the characteristics of modern law, can be formulated as follows:

First, legislation that is transactional, where the rights and obligations in the law are not determined based on status, but based on the contract. This means that the law in its enforcement does not recognize religion, race, ethnicity, and caste;

Secondly, legislation is an instrument of public policy (Instrument of public). Here the law has the instrumental nature of being used consciously in development. The law is a means to realize policies in the political, economic, social, cultural, and defense and security fields in accordance with the scale of development priorities;

Third, legislation in relation to politics, giving birth to responsive legal types, this means that law can support political order, political power (power politics) will strengthen law enforcement, and therefore can support the authority of law.

Fourth, legislation must be able to expand the goals of social justice. Normatively this can be interpreted as an effort to make the spirit of social justice explicit in the formulation of the law. While the operation is to end the domestic imbalances that arise in the form of structural poverty, both economic, political, cultural, and legal interests.

Fifth, the existence of a control mechanism for the legality of the law, this concerns whether it is necessary to expand the authority of an existing state agency or institution, or the formation of a new alternative to the control mechanism.

Compulsory education mainly has implications for tuition waivers as a form of state responsibility. In various countries where citizens are required to take nine years of basic education, all barriers that prevent children from taking quality education are removed. Including in terms of education funding.

Why is basic education free? For Indonesia, guaranteeing access to basic education has actually become a commitment between the government and the community, as stated in The 1945 Constitution that the goal of the state is to educate the nation's life. The importance of justice in accessing quality education is clarified and detailed in Law of the Republic of Indonesia Number 20 of 2003 on the National Education System.

For developed countries, free education - apart from the demands of their constitution - is also supported by a country's economy that is already well-established for investment in education. The education budget has reached at least 5-8% of gross domestic product. While in Indonesia investment education is still very small, around 1.3% of gross domestic product. The allocation for education investment is even smaller because the gross domestic product itself is already small. In fact, to realize this free basic education does need service from the government.

Free sources of basic education funding can come from the government and regional governments. If there is an agreement to carry out free basic education, basically the central government must finance it. This is because the central government as the largest holder of public funds and its bureaucracy is still very strong.

Local governments must be involved because they own and control field data. However, there is a tendency for the central government not to hand over operational funds to carry out education to local governments. In addition, local governments also need to contribute a portion of funds from the Regional Revenue and Expenditure Budget for compulsory education.

D. Free Education in South Sulawesi

The free education program in South Sulawesi Province has been implemented in 24 districts/cities throughout South Sulawesi since the issuance of Regulation of the Province of South Sulawesi Number 4 of 2009. Many of these programs need to be evaluated and monitored for implementation, including monitoring and evaluating the commitment of district/city governments in realizing funding sharing or for the budget to realize programs that are pro to the interests of the people.

The philosophy of Free Education launched in the province of South Sulawesi is in the context of increasing the degree of education of the people in South Sulawesi, especially people who are less able to finance their education. This of course will have an impact on improving Human Resources (HR) and people's welfare.

Government funding includes at least three components, namely curriculum, process and learning facilities. The curriculum used must be clear and agreed in advance so that known material to be taught and the

amount of money for education. Thus, the use of education funds to be efficient. A curriculum that includes dozens of subjects is certainly more expensive than only ten subjects. Unfortunately, the use of curriculum, such as the Competency Based Curriculum is still confusing.

The cost of learning facilities (opportunity to learn) includes, among others, textbooks, libraries, buildings, laboratories, educational staff, and computers. These learning facilities have different needs and do not have to be uniform. Abdorrahman Ginting believes that actually free education is still possible. To replace the Education Funding Contribution for 24 million elementary and junior high school students with funding assistance of Rp. 15,000/head/year, Rp. 4 trillion is needed. Meanwhile, to increase the salary of 2.2 million teachers by Rp 500,000/month, so that the quality is boosted, it requires Rp 1.1 trillion/month or Rp 13.2 trillion a year. So the total to free up tuition fees and increase teacher salaries needed a year Rp 17.4 trillion.

The government has budgeted Rp. 5.6 trillion for education as compensation for rising fuel prices. All of them are allocated as scholarships for around 9.69 million students, mainly at the elementary level (elementary school) and junior high school which are included in the poor group.

National Education System 2003 central or regional government has the obligation to provide funds in the administration of education at the basic level for all poor or rich people. The compensation fund that will currently be distributed should ideally only be used to develop quality. (Ade Irawan, Indonesia Corruption Watch Public Service Monitoring Division)

The requirements for elementary and junior high school and equivalent to get free education funding in accordance with Regulation of the Province of South Sulawesi Number 4 of 2009 and Regulation of the Regulation of the Governor of South Sulawesi Number 6 of 2011 on the Implementation of Regulation of the Province of South Sulawesi Number 4 of 2009 on Implementation of Free Education in the Province of South Sulawesi are:

- a) Have an operational permit for the education provider
- b) Must sign a statement of willingness to receive free education funds on paper with sufficient stamp duty.
- c) Obligated to waive the costs of implementing the learning process in schools, except SSN, RSBI, SBI, SKM.
- d) Must attach his financial accountability report to the school notice board

According to the version of Bappenas and the Ministry of National Education, the operational costs of education for children aged five to 17 years, amounting to 28 million people (if we look at Indonesia as a whole) will cost around Rp 49 trillion/year (Kompas, March 19, 2005).

The success of building a basis, concepts, clear steps, and planned with the preparation of valid and reliable data for the next period is also a success. The right start is the most important. In addition, our new leaders must realize that education investment is not a matter of economics or profit and loss, but a matter of where the future of this region will be taken.

IV. DISCUSSION

A. Overview of Research Locations

1. Description of Regional Representative Council Of South Sulawesi Province

Regional Community Representatives The South Sulawesi Province consists of commissions. The Commission is a functional grouping of members of the Regional Representative Council based on the tasks in the Regional Representative Council Of South Sulawesi Province. Overall, The Commissions In The Regional Representative Council of South Sulawesi Province consist of 5 commissions namely Commission A, Commission B, Commission C, Commission D and Commission E. As for the division of duties of the commissions are as follows:

- a. Commission A is a commission in charge of the Government Sector which includes: Government, Peace and Order, Population, Information/Press, Law, Legislation and Human Rights, Personnel, Apparatus and KKN handling, Licensing, Social Politics and Social Organization, Land and Administration Provincial Space/Land Allotment, Regional Maritime Region, Consumer Protection.
- b. Commission B is a commission in charge of the economic sector which includes: Economy, Industry and Trade, Banking, Agriculture, Fisheries, Animal Husbandry, Plantation, Forestry, Food and Logistics Procurement, Cooperatives, Small and Medium Enterprises, Tourism, Mining and Energy (Exploitation/Production and Distribution) Management of regional sea area potential.
- c. Commission C provides financial services which include Finance, Taxation and Retribution, Regional Cash Holders/Regional Companies, Joint Venture Companies, Business Entity and Investment, Financial Supervision and Regional Development.
- d. Commission D in charge of the field of Development includes Development, Public Works, Environmental Control, Transportation, Mining and Energy (Exploration and Development), Public Housing.

e. Commission E is in charge of the area of people's welfare including: Employment, Education and Culture, Science and Technology, Youth and Sports, Religion, Social, Health, Family Planning, Women's Role Development, Population Mobilization.

In carrying out these basic tasks, the Secretariat of Regional Representative Councils has the function: organizing regional secretarial administration; carrying out regional financial administration; holding meetings; and organization and provision of expert coordination required by the Regional Representative Council. The Organizational Structure of the Secretariat of the Regional Representative Council of the South Sulawesi Province is based on Article 7 of Regulation of the Province of South Sulawesi Number 7 of 2008 on Organization and Administration of the Secretariat of The Regional House of Representatives of South Sulawesi Province and the Regulation of the Governor of South Sulawesi Number 6 of 2009 on Details of Structural Position Duties on the Secretariat of The Regional House of Representatives of South Sulawesi Province.

2. Documentation Study of Free Education in South Sulawesi Province

The Free Education Policy initially did not get a positive response from the regents/mayors by not being ready to receive a free education budget allocation, one of which was Sinjai District. The allocation of free education assistance from provinces to districts/cities in South Sulawesi in 2008-2011 is as follows.

Table 1. Allocation of Free Education assistance from Provinces to Regencies/Cities in South Sulawesi 2008-2011

No	City/Regency	2008	2009	2010	2011
1.	Makassar	23.677.430.400	20.833.329.600	21.877.362.800	20.934.624.800
2.	Gowa	13.345.346.400	12.971.217.600	14.015.250.800	11.869.374.600
3.	Takalar	6.570.333.600	5.260.401.600	6.304.434.800	5.651.503.440
4.	Jeneponto	8.647.872.600	8.410.046.400	9.454.079.600	8.457.927.560
5.	Bantaeng	4.057.559.600	3.851.239.200	4.895.272.400	4.185.859.240
6.	Bulukumba	9.791.509.200	8.345.817.600	9.389.850.800	8.074.638.640
7.	Selayar	3.416.157.600	3.046.634.400	4.090.667.600	3.596.954.600
8.	Bone	17.978.004.600	16.302.912.000	17.346.945.200	16.008.407.160
9.	Wajo	9.378.004.600	8.784.753.600	9.828.786.800	9.009.047.600
10.	Soppeng	6.457.479.000	5.812.250.400	6.856.283.600	5.855.438.080
11.	Sidrap	6.611.880.600	6.615.549.600	7.659.582.800	5.940.518.120
12.	Enrekang	5.905.088.400	5.116.084.800	6.160.118.000	5.179.030.640
13.	Tana Toraja	12.482.790.000	11.694.626.400	8.060.809.040	6.484.061.120
14.	Tor. Utara	-	-	5.721.883.760	5.563.314.440
15.	Luwu	8.953.498.800	8.010.979.200	9.055.012.400	8.552.012.880
16.	Palopo	3.246.553.800	2.997.355.200	4.041.388.400	3.051.294.720
17.	Luwu Utara	7.841.602.800	7.156.972.800	8.201.006.000	7.581.890.000
18.	Luwu Timur	5.518.849.200	5.098.790.400	6.142.823.600	5.234.990.240
19.	Maros	7.705.287.000	7.214.409.600	8.258.442.800	6.754.833.800
20.	Pangkep	8.291.527.800	6.665.832.000	7.709.865.200	6.886.304.960
21.	Barru	5.137.702.800	4.524.465.600	5.568.498.800	4.705.189.840
22.	Pare-pare	3.210.304.200	2.677.759.200	3.721.792.400	2.786.079.440
23.	Pinrang	8.846.452.200	7.535.959.200	8.579.992.400	6.267.336.600
24.	Sinjai	-	-	-	-

Source: South Sulawesi Province Education Office

Note: specifically for Sinjai district, refusing free education funds, on the grounds that the free program has been running in Sinjai since 2005, the Sinjai district government has not been willing to accept allocations from the provincial government of South Sulawesi.

Based on data from the results of monitoring conducted by the South Sulawesi Provincial Education Office in 2012 the distribution of assistance in providing free education in South Sulawesi Province to recipient schools in Phase I and Phase II (April and June) 2012 at the Basic Education Level: 98.62% (monitoring results in April 2012) with not achieving 100% of aid distribution due to, among others:

- a) Administrative Process
 - i. Delay in determining the decision of the manager/Free Education Team in the District/City Education Agency SKPD,
 - ii. Delay in the decision to determine the allocation of assistance per education unit.
- b) Financial Process:

i. There was an error in the distribution of assistance in providing free education in Barru District (Distribution of aid in phase I of 2012 was channeled for phase IV of 2012 which is in arrears of the Barru district government).

The distribution of funds for the provision of free education in phase I of the 2012 fiscal year generally experienced delays in disbursement by the regional financial management agency to the recipient schools, this was due to several administrative processes needed including the determination of the control team, the determination of the allocation of assistance for each school by the decision of the regent/mayor, while the delay in the distribution of aid in phase II was due to the delay in schools holding the free education assistance received in the previous stage to the accountability verification team at the district/city free education team.

This condition is not in accordance with Article 14 section (1) of the Regulation of the Governor of South Sulawesi Number 6 of 2011, which is explained by the regency/city government must distribute and/or utilizing grants from the Regional Government for the sole purpose of directly relating to the provision of free education in their respective regions, which impacts the teaching and learning process in schools.

The implementation of free education in several regencies/cities has different ways that are significantly not in accordance with Regulation of the Province of South Sulawesi Number 4 of 2009. This is due to the existence of free education regulations by the respective regencies/cities. For example the concept of free education carried out in Gowa district is much different from the concept of free education carried out in Sinjai District. If in Regional Regulation of Gowa Regency Number 4 of 2008 on Free Education does not seem to provide space for donations or other sources that are participatory from parents so that it is rigid with restrictions on parental involvement. Yet according to Prof. Arismundar (interview, 20 February 2020) states that "Free education weakens the carrying capacity of community participation in financing that impacts on education".

In the provision of free education in Gowa Regency, parents cannot contribute in the form of school funds where their children attend school. There is an article in the free education regulation in Gowa Regency, namely Article 9 and Article 10, which prohibit school principals/teachers from levies in any form to parents of students. Likewise, committees are prohibited from doing the same thing. Principals and/or teachers who conduct retribution will be given administrative sanctions for the violation. During the enactment of this Provincial Regulation there are several unscrupulous principals and teachers who must get sanctions for violating this Free Education Provincial Regulation. While in Sinjai Regency and four other regencies/cities this is not the case. The synergy of supervision conducted by the Provincial and District Representative Council of the People's Representatives must naturally adjust to their respective conditions. Regional Community Representatives Province with a focus on oversight by Regulation of the Province of South Sulawesi Number 4 of 2009 and Regency Community Representatives of the District in accordance with the regulations regarding free education in their respective places.

B. The Nature of the Supervisory Function of the Regional Representative Council of the Implementation of Free Education in South Sulawesi Province

The Oversight Function of the Regional House of Representatives on Regional Regulations is one of the scope of the oversight function attached to the Regional House of Representatives, including supervision of Regulation of the Province of South Sulawesi Number 4 of 2009. Regulation of the Province of South Sulawesi Number 4 of 2009 was later strengthened by Regulation of the Governor of South Sulawesi Number 6 of 2011 which is also part of the oversight function of the Regional Representatives Council of South Sulawesi Province.

The duties and authorities of the Regional People's Representative Council carry out supervision of the implementation of regional regulations contained in Article 101 section (1) point c of Law No. 23 of 2014, regulates that "supervise the implementation of the Provincial Regulation and the Provincial Regional Revenue and Expenditure Budget"

The oversight function of the Regional House of Representatives has a close relationship with the function of legislation, because basically the object of supervision is related to the implementation of the local regulation itself and the implementation of public policies that have been contained in the regulations. The authority of the Regional House of Representatives controls executive performance in order to realize good governance as expected by the people. In order to reduce the burden on society, the Regional House of Representatives can pressure the executive to cut down unnecessary costs, in providing services to its citizens.

The implementation of free education programs in South Sulawesi is Regulation of the Province of South Sulawesi Number 4 of 2009. The free education program is the flagship program of the South Sulawesi provincial government as a form of commitment to the people intended to increase the degree of community education in South Sulawesi. This free education program has been implemented through a cooperation agreement between the provincial government of South Sulawesi and regencies and cities as stipulated in the MoU (memorandum of understanding) number: 04.B/VI/DIKNAS/2008. The essence of the agreement is that the South Sulawesi Provincial Government bears 40% and the regency/city as much as 60% of free education

funding. Then reaffirmed by the issuance of Regulation of the Province of South Sulawesi Number 4 of 2009 which is a legal product of the Regional People's Representative Council (Board Of Representatives Of The Local Country) of the province of South Sulawesi.

Since the free education fund has been channeled from the South Sulawesi provincial government to all districts/cities in South Sulawesi, this free education program is going well even with the implementation of free education in South Sulawesi, this province became the first province in all of Indonesia to implement a free education program for provincial level. There are many district/city governments and even other provincial governments in Indonesia who come to do comparative studies in South Sulawesi to study the implementation of this free education program. Initially this program was implemented in 11 districts in South Sulawesi but at the governor's working meeting with the regents/mayors, 12 other districts stated that they supported this free education program so that 23 districts (not including North Toraja which was expanded in 2010) to implement the education program free at the beginning of the enactment.

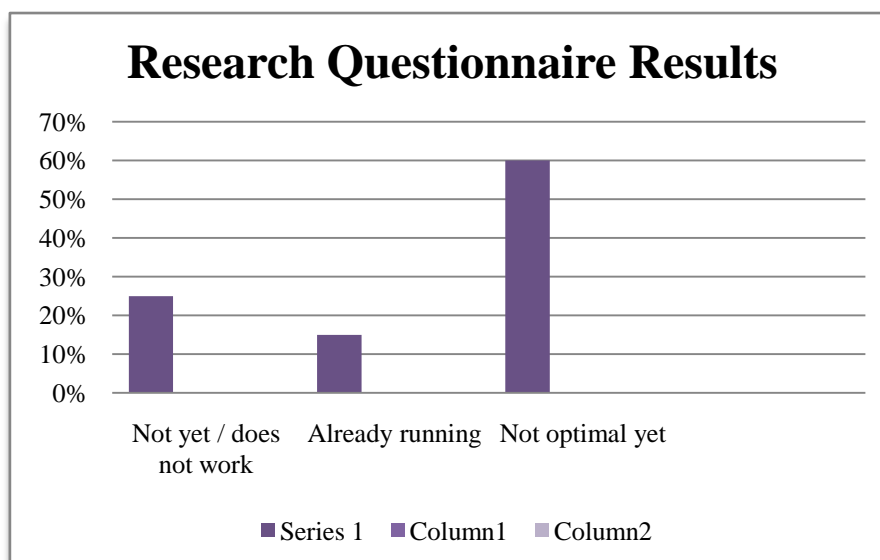
C. Implementation of the Regional Parliamentary Oversight Function on Free Education in South Sulawesi Province

The function of supervision of free education is a function that is inherent to all members of the Regional House of Representatives during their tenure and in that office members of the Regional House of Representatives are also given the right of immunity/immunity governed by the rules and regulations of the Regional House of Representatives, from the oversight function of the House of Representatives The regions regarding the implementation of free education need to know about the references/benchmarks that can be used by the Regional Representatives Council of South Sulawesi Province to carry out the oversight function of the implementation of free education so that the supervision function can be carried out properly (according to Mr. Usman Lonta South). Mr. Usman Lonta also believes that what is used as a reference for the Regional Representatives Council of South Sulawesi Province in supervising Free Education is the RPJMD and the Education Office Strategic Plan and the Regional Government Work Plan used in the preparation of the APBD, especially those relating to the provision of free education.

The main objectives of supervision, including those carried out by the Regional House of Representatives, intend to understand what is wrong for future improvement, and direct all activities in the context of implementation rather than a plan, so that maximum results can be expected. Its essence helps so that targets can be achieved early avoiding irregularities, abuse of authority, waste and leakage of development funds including those related to the implementation of free education.

Related to the oversight function of the Regional Representative Council of the Free Education Law in South Sulawesi, the results of the research from the questionnaire instrument expressed their response to the supervisory function of the Regional Representative Council of the Free Education Regional Regulation as shown in the following graph 1:

Graphic 1



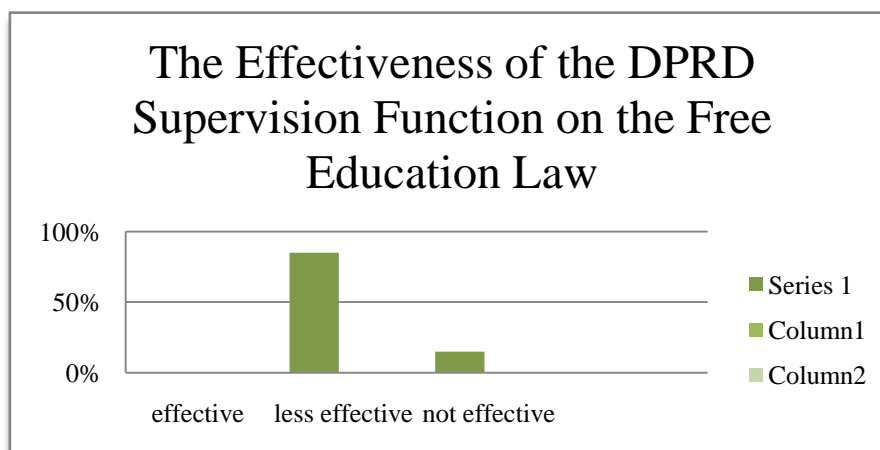
Source: Questionnaire, after processing 2020

Based on the graph 1 of the results of the research questionnaire above, data obtained that there were 25% of respondents who said that the oversight function of the Regional Representative Council of the Free Education Regional Regulation had not been or was not running, 15% said that the supervisory function of the Regional Representative Council of the Free Regional Regulation goes up, and 60% say the supervisory function of the Regional Representative Council of the Free Education Law is not yet optimal. The statement of the research respondent, at least illustrates that the implementation of the oversight function of the Regional Representative Council of the Free Education Regional Regulation in South Sulawesi has not been running optimally and still needs improvements, especially in the construction of the Regional Regulation itself, the capacity of the resources in the Regional Representative Council, the supervision mechanism of Free Education in South Sulawesi what is done and the pattern of budgeting and the distribution of free education are targeted at this program, namely schools through the regency/city and provincial government, in this case the education office.

The implementation of free education in South Sulawesi has a process and stages and functions of supervision of Regional Representative Councils so far there must be an oversight function. towards free but limited education. Regional Community Representatives must be present to carry out the supervisory function through visits to target schools to take a close look at the process and implementation of free education, conduct discussions both through visits and through hearings with stakeholder meetings and related targets. (H. A. Ambas Syam, questionnaire and interview results, 20 February 2020).

The results of respondents based on questionnaire point 4 asking about the effectiveness of the oversight function of the Regional Representative Council of the Free Education Regulation obtained the results shown in graph 2 as follows.

Graphic 2



Source: Questionnaire, after processing 2020

Based on graph 2 above, it can be seen that respondents see the supervisory function of the Regional House of Representatives on the Free Education Law in South Sulawesi is still ineffective with a presentation of 85%, not effective by 15%, and no respondent states that the supervisory function carried out by The Regional House of Representatives is effective in organizing free education in South Sulawesi. The respondent's research statement at least illustrates that the implementation of the supervision of the Regional House of Representatives on the Free Education Law is less effective and needs to be improved.

According to AM IqbalParewangi (results of questionnaire and interview, 11 February 2020) that effectiveness covers the optimal use of the Regional Regulation in the pursuit and achievement of its objectives, especially related to the educational objectives mandated by the constitution (Law Number 20 of 2003 concerning the National Education System) in that regard, the effectiveness of the supervision of Regional Representative Councils was assessed. Understanding that the fact that the benefits of the Regional Regulation are not optimal is also inseparable from the ineffective supervision of the Regional Representative Council. One of the causes of the ineffectiveness is due to the difficulty in supervising education units, especially elementary and junior high school education under the auspices of the District/City Government.

D. Factors That Influence The Implementation Of The Oversight Function Of The Regional Representative Council Of The Implementation Of Free Education In South Sulawesi Province

1. Inhibiting factors in carrying out the oversight function of the Regional Representative Council of the implementation of free education in South Sulawesi Province

The supervision of the Regional People's Representative Council on the implementation of regional regulations especially the Implementation of Free Education in South Sulawesi is one of the functions of the Regional Representative Council of South Sulawesi Province. In its implementation experienced several obstacles, namely:

a. Political Factors, The oversight function is not yet optimal because it is influenced by political factors to be more complicated when it enters the political trap of real power. The oversight function carried out by the Regional House of Representatives has a greater political weight than the administrative weight. This is in line with the results of an interview conducted with Ina Kartina (interview, 27 January 2020) that political factors hampered the implementation of the oversight function of the Regional Representative Council ON the provision of free education in South Sulawesi.

b. Human Resource Factors, Limited resources from members of the Regional Representative Council to carry out the supervisory function, which is influenced by education and lack of experience about the supervisory function of the members of the Regional Representative Council. This is because members of the Regional Representative Council are elected and appointed from electoral winning parties who have different educational and occupational backgrounds before becoming members of the Regional Representative Council. Based on the results of an interview with Ina Kartika (interview, 27 January 2020) that the problem of human resources must still be improved both for the legislative members themselves and the education management.

c. Regulatory Factor. The supervision of the Regional Representative Council on the implementation of regional regulations is contained in Article 101 section (1) point c of Law No. 23 of 2014, regulates that *"supervise the implementation of the Provincial Regulation and the Provincial Regional Revenue and Expenditure Budget"*. Without further detail about the authority limits and ways of supervision. As a result, each Regional People's Representative Council outlines the supervisory function in accordance with what it wants.

d. There is an overlap with the monitoring activities, who should be called the regional surveillance apparatus? the existence of this BPK is known as extreme inspection. Then there is also what is known as the internal audit agency, the BPKP with its authority based on Presidential Decree No. 31 of 1983, which enters government agencies and even state and regional business entities. There are also Inspectorate Generals in Departments and Regional Inspectorates in Provincial Governments and Regional Inspectorates for Regencies/Cities. Meanwhile according to Law No. 23 of 2014 the existence of legislative oversight. So it is natural for many government agencies to complain because of overlapping in terms of supervision, especially the implementation of free education.

The oversight function of the Regional Representative Council, especially for free education in South Sulawesi has been running but has not been optimal. The oversight function of the Regional Representative Council is carried out with the principle of "check and balance" meaning that there is a balance through continuous supervision of the respective authorities both executive in this case the government and the legislature in this case the House Of Representatives Of the Regional Representative in carrying out one program namely free education that has been running. Thus the members of the Regional Representative Council can be said to have accountability, when they have a "sense of responsibility" and "ability" that is professional in carrying out their roles and functions especially the supervisory function in the field of free education. The "check and balances" mechanism provides an opportunity for good governance.

Every year the Regional House of Representatives together with local government executives in this case the Governor and his staff will be measured in terms of performance according to their inputs, outputs and benefits. Each session period (quarterly) will evaluate whether the work plan will be achieved, in this position the oversight function of the Regional People's Representative Council on the Free Education Regulation must also be optimized and carried out seriously so that the objectives and implementation of the free education program can be carried out properly. The process that has been going on with the model of closing activity reports of the midwife and trial year, ideally not only describes the activities and results but also the effectiveness of the use of funds whether it has succeeded in achieving its objectives as expected

2. Supporting factors in the implementation of the oversight function of the Regional Representative Council of the implementation of Free Education in South Sulawesi Province

a. Environmental factor

There are four strategic environments that can influence the implementation of the oversight function of the Regional Representative Council of the Free Education Law in South Sulawesi, namely: (1) the political environment, (2) the environment of the Regional Community Representative, (3) the local government environment, and (4) the environment economic, social and cultural.

b. Human Resource Factors

The aspect of Human Resources (HR) is a very substantial aspect in carrying out the oversight function of the Regional Representative Council. Therefore, political parties should also focus on improving the quality of human resources for their cadres and should also be carried out by institutions of the Regional Representative House Of Representatives themselves to also focus on improving the capabilities and capacities of members of the Regional Representative Councils so that they can carry out the oversight function of the Free Regional Regulation optimal. HR is a key factor in The Implementation Of The Supervisory Function By The Regional Representative Council to address the challenges of service to the dynamically developing community.

V.CONCLUSION

1. The oversight function of the South Sulawesi Province Regional Representative Council on the implementation of Regulation of the Province of South Sulawesi Number 4 of 2009 is still not optimal and still needs to improve the quality of supervision carried out with the principle of "check and balance" by members of the Regional People's Representative Council.

2. The Regional Representative Council of South Sulawesi Province in carrying out supervision of the implementation of Regulation of the Province of South Sulawesi Number 4 of 2009 faces several obstacles, there are still differences in understanding and scope of supervision among members of the Regional Representative Council in translating the oversight function due to the absence of the laws and regulations governing the points of supervision that must be carried out by the Regional House of Representatives.

3. The inhibiting factors in the implementation of the oversight function of the Regional House of Representatives on the provision of free education in South Sulawesi Province are political factors, limited resources, regulatory factors and overlapping supervision activities. While the supporting factors in the implementation of the oversight function of the Regional House of Representatives on the provision of free education in the province of South Sulawesi, namely: environmental factors and human resources.

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