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OPTIMIZING THE LEGISLATIVE FUNCTION OF THE CIREBON REGENCY DPRD

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Abstract :

Background. The Regional House of Representatives (DPRD) has three main functions: legislation, budget, and supervision. Legislation is vital in forming quality Regional Regulations (Perda) responsive to the community's needs. However, this function often experiences challenges in its implementation, such as a lack of public participation, limited resources, clashes with political interests, and weak coordination with the executive.

Aims. This study analyzes obstacles to the DPRD's legislative function and examines optimization strategies through institutional approaches, capacity building of DPRD members, and strengthening community participation.

Methods. This research method uses an empirical juridical method with interviews with the head of the legislative section (kabag) and the Chairman of the DPRD.

Result. The study's results show that optimizing the DPRD's legislative function can be achieved by planning a more participatory regional legislation program (Prolegda), improving the quality of academic manuscripts, and continuously training legislative members.

Conclusion. The DPRD's legislative function has a crucial role in the local government system, especially in forming regional regulations (Perda). However, its implementation still faces various obstacles, such as many Regional Regulations that are not resolved, are not implemented, or overlap with the regulations above, and weak coordination between the DPRD and the Regional Regulations.

Implementation. Factors that hinder the implementation of the legislative function include synchronization with central regulations, the readiness of academic manuscripts and draft regional regulations, and limited discussion time.

Keywords: DPRD, legislative function, Cirebon regency, regional regulations.

INTRODUCTION

The Regional People's Representative Council (DPRD) is a government institution that represents the entire community and describes the democratic system in the region as described in Article 18 of the 1945 Constitution. In Article 18 paragraph (1), paragraph (2), paragraph (3) of the 1945 Constitution which explains that "The Unitary State of the Republic of Indonesia is divided into several provinces and within the provincial territory is divided into districts and cities, where each province, district and city has a Regional People's Representative Council (DPRD)".

Based on Article 69 Paragraph (1) of Law Number 17 of 2014 concerning the MPR, DPR, DPD, and DPRD (hereinafter referred to as the MD3 Law) it has been regulated that the Regional House of Representatives has the function of legislation or the function of forming regional regulations, budget functions, and supervisory functions. The MD3 Law regulates the duties, authorities, membership, rights, obligations, code of ethics, and the implementation of the duties of these institutions.

The MD3 Law is the legal basis for the implementation of the legislature in Indonesia. The MD3 Law has undergone several revisions, including:

- The second amendment to the MD3 Law is regulated in Law Number 2/2018.
- The third amendment to the MD3 Law is regulated in Law Number 13 of 2019.¹

¹ Riyas Adikarya Wisda, (2024), *Analysis of the Implementation of the Legislative Function of the DPRD in the Use of Initiative Rights for the Formation of Regional Regulations in Samarinda City, East Kalimantan Province* (IPDN, Applied Indonesian Politics)

The DPRD has a legislative function in the theory of the *trias politica* state plays an important role in making regulations so that the goals of the state can run well, one of the methods taken by the DPRD is to accelerate the creation of community welfare by producing regional regulation products or legislation functions. Legislation generally refers to the process of making, changing, or repealing laws or regulations that apply in a country or region². This legislation is an important instrument in realizing democratic and accountable local governance. However, in practice, the DPRD still faces a number of problems that hinder the optimization of the function of the legislation.

The Cirebon Regency DPRD already has a Regulation of the Cirebon Regency Regional House of Representatives Number 1 of 2024 concerning the Rules of the Council in article 3 which states the Function of Forming Regional Regulations (Perda), namely drafting a Regional Regulation with the Regent, discussing with the Regent and approving or not approving the draft Regional Regulation, and proposing a draft Regional Regulation.

The making of the Regional Regulation must have at least two underlying things, namely, first, the Regional Regulation is formed because the community indeed needs it, and the second is that the Regional Regulation that is formed can improve the welfare of the people who are targeted in the Regional Regulation One of the functions of the DPRD that is very fundamental in the context of the implementation of regional autonomy is the function of forming regional regulations. To carry out this function, the DPRD is given various rights, including "the right to propose draft regional regulations and the right to make changes to the draft regional regulations," so that the DPRD has a more strategic position in forming regulations. Therefore, the DPRD, as a local government partner, has an important role in making regional regulations. Institutionally, there is already a legal basis as a guideline in implementing this function. Cirebon Regency DPRD

PROBLEM FORMULATION

Based on this brief introduction, it can be concluded that the problems regarding the optimization of the legislative function are as follows

1. What is the function of DPRD legislation in optimizing local government performance?
2. What obstacles does the DPRD face in carrying out the legislative function?

² Asshidiqie, Jimly, 2013, "*Introduction to Constitutional Law*", Jakarta, Rajawali Press, p. 45

RESEARCH METHODS

This research method uses empirical juridical research methods. It combines qualitative methodology with an empirical juridical approach to examine the implementation of legal provisions in real life, in legal events in society. Empirical juridical research is legal research on the enactment or implementation of normative legal provisions in action at every specific legal event that occurs in society.³ Primary data was collected through interviews with the Chairman of the Cirebon Regency DPRD and the Head of the Trial and Legislation Section of the Secretariat of the Cirebon Regency Council, while secondary data was obtained through literature studies that included various legal sources such as laws and regulations, legal journals, and relevant textbooks.

THEORETICAL FOUNDATION

The DPRD as a legislative function in the theory of *the trias politica* state plays an essential role in making regulations so that the goals of the state can run well, one of the methods taken by the DPRD is to accelerate the creation of community welfare by producing regional regulation products through procedures in the form of legislation. However, in practice, the DPRD still faces several problems that hinder the optimization of the function of the bill.

The Regional House of Representatives (DPRD) has three main functions: budget, supervision, and legislation. The legislative function of the DPRD is regulated in Law No. 23 of 2014 concerning the Regional Government. The DPRD plays a role in the formation of Regional Regulations, both from the initiative of the DPRD and the executive. Optimization can be interpreted as an effort to achieve the best results with the available resources.

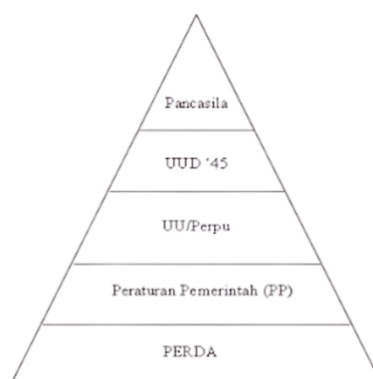
Therefore, this study uses a theory from Hans Kelsen, namely *the Stufenbau theory*, which is "a theory of positive law, but not a positive law on a certain legal system, but a theory of general law. Hans **Kelsen's exposition** in *Stufenbau theory* aims to explain how law actually originates, until it appears in positive law regulations. Stufenbau theory is part of legal science and not a matter of legal policy".⁴

³ Abdulkadir Muhammad, 2004, Law and Legal Research, Bandung, Citra Aditya Bakti, p. 134

⁴ FX. Adjii Samekto, 'Tracing the Roots of Hans Kelsen's Thought on Stufenbautheorie in a Normative-Philosophical Approach', *Journal of Progressive Law*, 7.1 (2019), p. i

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Picture 1. Legislative hierarchy in Indonesia

DISCUSSION

The Function of DPRD Legislation in Optimizing the Performance of Local Government

The Regional People's Representative Council (DPRD) is a people's representative institution that functions as an element of local government organizations in Indonesia. The DPRD has an essential role in the local government system at the provincial and district/city levels.

According to Article 1 paragraph (4) of Law Number 32 of 2004 concerning Regional Government, the DPRD is defined as a regional representative institution that functions to represent the community's aspirations and carry out legislative, budgetary, and supervisory tasks.⁵ This definition emphasizes that the DPRD is an integral part of the local government structure and is responsible for creating public policies relevant to the needs of the local community.

In the context of the constitution, Article 18, paragraph (3) of the 1945 Constitution states that each provincial, regency, and city area has a DPRD whose members are elected through general elections. This provision shows that the DPRD is a democratic institution that represents the people at the regional level, providing the votes and aspirations of the community in the decision-making process.

The DPRD's position as an element of local government organizers is different from the relationship between the House of Representatives (DPR) and the President in the central government system. The DPRD and regional heads work in partnership to run local government, with each having complementary responsibilities and authorities.

⁵ Article 1 paragraph (4) of Law No. 32 of 2004 which mentions Regional Government
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The main functions of the DPRD include forming regional regulations (legislation), supervising the implementation of local government policies, and discussing and approving the regional revenue and expenditure budget (APBD). Through these functions, the DPRD plays an active role in regulating and supervising the government running at the local level, ensuring that local government policies are run in line with the community's needs and democratic principles.

Overall, the DPRD is an institution that represents the people in the regions. Its main task is to carry out legislation, budget, and supervision functions to ensure that local government policies run effectively and are responsive to the community's needs. The Regional People's Representative Council (DPRD) is a people's representative institution that functions as an element of local government organizations in Indonesia. The DPRD has a vital role in the local government system at the provincial and district/city levels.

The DPRD has a strategic role in the local government system, functioning as an equal partner of local governments in carrying out legislation, budget, and supervision tasks. These functions aim to ensure that local government policies run under the community's needs and democratic principles. The functions of legislation, budget, and supervision are explained in several ways.

1) Legislation

The legislative function of the DPRD is realized through the formation of regional regulations (Perda) carried out with regional heads. Regional Regulations are the legal basis for the implementation of government at the local level. They function as a tool to regulate people's lives and support the implementation of regional autonomy. The DPRD plays an active role in compiling, discussing, and determining the legal products to suit the aspirations of the community and the needs of regional development.⁶

2) Budget

The DPRD's budget function includes discussing, approving, and determining the Regional Revenue and Expenditure Budget (APBD). In this function, the DPRD collaborates with local governments to ensure that budget allocation is carried out transparently, efficiently, and targeted. The APBD, which was approved by the DPRD,

⁶ Aryojati Ardiwandanto, 2020, *The Role of the DPRD in Regional Policy Making*, Jakarta, Yayasan Pustaka Obor Indonesia
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is an important instrument for supporting regional development programs and effective public services.

3) Supervision

The DPRD's supervisory function is carried out on the implementation of Regional Regulations, APBD, and local government policies. Through this function, the DPRD supervises the running of the government in accordance with the regulations that have been set. This supervision also aims to prevent irregularities or irregularities in the implementation of public policies. If obstacles or violations are found, the DPRD can provide recommendations for improvement or further action.

The legislative function of the DPRD is regulated in various laws and regulations, including: Law Number 23 of 2014 concerning Regional Government, Law Number 12 of 2011 concerning the Formation of Laws and Regulations, Regulation of the Minister of Home Affairs concerning Guidelines for the Preparation of Regional Legal Products.

The DPRD's legislation procedures are carried out through the preparation of the Regional Regulation Formation Program (Propemperda), discussion, and determination of regional regulations. But in practice, there are several obstacles such as:

- Many Regional Regulations are not completed in one budget year,
- The resulting regional regulations are sometimes not implementable or overlap with the regulations on them.
- The weak coordination between the DPRD and local governments in preparing academic manuscripts and draft regional regulations is not in line with the sociology of law and sometimes likes to accept input from public responses.⁷

Optimizing the performance of the legislation function in the Cirebon Regency DPRD is in the form of:

- a. Increasing the Knowledge of DPRD Members: Providing technical guidance (BIMTEK) to increase DPRD members' knowledge of Legislation.
- b. Creating Clear Procedures: Develop and document transparent procedures for submitting legislation initiatives. This procedure should include clear steps, deadlines, and evaluation criteria to ensure that DPRD members can easily understand and utilize their legislative rights.

⁷ Suherman, A. (2020). Management of the Legislative Function of the Regional House of Representatives. *Governans Journal*
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- c. Consultation with Related Parties: Hold regular consultation sessions with local governments, academics, legal experts, and civil society. Involving various stakeholders in the process of drafting legislation initiatives will ensure that the proposed regulations are relevant and can be implemented effectively.
- d. Socialization of Raperda and Academic Manuscripts to the Community: In this socialization before the ratification of the regional regulation, DPRD members accommodated suggestions and inputs from the community to improve the regional regulation.
- e. Monitoring and Evaluation: Building a continuous monitoring and evaluation system for implementing legislative functions in the DPRD. One way to do this is to hold working meetings with related agencies to monitor and evaluate the implementation of the Regional Regulation.⁸

The implementation in the Cirebon Regency DPRD itself, community involvement can be seen from the frequency of DPRD members in several things, such as meetings with legal experts or hearings with civil society. In addition, members of the Cirebon Regency DPRD also implement a recess period three times a year. The recess period itself is used by DPRD members individually or in groups to visit the region to absorb the aspirations of the community and provide accountability for implementing the DPRD's duties and authorities.⁹

Obstacles to the implementation of the legislative function

In carrying out its legislative functions, the Regional House of Representatives (DPRD) often faces various obstacles that can reduce the effectiveness of its role and contribution in forming laws and regulations. These obstacles include the limitation of competent human resources in the field of legislation, the low quality and quantity of academic studies on draft regulations, and the lack of optimal coordination with local governments as partners. In addition, internal political dynamics, such as differences in interests between factions, are also often an inhibiting factor in reaching agreement on policy drafts. In this context, it is essential to understand that the legislative function of the DPRD is symbolic and concerns the substantive role in determining the direction and content of regional policies.

According to Jimly Assidique, the function of the DPRD as a legislature concerns four activities, namely: (1) Legislative *intation* initiative; (2) the discussion of the draft law (*law*

⁸ "Optimizing the performance of the legislation function in the Cirebon Regency DPRD is in the form of," said Isnaini Jazilah, a Head of the Legislative Section at the Cirebon Regency DPRD (I. Jazilah, interview, April 8, 2025)

⁹ Cirebon Regency DPRD Rules of Procedure No. 1 of 2024 Article 2 paragraph 1

making process); (3) consent to the ratification of the bill (*law enactment approval*); (4) the granting of binding consent or international consent and other binding legal documents.¹⁰

Several studies on the performance of the DPRD show that its function is not optimal, especially in implementing legislative functions. Based on the results of interviews with the head of the trial and legislation section of the Cirebon Regency Council secretariat, the factors that hinder the implementation of the legislative function of the Cirebon Regency DPRD include:

1) Synchronization with central regulations

The draft of this regional regulation needs stages for synchronization, harmonization, and facilitation with the regulations above it, both at the central and regional (provincial) levels, which results in the need for a longer time to complete the regional regulation.

2) Readiness of Academic Manuscripts and Draft Regional Regulations

The readiness of academic manuscripts and draft regional regulations is vital in legislation. Academic manuscripts serve as a scientific and legal basis for preparing draft regional regulations, ensuring that the resulting rules are relevant, effective, and meet the community's needs.

Academic papers provide regulatory recommendations needed to solve the problem in question. This is necessary so that the legal products produced can achieve the goals of the academic manuscript itself, which is to provide solutions to existing problems.

There are several foundations of formation which include:

a. Philosophical Foundations

It contains an awareness of national life and the ideals of national law based on Pancasila and the Preamble to the 1945 Constitution.

b. Sociological Basis

That is, describing the empirical facts of the problems and legal needs of the community.

c. Juridical Basis

¹⁰ Assidiqie, Jimly. 2009. *Introduction to Constitutional Law*. Jakarta: PT Raja Grafindo Persada. Thing. 23 The Gospel of Jesus Christ

That is to provide legal urgency regarding the renewal or improvement of existing regulations so that they remain in harmony and meet the demands of the dynamics of the community's legal needs.

3) Limited time for discussion

The DPRD has three functions following the DPRD regulations regarding the Rules of Conduct of the Regional House of Representatives, namely the function of forming a Regional Regulation as referred to in Article 2 paragraph (1) letter a, is carried out by: a. drafting a Propemda with the Regent; b. discuss with the Regent and approve or disapprove the draft Regional Regulation; and c. submit a proposal for a draft regional regulation. One of the obstacles in carrying out this function is the limited time for discussion. The stipulated time will encourage efficiency and determination in completing the discussion agenda.

However, its implementation is often not proportional to the complexity of the material that must be studied. Due to limited time, the discussion of the draft regulation has the potential to be suboptimal, especially in raising issues that require in-depth study and involving various stakeholders.

CONCLUSION

The DPRD's legislative function must still be strengthened to produce quality, aspirational, and implementable Regional Regulations. Optimization can be done by increasing the DPRD's internal capacity, public involvement, and synergy with the executive and academics. This effort is essential to strengthen the DPRD's role as a representative of the people at the regional level.

The DPRD's legislative function plays a very important role in the local government system, especially in the formation of regional regulations (Perda). However, its implementation still faces various obstacles, such as many Regional Regulations that are not resolved, are not implemented, or overlap with the regulations above, and weak coordination between the DPRD and the Regional Regulations. Factors that hinder the implementation of the legislative function include synchronization with central regulations, the readiness of academic manuscripts and draft regional regulations, and limited discussion time.

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