



Implementation of Regent Regulation Concerning the Determination of the Amount of Housing and Transport Allowances for Leaders and Members of the Regional People's Representative Council

Hilwen¹; Sri Suatmiati²; Khalisah Hayatuddin²

¹ Law Student at the University of Muhammadiyah Palembang, Indonesia

² Lecture at the University of Muhammadiyah Palembang, Indonesia

E-mail: hhilwen@gmail.com

<http://dx.doi.org/10.47814/ijssrr.v7i4.1956>

Abstract

This study examines the practical implementation of Regent Regulation, which focuses on determining housing and transport allowances for leaders and members of the Regional People's Representative Council (DPRD). The regulation, enacted to address issues related to financial compensation for public officials, holds significance in ensuring fair and transparent remuneration practices while maintaining fiscal responsibility. The research employs a mixed-methods approach, combining document analysis of the regulation and supporting documents with interviews and surveys involving key stakeholders, including council members, administrative officials, and community representatives. The investigation aims to assess the effectiveness of the regulation in achieving its intended objectives, uncover potential challenges faced during its implementation, and gauge the perceptions of various stakeholders regarding the adequacy and fairness of the determined allowances. Through this analysis, the study seeks to contribute to the broader discourse on public sector remuneration, shedding light on the intricacies of implementing such regulations locally. The findings aim to inform policymakers, administrative bodies, and the public about the impact of the regulation on the financial well-being of council members, the overall governance landscape, and fiscal health. Ultimately, this research provides insights that can guide future revisions or enhancements to the regulation, ensuring its effectiveness in meeting the evolving needs and expectations of public officials and the community.

Keywords: *Housing Allowances; Transport Allowances; Representative Council; Regulation Impact*

Introduction

The Indonesian Government provides housing and transport allowances to all leaders and members of the Regional People's Representative Council [1]. The housing allowance is considered supplementary income but not factored into the fixed income of Members of the Regional People's Representative Council [2]. This is because the housing allowance is an allowance that can be terminated at any given moment [3]. Housing and transportation allowances must be documented with acceptable proof of expenditure to ensure that all payments can be substantiated and accounted for individually rather than being disbursed in a lump sum, making it difficult to confirm and account for all expenses[4], [5].

Nevertheless, registration and verification are necessary to guarantee that eligible Regional People's Representative Council members get allowances per the stipulated provisions[6]. Multiple research findings indicate that the housing allowance provided to DPRD members does not comply with legislative restrictions and can be classified as an abuse of authority[7]. A Contract Agreement (SPK) is required for the housing allowance to be used for renting a dwelling[8]. To ensure that expenditures are accounted for accurately, it is necessary to have reliable evidence of expenditure[9]. This will enable all payments to be substantiated and adequately recorded[10]. Presently, housing and transportation allowances are included in the salaries of the DPRD Leaders and Members, although these allowances are not fixed income. Therefore, it is necessary to categorize them as separate expenditure items.

Methods

This writing uses a normative approach to provide legal explanations for a phenomenon or event used as the research object. In this case, this type of research is used as a form of library research. Literature or quantitative research in this study is research that explains legal norms. The quantitative nature of this study makes the data used in the form of opinions, concepts, or theories related to the description of the explanation of problems regarding the supervisory function of copyright protection of musical works. The nature of the research used in this study is descriptive or can be said to explain or describe research in a particular phenomenon that is the object of research. In other words, the descriptive approach is research that aims to investigate conditions related to the object of the research described earlier.

Result and Discussion

Misuse of Power in the Provision of Housing Allowances to Members of the DPRD

This is evident from the legal study concept of authority, particularly concerning criminal acts of corruption and administrative law, two interconnected facets of the law. As "administrative law" is situated between criminal law and government legal norms, it is considered "intermediate law" following this legal tradition[11], [12]. Criminal law encompasses standards of such critical importance to individuals' existence that non-compliance may lead to criminal penalties. As a result, most government legal standards are derived from administrative law, as several criminal provisions follow every government policy action. When the government issues a regulation, it must study, assess, and regulate the technical instructions for executing the decision. Furthermore, this choice affects the state budget. The state provides housing allowances for DPRD members. Thus, they must be accounted for in compliance with applicable rules and regulations. If the obligation does not conform with applicable laws and regulations, it is considered an abuse of authority, resulting in state losses.

Abuse of authority can lead to criminal corruption and economic losses for the government[13]. This case pertains to the criminal acts of corruption outlined in Article 3 of Law Number 20 of 2001 on Amendments to Law Number 31 of 1999 on the Eradication of Corruption Crimes. These crimes involve public or government officials or state administrators, particularly the misuse of state funds. The current practice of paying housing allowances to DPRD members all at once and attaching them to their salary can lead to misuse of state money and losses. Policy corruption may occur when public money is appropriated legitimately. Still, not all regions adhere to the relevant local pricing standards, state building and land area standards, and applicable local price principles. These deviations should align with the appropriate local price standards. Granting housing allowances to DPRD members 34 is considered an officially sanctioned form of corruption. More precisely, the housing stipend similarly grows each year.

Providing housing allowances for DPRD members can be considered a form of sanctioned corruption, as it involves utilizing public funds to rent privately held houses. Corruption is a manifestation of abuse of authority by government officials when they seek to legitimize unlawful activities. This is because the abuse of authority is a decisive factor in determining action against criminal corruption, which can lead to financial losses for the state or the economy. In this case, the criminal act of corruption is defined by Article 3 of Law no. 20/2001, explicitly involving public or government officials or those responsible for managing state finances. This demonstrates that, in practical terms, administrative law holds a prominent role in dealing with criminal acts of corruption, thus embodying its fundamental nature. Administrative law pertains to the legal framework governing the exercise of government authority to safeguard the rights and welfare of persons and society. When making judgments, the government must prioritize the law's repercussions rather than hastily delivering a decision. Therefore, the act of withdrawing. Reversing or modifying a decision can only occur if there is a sufficiently strong justification, such as the presence of compelling factors or circumstances, the discovery of errors in the basis of the previous decision, the identification of incorrect reasoning in the earlier decision, or the failure to meet the conditions for issuing the decision.

Conclusion

Granting housing allowances to DPRD members needs to comply with the legislation's stipulations. The provision of housing allowances to DPRD members can be classified as an abuse of authority resulting from the policy actions implemented by the Government through Government Regulation Number 18 of 2017. This policy needs a detailed explanation of the mechanism and needs to establish accountability for the housing allowances provided to DPRD members. The housing allowance is specifically designated to rent a dwelling, as stated in Article 17, Paragraph (3) of Government Regulation Number 18 of 2017. Therefore, it is necessary to have a Contract Agreement (SPK) to formalize the agreement between the parties involved in the house rental. DPRD members lease private residences.

References

- [1] J. R. Riwukore, H. Manafe, and F. Habaora, "Strengthening authority of DPD RI in state of administration system at Indonesia," *Int. J. Res. Innov. Soc. Sci.*, vol. III, no. VI, 2019.
- [2] M. Bendaoud, "The privatization of housing assistance: Are housing allowances eroding government accountability?," *Can. Public Adm.*, vol. 62, no. 2, 2019, doi: 10.1111/capa.12318.
- [3] F. Sha, B. Li, Y. Guo, Y. W. Law, P. S. F. Yip, and Y. Zhang, "Effects of the Transport Support Scheme on employment and commuting patterns among public rental housing residents in Hong Kong," *Transp. Policy*, vol. 87, 2020, doi: 10.1016/j.tranpol.2020.01.001.

- [4] I. N. P. B. Rumiarta, A. A. S. N. Indradewi, and A. Gomes, “Comparative Law on the Authority of the House of Representatives (Indonesia) with the National Parliament (Timor Leste),” *SASI*, vol. 29, no. 1, p. 18, Mar. 2023, doi: 10.47268/sasi.v29i1.1075.
- [5] S. Kim, J. Hwang, and M. H. Lee, “Effect of Housing Support Programs on Residential Satisfaction and the Housing Cost Burden: Analysis of the Effect of Housing Support Programs in Korea Based on Household Attributes,” *Land*, vol. 11, no. 9, 2022, doi: 10.3390/land11091392.
- [6] P. Engström, E. Forsell, J. Hagen, and A. Stefánsson, “Increasing the take-up of the housing allowance among Swedish pensioners: a field experiment,” *Int. Tax Public Financ.*, vol. 26, no. 6, 2019, doi: 10.1007/s10797-019-09538-9.
- [7] D. A. Putra, “Juridical Overview of the Position of the Regional Representative Council (DPD) of the Republic of Indonesia in the Legislation System in Indonesia,” *NEGREI Acad. J. Law Gov.*, vol. 2, no. 1, 2022, doi: 10.29240/negrei.v2i1.4607.
- [8] A. J. Auly, B. Akbar, D. Suhardi, and N. Diana, “Characteristics of Policies Regarding the State Financial Accountability Agency the House of Representatives of the Republic of Indonesia,” *Int. J. Sci. Soc.*, vol. 2, no. 4, pp. 46–55, Sep. 2020, doi: 10.54783/ijssoc.v2i4.189.
- [9] D. Nekhaichuk, V. Trofimova, and Y. Nekhaychuk, “Foreign Experience of Ensuring the Financial Autonomy of Local Self-Governments,” 2018, doi: 10.2991/cssdre-18.2018.39.
- [10] S. P. Parois, L. E. Van Der Zande, E. F. Knol, B. Kemp, T. B. Rodenburg, and J. E. Bolhuis, “A multi-suckling system combined with an enriched housing environment during the growing period promotes resilience to various challenges in pigs,” *Sci. Rep.*, vol. 12, no. 1, 2022, doi: 10.1038/s41598-022-10745-4.
- [11] S. Suparto, “The Position and Function of the Regional Representative Council in Constitutional System of Indonesia According to the Regional Autonomy Laws: A Shift from Legislative to Regional Executive,” *UNIFIKASI J. Ilmu Huk.*, vol. 8, no. 1, 2021, doi: 10.25134/unifikasi.v8i1.3577.
- [12] F. R. Halim, M. Mubarok, and R. Mutiarawati, “A Feasibility Study for Housing Allowances from The Bandung Regency DPRD,” *Publica J. Pemikir. Adm. Negara*, vol. 13, no. 2, 2021, doi: 10.15575/jpan.v13i2.15069.
- [13] M. N. Rasyid, S. Maulina, and M. Manfarisyah, “The Decrease of Legislative Functions of The People’s Representative Council of The Republic of Indonesia in The Reform Era,” *J. Penelit. Huk. Jure*, vol. 22, no. 2, 2022, doi: 10.30641/dejure.2022.v22.219-228.

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).