

IMPLEMENTATION OF THE LEGISLATIVE FUNCTION OF THE REGIONAL PEOPLE'S REPRESENTATIVE COUNCIL (DPRD) OF MADISON DISTRICT IN THE PREPARATION OF LOCAL REGULATIONS

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Abstract

Introduction to the Problem : The factors that hinder the implementation of the legislative function of the Madiun Regency DPRD in the formation of Madiun Regency Regional Regulations.

Purpose /Study Objectives : Describe the implementation of the legislative function of the Madiun Regency DPRD in the formation of Madiun Regency Regional Regulations .

Design/Methodology/Approach : The research method used is empirical juridical. Data was collected by literature study, interviews, and documentation.

Findings : The results showed that the implementation of the legislative function of the Madiun Regency DPRD in the formation of Madiun Regency Regional Regulations is in line with Law Number 12 of 2011 concerning the Formation of Legislation, Factors that become obstacles in the implementation of the legislative function of the Madiun Regency DPRD in the formation of Madiun Regency Regional Regulations come from internal and external factors. Internal factors include educational factors or human resources, data or information availability factors, experience factors owned by DPRD members, as well as conflicts of interest between special committee members and the proposed ideas of each special committee member are often different. Meanwhile, external factors include the interests of stakeholders or stakeholders that conflict with the local regulation and the absence of stakeholders at the discussion meeting of the draft regulation.

Paper Type : Research Article

Keywords: Legislative Function; Regional House of Representatives; Regional Regulation.



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Introduction

Local Government is the administration of government affairs by local governments and regional people's representative councils according to the principles of autonomy and assistance tasks with the principle of the widest possible autonomy within the system and principles of the Unitary State of the Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia. In this regard, local government is the implementer of the functions of the Regional Government carried out by local government institutions, namely the Regional Government and the Regional People's Representative Council (DPRD). (Poernomo, 2020) The implementation of local government is carried out by the DPRD and the Regional Head, both of which are positioned as elements of local government administrators who are given the people's mandate to carry out government affairs submitted to the regions. DPRD and the Head of the Region are partners with different functions. The DPRD functions in the formation of local regulations (Perda), budgeting and supervision, while the Regional Head carries out the function of implementing the Perda and regional policies. In relation to the formation of local regulations (Perda), the DPRD has a legislative function, which is simply defined as the function of making laws. (Muhamad Sadi Is dan Kun Budianto, 2021)

Legislation (or 'statutory law') is law which has been promulgated (or 'enacted') by a legislature or other governing body. This function is shared by the DPR and the central government at the national level in unitary states, or by the federal government and the states in federated states. The product produced by the DPRD together with the Regional Head is not a law, but a local regulation. In its legislative function, the DPRD, with the basic capital gained from visits to the community, will be able to improve the quality of local regulations, both those initiated by the local government and the DPRD itself.

In relation to the drafting and enactment of local regulations, in practice it can often be illustrated how council members are busy drafting local regulations to a very detailed and substantive level without sufficient expertise. This leads to prolonged debates on matters that they have no understanding of and ultimately wastes time without being able to resolve them properly. DPRD's face many challenges in carrying out their duties, including local circumstances, internal weaknesses, and conflicts of interest between a central government that has not been transferred and the wishes of the people that must be voiced. Based on the above description, the following problems can be formulated How is the implementation of the legislative function of the Madiun Regency DPRD in the formation of Madiun Regency Regional Regulations?

Methodology

This research method uses empirical juridical research, which in other words is a sociological legal research method and can also be called field research, which examines the applicable legal provisions and what happens in reality in society. This empirical juridical research is a research conducted on the actual situation or the real situation that occurs in society with the intention of knowing and finding the facts and data needed, after the required data is collected then leading to problem identification which ultimately leads to problem solving. (Kadarudin, 2021)

Primary data is data that comes from the first source such as informants obtained from the results of going directly to the field and secondary data is 'data obtained not from the first source directly but comes from library research,' such as data that is already in the form of documents in the form of legal materials. Secondary data is interconnected with primary data such as positive law, and regulations related to the implementation of the legislative function of the Madiun Regency DPRD in the preparation of Madiun Regency Regional Regulations so that it can facilitate in analysing and understanding the research process. (Umi Narimawati, Jonathan Sarwono, Dadang Munandar, 2020)

Results and Discussion

The implementation of the legislative function of the Regional People's Representative Council of Madiun Regency in the preparation of local regulations in this case the legislative function must be carried out in accordance with the applicable law. The legislative function is a function carried out as a manifestation of the DPR as the holder of power in forming laws. In relation to the findings of observations made by researchers, it can be stated that the low level of initiative of the DPRD of Madiun Regency is mainly due to the human resources of DPRD members compared to those of executive members. The educational background of DPRD members is not in accordance with the basic knowledge in actualising the functions of DPRD. In carrying out their duties, obligations and functions as members of the DPRD, it cannot be denied that in every populist activity or local regulation making, there are many obstacles that can sometimes affect the making or quality of local regulations. (Purwadi, 2024)

The planning stage is very decisive in the preparation of the Draft Regional Regulation because this planning stage is more directed towards the preparation of plans and priorities for the formation of Regional Regulations so that the preparation of Prolegda can avoid the occurrence of unsynchronised and disharmonised regulations. Ideally, legislative members should act and behave as representatives of the community for every action in all their activities. (Purwadi, 2024) The success of the people's representatives (DPRD) to uphold harmony between the interests of the community members they represent and the interests of various groups and institutions, namely:

1. Integrity and ability or skills of members of the legislative body.
2. The pattern of relationships between members of the body and the members of the community they represent, which is reflected in the system of representation in place.

The role of legislative members in carrying out their duties and functions to achieve one goal in order to discuss and approve draft local regulations, will be greatly influenced by many factors that differ from one another, depending on the nature and field of activity or effort in carrying out their role. There are three factors that influence the role of DPRD performance in carrying out its duties and functions, namely: (1) education factor (ability of officials); (2) data/information factor; (3) experience factor. In relation to the inhibiting factors above, the author concludes that the factors that inhibit the implementation of the legislative function of the Madiun Regency DPRD in the formation of Madiun Regency Regional Regulations include:

1. Educational factors or human resources (HR)

The results of the election of DPRD members are still far from expectations for the implementation of the legislative function, which affects the potential of DPRD members in carrying out their duties and functions. The diverse backgrounds of DPRD members and different levels of education make the ability to understand DPRD members vary, so not all DPRD members are able to clearly understand the drafts of draft local regulations.

2. Information factors

In relation to the implementation of the legislative function of the Madiun Regency DPRD in the formation of local regulations, the availability of data or information has not provided maximum support, so that many problems that require solutions through policies are not absorbed by DPRD members. This is an obstacle in implementing the legislative function, such as the lack of support from valid data and information.

3. Experience factor

The experience factor of DPRD members influences the drafting of local bills because new DPRD members have not had experience as DPRD members before, while it takes one to two years to adjust. In addition, the capacity of each DPRD member is different. In addition, the low level of experience of DPRD members also has an impact on the delay in the process of forming local regulations. The preparation of Propemperda, which is intended to regulate the schedule and priority scale for the formation of local regulations, was not carried out in accordance with the schedule because the process of forming local regulations was delayed, resulting in the formation of other local regulations being delayed as well.

4. Community involvement/stake holders factor

The formation of local regulations in Madiun Regency does not optimally involve the community in the drafting and formation process. Less than optimal socialisation and publication, both in the preparation process and in the drafting and discussion at the level of the institution forming the Local Regulation.

5. Interest factor

In the process of forming local regulations, Madiun Regency must consider many factors, frictions, and interested parties involved in it so that the local regulation can be accepted by all parties, which then makes the process of drafting local regulations longer.

The inhibiting factors came from internal and external factors. Internal factors include conflicts of interest between members of the special committee and the proposed ideas of each special committee member are often different. While external factors are the interests of stakeholders or stakeholders that conflict with the local regulation and the absence of stakeholders at the Raperda discussion meeting.

The role of legislators concerns and affects the lives of citizens, so citizens have the right to influence the process of making and implementing decisions. In accordance with the term participation, participation means the participation of ordinary citizens (who do not have authority) in influencing the process of making and implementing political decisions. The activities of ordinary citizens are basically divided into two, namely, that of influencing public policy and determining the makers and implementers of decisions. Making or formulating a policy, let alone a policy in the form of a Regional Regulation, is not a simple and easy process. This is because there are many factors or forces that influence the policy-making process. A policy or regulation is made not for political purposes (for example to maintain the status quo of decision-making), but precisely to improve the welfare of life of community members as a whole. The output is government policy or norms and juridical products used to regulate life together. It is undeniable that in realising the various interests and needs of other citizens individually there are clashes here and there. This clash may include all the interests of citizens, including the desire to participate in political matters.

Based on the results of interviews with resource persons regarding the implementation of the legislative function of the Madiun Regency DPRD in the formation of Madiun Regency Regional Regulations, it can be conveyed that the administration of government in a country is not only found in the centre of government. The central government gives its authority to the regional government to administer its own government, and in Indonesia what is meant by regional government is the administration of government affairs by the regional government and DPRD according to the principles of autonomy and assistance tasks with the principle of the widest possible autonomy in the system and principles of the Unitary State of the Republic of Indonesia Year 1945.

DPRD as a representative institution places itself as a balancing power that balances and exercises effective control over the Regional Head and all levels of local government, in accordance with the functions of the legislative body, namely, the legislative function, the controlling function, and the supervisory function.(Sunarno, 2023) Regarding the implementation of the legislative function, the DPRD has the function of drafting local regulations and RAPBD. In drafting provincial regulations, the DPRD works together with the local government, while for regency/city regulations the DPRD works together with the regency/city government. Regarding proposals for draft regulations, initiatives can come from both the legislative and executive bodies. The preparation of local regulations in Madiun Regency is sometimes proposed by the legislative body, the initiative proposal is proposed by the commissions of the Regional Regulation Formation Agency of the Madiun Regency DPRD or Cross Commission (incidental), and the proposal also comes from the executive body which in this case is submitted by the Madiun Regency Government, the initiative regarding the preparation of local regulations is as much from the legislative body as the executive body.

The drafting of local regulations in Madiun Regency goes through several processes, including the Plenary Session for the submission of the DPRD's or executive's initiative proposal on the proposed local regulation draft, the Plenary Session, namely the general views of the factions on the proposed local regulation draft, the Plenary Session for approval or not of the proposed local regulation draft. The formation of a special committee to discuss the proposed draft law, the submission of the results of the special committee's discussion, and the ratification of the proposed draft law into a local regulation. Regarding DPRD members appointed by faction leaders to participate in the formulation of local regulation proposals, the composition of the number of members is based on the rules of the Madiun Regency DPRD, in terms of time there is no specific standard for time in the formulation of local regulations because there are several obstacles to the process of discussing local regulations.

Conclusion

The implementation of the legislative function of the Madiun Regency DPRD in the formation of Madiun Regency Regional Regulations comes from internal and external factors. Internal factors include educational factors or human resources (HR), data or information availability factors, experience factors owned by DPRD members, as well as conflicts of interest between special committee members and the proposed ideas of each special committee member are often different. Meanwhile, external factors include the interests of stakeholders or stakeholders that clash with the local regulation and the absence of stakeholders at the discussion meeting of the draft local regulation. The implementation of the legislative function of the Madiun Regency DPRD in the formation of Madiun Regency Regional Regulations is in line with Law Number 12 of 2011 concerning the Formation of Legislation, this can be seen from the conformity with the articles contained in the law.

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Declarations

- Author contribution : Author 1: Sarjiyati, Sigit Sapto Nugroho initiated the research ideas, instrument construction, data collection, analysis, and draft writing; Author 2: Taufiq Yuli Purnama, Endang Sri Mulyani revised the research ideas, literature review, data presentation and analysis, and the final draft.
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