

# **The Dilemma of the Legislation of Dprd Functions: Between Public Interests and Political Interests (A Literature Review)**

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## **Abstract**

The People's Representative Council (Regional) has so far been deemed unable to present a satisfactory image as the representative of the people. In carrying out its duties, there are three main functions carried out by this legislature, namely the representation function, the legislative function and the control function. The sharpest highlight is the weakness of this institution; carry out its legislative function. Many factors can be put forward in relation to the "weakness" of the legislature in carrying out its legislative functions, ranging from unsupportive regulations, lack of information/data, lack of experts, inadequate facilities and infrastructure to the mechanism for the recruitment of council members. For the regional legislative body (DPRD), in Law Number 23 of 2014 concerning regional government that the position of the DPRD is not solely as a representative of the people but also as an element of the Regional Government together with the Regional Head, causing the DPRD to "foster" its position by executive side. The implementation of a dual role in the Regional Head who is also the Regional Head, makes DPRD less flexible in playing its role as a legislator in formulating regional regulations. In addition, the inadequate quality of members of the DPR makes it difficult in the "bargaining" process: with the condition that bargaining power is greater on the executive side.

**Keywords:** Legislation, Dynamics, Public Interests

## **Introduction**

Basically the idea of forming a representative system in the administration of the state is motivated by the theory of democracy. This theory explains that community members take part or participate in the process and determination of policy (Sanit, 1985). In the development of organizational life in the policy-making process it is carried out through a representative system, namely the people appoint their representatives who become their trust to carry out the will of the people in government.

As a people's representative institution, the DPRD has functions or obligations that must be carried out properly. In general, there are three main functions carried out by the legislature, namely the Representational Function (the function of representatives of the people, channeling the aspirations and interests of the people), the Function of Legislation (the function of making rules), and the Function of Control (the function of supervising the running of government carried out by the executive) (Alfian, 1990). However, up to two decades into the New Order government, it turns out that our legislature has not been able to present a

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satisfactory image as an institution representing the people. This can be seen from the many complaints and criticisms from various groups, both from universities, political scientists, the public directed at the legislative bodies (MPR/DPR/DPRD) which are not functioning as expected (Andre, 1991).

The sharpest focus from various groups is the weakness of the Indonesian legislature in carrying out its legislative functions. As legislatures or regulators, almost all of our legislatures, both at the central and regional levels, have never "passed" a single regulation (Laws and Regional Regulations) whose drafts came purely from the Council. So far, almost all Draft Laws (RUU) and Draft Regional Regulations (RAPERDA) have always come from the executive (the president and Heads of Level I and II Regions).

In carrying out its legislative function, the DPRD is equipped with various rights, namely budgetary rights, amendment rights and initiative rights. With these rights, the legislature can change (add or subtract) a bill or draft regional budget submitted by the executive. In addition, the DPRD can also make a Bill or Raperda originating from the Council's initiative. Unfortunately the right of initiative owned by the people's representatives has not been used.

The function of making regional laws or regulations is the main and original function of the DPR (regional) as a legislative body. Through the function of making laws, the DPRD shows its color and character and quality, both materially and functionally. The level or quality of laws or regulations produced by the DPRD is a measure of the ability of the DPRD to carry out its functions and guarantee its existence. Through this function, the DPRD actualizes itself as a representative of the people by translating the interests and aspirations of community members into formal policies in the form of laws.

With so few Bills/Raperda proposed by the legislature, it shows that only a few aspirations as well as community problems are channeled and solutions are sought through the people's representative institutions. This raises suspicions that the material set forth in the Laws and Regional Regulations will be heavily skewed towards the executive. Because if the design comes from the Government, then of course he will choose issues which in his opinion are quite important from the point of view of government administration (Herman, 1982). This causes, in practice it is not uncommon to encounter laws/regulations that are considered inappropriate, unfair, impartial and do not pay attention to the wishes of the general public.

Apart from various assessments of the implementation of the function of using the rights owned by DPRD which are considered not functioning, not optimal, disappointing and so on, it is necessary to look at this problem in a more objective and proportional manner. Therefore, this paper tries to analyze the position of the function of the various obstacles faced by the legislature, especially in the implementation of the legislative function in the regional legislative body (DPRD).

#### ***Position and Function of DPRD according to Law Number 23 of 2014***

According to Law Number 23 of 2014 concerning Regional Government Article 1 Paragraph 4 states that Regional People's Representative Institutions which are located as elements of regional government administration, have legislative, budgetary and supervisory functions, so that success and failure in the implementation of regional government is a shared responsibility between regional government and the DPRD are the Regional Head and the Regional People's Representative Council. Thus, DPRD is an element of regional government that has the same position as the Regional Head. The Regional Head leads, the executive sector

and the DPRD is engaged in the legislative field. Even though formally the position of the DPRD and the head of the region is equal, in practice the allocation of power is greater in the head of the region. This according to Parnudji (1993) occurs because the Regional Head has two functions, namely as an Autonomous Regional Head who leads and is fully responsible for the running of the central government in the region and also as the sole authority in the field of government in his territory who leads administration of public administration.

As an element of Regional Government, the DPRD is the executive partner. With this same high position, it is hoped that it will be easier to establish harmonious cooperation in a partnership atmosphere. Unfortunately, cases of mismatched relations between the Regional Head and the DPRD are not uncommon in the practice of administering regional government. Complaints from parties, which often occur, revolve around the problem as if the DPRD is not involved in the process of administering regional government, and the executive is not open enough and does not give DPRD the freedom to exercise its rights. On the other hand, from the side of the regional head there is often an assumption that the DPRD wants to interfere in the executive branch and interfere in matters that are not regional autonomy matters. According to Somad (2011) there is indeed a fundamental difference between the relationship between the Regional Head-DPRD in the Region and the President-DPR relationship in Central Region. Even though the position of the President is "neben" with the DPR (because both are in positions of State High Institutions), the DPR also has the function of overseeing the actions of the President. The president, who is responsible for the MPR, must accept oversight by the DPR. This is related to the provisions of the 1945 Constitution which stipulates that all members of the DPR are also members of the MPR. If the DPR considers that the President has seriously violated the Constitution, it can request the MPR to hold a special session to hold the President accountable.

At the regional level, the function of the DPRD to control the implementation of government by the regional head is not the same as the DPR overseeing the President, because the regional head who is also the head of the region is hierarchically responsible to the president. So even though regional heads are required to provide "provided information" every year, this cannot result in the dismissal of regional heads by the DPRD. However, this "accountability statement" along with the DPRD's opinion and response to the Regional Head, can be used by the President to assess the level of success or failure of a Regional/Regional Head in carrying out his duties and responsibilities.

Furthermore, the position and relationship between the Regional Head and the DPRD have a clear division of tasks, namely the Regional Head has executive authority, while the DPRD has legislative authority. With this division of tasks, the DPRD has no authority to interfere in the day-to-day executive activities, and vice versa. On the other hand, according to Law Number 23 of 2014, apart from having the position of DPRD as an element of the regional government, it also functions as a people's representative. Because the members of this Institution are elected by the people, the members are representatives of the people, and DPRD is a representative body. In their position as representatives of the people, members of the DPR are given rights so that they can carry out their functions as stipulated in Article 1 paragraph (4) of Law Number 23 of 2014, namely: the right to budget, the right to submit an opinion statement, the right to make changes, the right to submit a statement opinions, initiative rights and investigator rights (Pambudi, 1993). Unfortunately, according to Marbun (1994) in many ways within the DPRD there is confusion and uncertainty about the consequences and the lack of clarity in the rules of the game and the jungle of the applicable guidelines. Only a handful of DPR members know exactly what their rights and obligations are and how to use them in

practice to fulfill their function as people's representatives. In addition, the tendency of the Regional Head to perceive that the DPRD's efforts to exercise its rights as interference in the executive field is a harmonious relationship between the Regional Head and DPRD. The position, functions and rights attached to the DPRD formally after placing the DPRD as an important agency in the mechanism of regional government administration. As a representative body, the DPRD is obliged to accommodate people's aspirations and advance people's welfare. To be able to articulate: the interests of the community in various local government policies; indeed, demand the ability of DPRD to align the interests of society with the interests of the executive. So far, even though it functions as a partner, the DPRD is still heavily influenced by the Regional Head in making decisions. In the process, bargaining often occurs, but the bargaining power of the executive is greater than that of the legislature. Whereas the ability to maintain balance must be supported by an equal position, harmonious relationships, adequate knowledge and sufficient information mastery. only in a position like this DPRD can bargain with the executive. It seems that this kind of ability is still lacking in most DPRD members.

### ***Legislative Functions of the Regional People's Legislative Assembly and the Various Constraints Faced***

Indeed, if we examine it in depth, in practice the DPRD no longer has a monopoly in making regional regulations. From practice it is clear that almost all regional regulations: the basic concept originates and is determined by the executive. DPRD initiatives are still taking steps, as well as the use of customary rights relying on changes to regional regulations generally still come from the executive. Is it true that the DPRD's role is nothing more than giving final approval? Many factors can be put forward in relation to the "weakness" of the DPRD in carrying out its functions, both internal and external obstacles; from the outside (external). Starting from the quality of board members, lack of information, lack of data, lack of experts, unsupportive rules and regulations, inadequate facilities and infrastructure, the recruitment system for board members to the prevailing political climate (dominance) of the executive in the Indonesian political system. There are several main factors that weaken the position of the regional legislature (DPRD) so that this legislative body cannot fully carry out its functions, especially in carrying out legislative functions, namely:

### ***Process Strengthening Through HR Optimization***

The presence of Regional People's Representative Council (DPRD) members is needed to improve the quality of governance in the regions. The ability of DPRD members today is not only how to garner maximum support from constituents, but they must have both intellectual abilities and the ability to understand the various needs of the community in their area.

### ***As an extension***

The community should be able to articulate the interests of the community by cooperating seriously with the local government in realizing democratic and effective governance for the community. In order to be able to increase their capacity, DPRD Members need to do a number of constructive things, including: First, Seminars, wherein these activities can be focused on strengthening and studying a particular development topic, especially capacity building, where each DPRD Member can participate actively and can present all matters that are a problem within themselves and their institutions objectively. Systematically, the seminar also had the idea to get closer to the parties involved to get contributions and develop joint recommendations that could be implemented by all parties to improve the personal qualities of each.

Second, technical guidance is an activity that is intended to provide assistance which is usually in the form of guidance and advice to solve problems/problems of a technical nature. The aim is to resolve problems/cases that occur and are faced by DPRD Members so that their resolution can be accounted for in accordance with the applicable laws and regulations. Technical assistance can be said to be a training medium to obtain and increase the capacity of DPRD members. Technical guidance will have a positive impact, namely being able to broaden the knowledge of DPRD Members in increasing their ability to manage libraries professionally. According to Wibowo & Wartini (2012) training and development are important organizational investments in human resources. Training involves all human resources to gain learning knowledge and skills so that they will immediately use them in work. Basically, training is needed because there is a gap between capacity and the obligations that they have to carry out as officials in legislative institutions.

Third, focus group discussion or focus group discussion is a process of gathering information about a particular problem that is very specific (Irwanto, 2007). Irwanto further stated that focus group discussions are interviews from a small group of people led by a resource person or moderator which encourages participants to speak openly and spontaneously about things that are considered important and related to the current topic. On the other hand, according to Irwanto, focus group discussions are a form of qualitative research in which a group of people are asked for their opinions about a particular product, concept, service, idea, advertisement, packaging/situation. The purpose of the Focus Group Discussion itself is to obtain input or information regarding local and specific issues. The resolution of this problem is determined by the other party after the information has been collected and analyzed.

Fourth, Assistance is a process of providing convenience (facilities) provided by companions to clients in identifying needs and solving problems and encouraging the growth of initiatives in the decision-making process, so that client independence can be realized on an ongoing basis (Prastowo, 2008). Furthermore, Prastowo Social assistance is a process of social relations between assistants and clients that aims to solve problems, strengthen support, utilize various sources and potentials in fulfilling life's needs, and increase client access to basic social services, employment, and other public service facilities. From the definitions above, mentoring DPRD Members can be interpreted as a process of social relations between assistants and clients (DPRD Members) in the form of strengthening support, utilizing various sources and potential in solving problems and encouraging the growth of initiative in the decision-making process, so that client independence can be realized in a sustainable manner.

Fifth, a comparative study is an activity carried out with the aim of adding insight and knowledge that will be applied in the future to be better (Prastowo, 2008). Activities like this are of course very good for the development of the capacity of DPRD members so that they are able to carry out their functions optimally. an expected need. The definition of comparative study itself is a learning concept that is carried out in different locations and environments which are activities that are commonly carried out for the purpose of increasing quality, expanding business, improving systems, determining new policies, improving laws and regulations, and so on. Comparative study activities are carried out by interest groups (in this case DPRD institutions) to visit or meet certain objects that have been prepared and take place in a relatively short time. The point is to compare the conditions of the object of study in other places with conditions that exist in their own place. The result is in the form of collecting data and information as a reference material in preparing the desired concept. The preparations made before carrying out the comparative study were conducting internal reviews and evaluations, regarding which ones would be developed and their progress increased. After that,

a draft list is made in a structured manner according to the specified schedule. The main objective of conducting a comparative study later is to dig up as much information as possible technically real and empirical. To be used as a barometer and comparison which is then entered to find an applicable update, both for future plans in the short term and in the long term in a futuristic manner.

The five important parts in increasing the human resource capacity of DPRD Members are efforts to create people's representatives who are capable of fighting for people's aspirations. On the other hand, in the various activities that will be planned, DPRD members should communicate and cooperate intensively with the executive, so that what will be implemented is the fulfillment of the needs of the community as a whole which is synergized between what is the hope of the legislature and the executive. Even though it is realized that the community's needs are not small, it is these very basic needs that must be considered. Policy planning is the starting point of all processes of government administration, it is important to pay attention, not only to the budget, but also to the regulations so that the plans made can improve people's welfare.

Returning to strengthening human resources in DPRD institutions has strategic meaning, because it is very important to ensure that the process of drafting legislation policies is carried out in a truly planned manner and in accordance with existing legislative mechanisms. Besides strengthening human resources through seminars, mentoring, focus group discussions, technical guidance, and comparative studies, this can also be done through the distribution of DPRD members to each faction who have adequate educational competence, at least Strata 1 (S1) and have legal drafting knowledge and experience. Strengthening for each faction can be done if each faction is filled by DPRD members who have adequate education, at least a bachelor's degree (S1) and have legal drafting knowledge and experience or adhere to the principle of the right man in the right place.

Furthermore, external strengthening can be carried out by political parties (Partai) that have faction representatives or political parties that will take part in the General Election (Election) according to the mandate of Law no. 2 of 2011 concerning Amendments to Law no. 2 of 2011 concerning Political Parties, where political parties in the initial recruitment process for the nomination process present legislative candidates who have competence according to regional needs, because the initial recruitment of DPRD members comes from the nomination process proposed by political parties in the Legislative General Election (Pileg) with initial selection by not only considering the political and economic aspects, but also paying attention to the competency aspects (education and experience, as well as experience) of legislative member candidates, it will produce the output of DPRD Members who are competent and able to contribute optimally in carrying out their duties and functions, especially in relation to drafting legislation policy.

The views of the researchers above are in line with Dunn's view that strengthening human resources is important to ensure the process of agenda setting, policy formulation, and policy adoption/legitimacy as part of the policy making process can run well and ensure that the policies formulated are in line with public expectations.

### ***Strengthening Commitment in Anticipating Destructive Dynamics***

The Regional People's Representative Council (DPRD) is an institution that represents all levels of society in government. So that in carrying out their duties, the DPRD has three important functions based on Law Number 23 of 2014 concerning Regional Government, namely: First, the legislative function is carried out by: First, discussing with the regional head

and approving or disapproving the regional regulation draft. Second, submitting proposals for draft regional regulations and Third, compiling a regional regulation drafting program with the Regional Head. The regional regulation drafting program is carried out by listing the order and priority list of draft regional regulations to be made in 1 (one) fiscal year. Then in establishing the regional regulation drafting program, the DPRD coordinates with the Regional Head.

Second, the function of the budget is manifested in the form of discussions for joint approval of the draft regional regulation on APBD submitted by the regional head. Third, the supervisory function is realized in the form of supervising the implementation of regional regulations and regional head regulations, the implementation of other laws and regulations related to the administration of regional government and the implementation of follow-up on the results of financial report audits by the Supreme Audit Agency. Therefore, as a representative body, the DPRD is a balancing power that counterbalances and exercises effective control over the Regional Head and all levels of local government. This role is embodied in the following functions; (a) Representation, namely articulating concerns, demands, hopes and protecting the interests of the people when policies are made, so that DPRD always speaks "on behalf of the people"; (b) Advocacy is carrying out a comprehensive aggregate of aspirations and fighting for them through complex and often tough negotiations, as well as very strong political bargaining. This is reasonable considering that people's aspirations contain many interests or demands that sometimes conflict with each other. Political bargaining is intended to reach a meeting point of these various interests; (c) Administrative oversight, namely assessing or testing and if necessary trying to change the actions of the executive body. Based on this function, it is not justified if the DPRD takes a "hands off" attitude towards local government policies that are problematic or questioned by the community. Especially with the naive sentence, "That's not our authority", as often happens in practice. In cases like this, the DPRD can summon and request information, conduct questionnaires and interpellations, and can even hold the Regional Head accountable (Kartiwa, 2006).

The implementation of the three roles of DPRD must be able to capture people's aspirations in an effort to bring policy implementation closer to the needs of the community. Community aspirations are the hopes and goals of the community for future success related to their livelihood, both individually and as a group (Aring et al., 2021). The community must be used as material for consideration in formulating plans and policies by the local government and the DPRD, and not only as a result of the interaction of the regional government and the DPRD (Limpo, et al., 2015). And it is also necessary to strengthen the role of interest groups and the press in the regions to encourage DPRD's to be more aspirational.

Article 53 of Law 12 of 2011 Formation of Legislation guarantees the community's right to provide input on policy formulation without detailing the implications for the government, because the elucidation of this Law states that the technical guarantee of this community's rights is regulated in the DPRD Standing Orders. Although this helps government transparency and accountability in implementing policies later, it is not sufficient to ensure the birth of aspirational policies. However, the reality found is that the Regional People's Legislative Council which is an institution that represents all levels of society in government in carrying out its roles and functions as people's representatives has not been able to provide such a maximum contribution to the interests of society.

We can see this, where often the policies that have been determined/decided by the government are not at all in favor of the interests of the community or not in accordance with

the aspirations of the people. Therefore, with the strengthening of the role of the DPRD in the current era of reform and regional autonomy, in which the role of the DPRD as a central position is usually reflected in the doctrine of popular sovereignty in the era of regional autonomy, which is marked by an affirmation of the roles and responsibilities of the DPRD. Community aspirations become a local government policy also performs a supervisory function.

Therefore, the function of absorbing, channeling and fighting for the aspirations of political party constituents by members of the legislature is one that must be carried out in accordance with the work program of political parties. The current political reality indicates that elected candidates (City/Regency DPRD Members) must absorb aspirations by taking advantage of recess time and during working visits to the Electoral District (Dapil) (Karim et al., 2014). There is no reason for DPRD Members not to absorb and channel aspirations, because the time, facilities and budget have been arranged in such a way. In many cases in several regions, constituents complain because the DPRD members they choose as representatives in the DPRD are less accommodating so they never visit and communicate with their constituents, so that certain political party constituents lose political communication channels to channel their aspirations or DPRD members have visited and absorb the aspirations of constituents, but their aspirations have never materialized in the form of development projects or programs in their constituencies.

The application of public policy originating from the aspirations of the people carried out by the DPRD above, should still have to be filtered by each member of the DPRD in order to carry out its roles and functions to ensure that these aspirations are truly in accordance with the needs of the community, not just the interests of the elite (both formal and elite elites. informal) so that the public policy can describe the real needs of the community. Because currently the commitment to the public interest is widely simplified by the majority of DPRD Members by only involving the informal elite (Amir, 2020).

### ***Improvement of the System in the Context of Optimizing Legislative Products***

The current condition of the Regional People's Representative Council (DPRD) cannot be said to be ideal because most DPRD's still need to be improved, starting from performance to ethics which has an impact on the decreasing level of public trust in DPRD's. Whereas DPRD members are people's representatives who should be trusted in carrying out their representative functions. On the other hand, the DPRD is more based on the interests of groups and parties than fighting for the interests of the people it represents. This can be seen from the performance of DPRD members who deliberately put forward the interests of groups and parties on the grounds of political stability. DPRD is not a party institution, DPRD is not a group institution, but DPRD is an institution of the people, of the people, by the people, and for the people. This goal cannot be achieved through big scenarios (talk shows), but through the help of detailed technical regulations. In this context, DPRD performance is a technically complex performance that requires perseverance, thoroughness and patience in carrying it out.

However, it is in these technical rules that will enable discussions and disputes to occur which, if running smoothly, will form a solution to the problems faced. The DPRD's task is quite complicated and tough so that it can be said that what DPRD does is a noble thing, in which DPRD Members contribute to solving people's problems that occur and also as strategic policy makers for the people.

Currently, the DPRD, which is tasked with the government in setting the APBD, forming laws and regulations, and supervising the government, has not yielded optimal results.



In this condition, evaluating and improving performance is needed to re-create public trust in the existence of DPRD. The need for confirmation and accurate success parameters is needed to achieve the various planned goals. The people basically give a big mandate to DPRD members and have a role in managing the nation. Therefore, it really needs a better DPRD than now that really cares about the people, not the DPRD as an extension of bureaucrats and a bunch of technocrats. An ideal DPRD can be achieved by improving crucial matters first, one of which is system reform.

System improvements related to the preparation of legislative policies through the Raperda mechanism, strengthening DPRD Standings, and internal coordination relations as well as coordination between DPRD and stakeholders need to be improved, because so far system improvements have not been optimally carried out and there is a tendency that there is an oligarchy of interests in the process of drafting legislation policies originating from the initiative of the DPRD and the executive from the respective Regional Apparatus Organizations (OPD).

### ***Strengthening Supporting Instruments and Social Capital***

Supporting instruments have an important position in supporting DPRD performance. The issuance of regional regulations (Perda) is inseparable from the existence and support of supporting instruments. Where is the process of drafting legislation policies (Raperda) through supporting instruments through the DPRD Secretariat as one of the facilitation tools for the drafting of Raperda through budgeting and preparation of Academic Papers (NA). As contained in Law Number 23 of 2014 concerning Regional Government, article 206 page 113 paragraph 2 of the Regency/City DPRD support system. DPRD Secretary (Sekwan) has a task formulation to help carry out all DPRD efforts and activities which include the implementation of information, finance and administration as well as assistance in the context of carrying out the duties, powers and rights and obligations of DPRD Members. The Sekwan also has the task of coordinating, integrating and synchronizing the entire implementation of the Sekwan's duties, preparing plans, processing, reviewing and preparing coordination for the formulation of DPRD leadership's policies.

Government Regulation Number 18 of 2016 concerning Regional Apparatuses as the legal umbrella for the Regency/City DPRD Secretariat states that the DPRD Secretariat is a Regional Apparatus Organization (OPD), namely an auxiliary element of the regional head in the administration of regional government. Article 11 states, the secretariat of the regional people's representative council, hereinafter referred to as the DPRD secretariat, is an element of service to the DPRD. The DPRD secretariat has the task of carrying out secretarial administration, financial administration, supporting the implementation of the DPRD's duties and functions, and providing and coordinating the experts needed by the DPRD in accordance with the regional financial capacity. Law Number 17 of 2014 concerning the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, and the Regional People's Representative Council, includes the DPRD Secretariat as part of a support system or subsystem in the integrity of the DPRD organizational performance system. This means that the performance of the council secretariat is integrated with the people's representatives.

The DPRD secretariat as part of the Regency/City DPRD Performance Supporting Instruments article 420 of the Law states, in order to support the smooth implementation of the powers and duties of the Regency/Municipal DPRD, a secretariat for the Regency/Municipal DPRD shall be formed whose organizational structure and work procedures shall be stipulated

by the Regency/Municipal Regional Regulations in accordance with with the provisions of laws and regulations. In addition, the secretariat of the regency/city DPRD is led by a secretary of the regency/city DPRD who is appointed and dismissed by decision of the regent/mayor with the approval of the leadership of the regency/city DPRD. And the secretariat of the regency/city DPRD and the employees of the regency/city DPRD secretariat come from civil servants.

In the drafting of various regional regulations, the Sekwan was involved in the formulation of regional regulations in the form of administrative and financial technical facilitation, both those drafted by the DPRD and made by the local government. In accordance with statutory regulations, the secretary of the council acts as a supporter, facilitator for the various needs of the DPRD, both in terms of drafting local regulations, as well as in various matters that must be communicated between the two regional administration institutions (DPRD and regional government) that are partners in regional development.

Therefore, according to the researcher's opinion, it is necessary to strengthen the supporting system, namely by transforming the Secretary of the Council (Sekwan) from the Executive Secretary to an independent Secretary belonging to the legislature, so that he does not stand on two feet anymore with the status of a Civil Servant (PNS). Civil servants who work in the DPRD, so that the DPRD Secretariat is able to be optimal and loyal to their duties and work as a supporting instrument for the DPRD.

On the other hand, strengthening the supporting instruments in the process of drafting legislation policies can also be done with the support of social capital, that is, with the strong influence of informal figures it can encourage or be changed in a more positive and effective direction in the Raperda process, through: First, communication and coordination with related to absorbing the aspirations of public needs and also building communication and coordination with stakeholders in order to equalize perceptions and visions in order to reduce misinformation and intervention among informal figures who influence the legislative policy-making process through the Raperda mechanism, especially in the Raperda the DPRD initiative and the support of influential informal figures in the DPRD initiative Raperda as social capital to create a legitimize and credible Raperda or Perda. Second, it is necessary for each DPRD Member to be accompanied by competent experts in the required field of expertise, as a DPRD Member's right which has not been utilized up to now, especially in supporting the optimization of the legislative policy drafting process through the Raperda mechanism.

Finally, in the preparation of legislative policies, it is necessary to have public participation in order to realize the preparation of participatory regional legislation programs, because the formulation of legislative policies is actually one of the tools in carrying out social and democratic transformation, as a manifestation of local communities that are able to respond to rapid changes and challenges in the era of autonomy. and the current globalization and the creation of good local governance as part of sustainable development in the region. Therefore, it is necessary to have the ability to formulate legislation that can create a multiplier effect. On that basis, the preparation of legislative policies must be planned as well as possible. Through the formulation of a planned, aspirational and quality legislative policy in the form of a Regional Legislation Program, it is hoped that the resulting product will become the main driver for the fundamental changes needed by the regions.

In Law Number 12 of 2011 concerning Formation of Legislation. Drafting legislative policies is one of the means to achieve expectations, so that in the future the drafting of legislative policies can proceed in a more orderly and better manner, and can formulate each

statutory regulation in accordance with its objectives, functions and content material, thus facilitating further implementation. In the field of forming legislation, the term planning is introduced by the term Legislative Program.

In Law Number 12 of 2011 concerning Formation of Statutory Regulations Article 1 number 1 where the complete reading is as follows:

"Formation of Legislation is the making of Legislation which includes the stages of planning, drafting, discussing, validating or stipulating, and enactment."

Based on this understanding, planning is the earliest stage that must be carried out in any legislative policy formulation, including regional regulations. In Article 1 point 10 of Law Number 12 of 2011 concerning the Formation of Legislation, it is stated that the Regional Legislation Program, hereinafter referred to as Prolegda, is a program planning instrument for drafting provincial regional regulations or regency/city regional regulations which are prepared in a planned, integrated and systematic manner.

The preparation of legislative policies needs to be carried out based on the Regional Legislation Program so that the formulation of legislative policies can be carried out in a planned manner. This is because in the Regional Legislation Program the priority scale is determined in accordance with developments in the legal needs of the community. For this purpose, the Regional Legislative Program contains long, medium term or annual legislation programs. In addition, the Regional Legislation Program is intended to ensure that the products of regional laws and regulations remain within the unity of the national legal system.

The preparation of a participatory Regional Legislation Program is more urgent because it is one of the provisions contained in Law Number 12 of 2011 concerning the Formation of Legislation. In Article 35 it is stated that in the preparation of the Provincial Prolegda, the preparation of a list of draft provincial regulations is based on: Orders of higher Legislation, regional development plans, implementation of regional autonomy and co-administration tasks, and aspirations of the regional community.

The urgency of compiling a participatory regional legislation program from the community can involve the community in managing the Regional Legislation Program which requires the ability to carry out management functions properly, namely planning, actuating and oversight functions. In connection with the planning function, according to the researcher, there are at least 3 (three) things that need to be considered in the management of regional legislation, namely: First, an understanding of the map of problems related to the priorities of the Regional Legislation Program and existing resources, as well as ways to overcome them. Second, the need for coordination, consistency between various activities, use of resources in the implementation of priorities, drafting of Regional Regulations based on the Regional Legislation Program. This is where community participation lies, namely by actively coordinating with the local government because the community is one of the regional resources. Third, careful and accurate translation of the Regional Legislation Program into scheduled concrete activities with adequate financial support.

Then in mobilizing according to researchers there are at least 4 (four) things that need to be considered: First, Obtain professional human resources, have integrity and commitment to carry out the drafting of Regional Regulations based on the Regional Legislation Program. Second, clearly conveying to the person concerned the objectives to be achieved by the regulation in the intended Regional Regulation. the third is to give certain authorities in

carrying out the tasks of drafting regional regulations. Fourth, explain what needs to be done and how to do it and give trust to carry out the task and provide the necessary guidance.

Furthermore, in the field of supervision of the legislative process, according to researchers, there are 3 (three) steps that need to be taken, namely: First, setting standards as a benchmark for the success or failure of the implementation of the Regional Legislation Program. Second, measurement of implementation by comparing what is achieved with what should be achieved. Third, take corrective or adjustment actions. Supervision of the implementation of the Regional Legislation Program is carried out by functional supervisory apparatus, as well as by the DPRD and supervision by the community, where the community can become an effective controller in supervising the implementation of the regional legislation program.

Through supervision carried out in accordance with the principles of supervision, it is hoped that the objectives of supervision can be achieved, namely to ensure the accuracy of the implementation of the formulation of Regional Regulations in accordance with the priorities stipulated in the Regional Legislation Program, improve coordination and efficiency in the use of resources and build public trust in the regional regulation makers.

In planning, mobilizing and monitoring community participation can be actualized with the involvement of non-governmental organizations or other community organizations which are representatives of community interest groups. NGOs are non-partisan institutions/organizations based on a moral force which have an important role in governance and political life. NGOs are seen as having a significant role in the democratization process. This type of organization is believed to have special and different functions and characteristics from organizations in the political-government and private sectors, so that they are able to carry out certain tasks that cannot be carried out by organizations in the two sectors.

The five components above, when reforms are carried out in a comprehensive manner involving the executive and parties, the hope for strengthening the role of DPRD in the process of formulating legislative policies can be easily realized, in order to be able to articulate public interests and needs.

## **Conclusion**

Highlighting the lack of functioning of the DPRD cannot be separated from changes and shifts in political lines and legislation regarding regional government which also regulates DPRD. The formulation "Regional Government is the Head of the Region and the Regional People's Legislative Council", is a formulation that is in several ways confusing. Not infrequently DPRD members and regional executives do not know the exact and detailed meaning of these formulations. the ignorance of ordinary people regarding the scope, rights, duties and obligations of the regional legislature has often led to misunderstandings and gave birth to negative assumptions. In practice, besides carrying out the tasks and functions of the legislature in the regions, there are similarities as well as fundamental differences when compared to parliament at the national level. The difference is not only in the main function but also in the rules of the game and accountability. Based on the description that has been stated above, it can be seen that the main dysfunction or weakness of the DPRD in carrying out its activism functions partly originates from Law Number 23 of 2014 which gives the DPRD sufficient authority to be able to carry out its functions. With the regions not solely because of the lack of expertise, funds and sources of information, but because the power of the DPRD

has a significant role (Syarif Makhya, 1993: 180). Apart from that, there are indeed weaknesses inherent in the existence of the DPRD which, among other things, stem from the inability of its members to fully carry out their representative functions. The inadequate quality of councilors due to a lack of ability, skills, knowledge and experience has resulted in "weakness" of the DPRD to act as a "partner" for the Regional Head. In fact, as stated earlier, only in an equal position, with adequate knowledge, the DPRD can "bargain" with the executive. In the end, efforts to harmonize the function of the DPRD as an element of the Regional Government, Supervision of Regional Heads and Regional Government Administration as well as representatives of the people, is not something easy. The fact is that until now the DPRD is still limited in its capacity, not only in developing itself as a meaningful regional political institution capable of guaranteeing the administration of beneficial governance and development in the region, but also in exercising the rights of its members. This situation requires concrete steps to further develop the DPRD's functions, organize the existing institutions within the DPRD, strengthen the local government system and improve the quality of DPRD members by rearranging the electoral system, in which the recruitment process to become DPRD members going on. In this way, the hopes contained within the community towards the DPRD as a democratic institution, can be realized more realistically.

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