

## Analysis of DPRD Performance in Implementing the Right of Initiative in the Formation of Regional Regulations

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### ABSTRACT

*This study aims to analyze the performance of the Buton Regency Regional People's Representative Council (DPRD) in implementing the right of initiative in the formation of Regional Regulations (Perda), and to identify factors that hinder its implementation. This study uses an empirical legal approach with qualitative methods. Data were collected through observation, in-depth interviews, and documentation, with the main sources being the Chairman of the DPRD and the Chairman of the Regional Regulation Formation Agency (Bapemperda). The results of the study indicate that the implementation of the legislative function by the DPRD in using the right of initiative has not been running effectively. During the 2019–2024 period, not a single Regional Regulation originated from the DPRD's initiative, out of a total of 27 Perda that have been passed. The DPRD's performance is considered still weak when viewed from public organization performance indicators, namely productivity, service quality, responsiveness, responsibility, and accountability. In addition, there are several inhibiting factors in the implementation of the right of initiative, including limited human resources, internal differences of opinion among DPRD members, the characteristics of the legislative institution as a complex democratic institution, and the busy work schedules of council members. This study recommends improving the capacity of Regional People's Representative Council (DPRD) members to understand the substance of regulations and social dynamics, as well as fostering synergy and collective awareness in carrying out their legislative function. This way, the DPRD's right of initiative can be optimized to produce regulations that are more aspirational and responsive to the needs of local communities.*

**Keywords:** Analysis of DPRD Performance, Implementing the Right, The formation, Regional regulations

### 1. Introduction

Indonesia is an archipelagic nation comprising thousands of islands. According to the latest data released by the Ministry of Maritime Affairs and Fisheries (KKP), Indonesia now consists of 16,056 named and verified islands. This geographical situation has hampered the government's ability to achieve equitable development, leading to development inequality. This disparity between regions is evident in the presence of developed and underdeveloped regions. To facilitate the development of these underdeveloped regions, the government has begun implementing a regional autonomy program. Regional autonomy is the right, authority, and obligation of autonomous regions to regulate and manage their own government affairs and the interests of their local communities within the Unitary State of the Republic of Indonesia. As stipulated in Article 18 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which reads: "Provincial, district, and city governments regulate and manage their own government affairs according to the principles of autonomy and assistance." (1945 Constitution of the Republic of Indonesia)

Regional autonomy began to be implemented based on the Regional Government Law, namely Law No. These include Law No. 22 of 1999, Law No. 32

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of 2004, and the most recent and currently in effect, Law No. 23 of 2014. Through regional autonomy policies, local governments (regions and villages) are encouraged to manage their own governance independently, fairly, and democratically. Regional autonomy is seen as a means to concretely realize effective, efficient, and authoritative governance, ensuring the provision of public services and improving welfare. Regional autonomy also fosters strong linkages between regions. Through decentralization, regional governments have their own autonomy. This broad autonomy allows them to manage their own affairs, determine the direction of development, access regional revenue sources, freely determine their own regional budgets, and directly elect their own regional heads.

The granting of autonomy is expected to accelerate the realization of public welfare through improved services, empowerment, and community participation. Within the central government, according to the amendments to the 1945 Constitution, the power to organize state affairs and governance is no longer centralized in the hands of a president. This is at least marked by the fact that the power to create laws is no longer held by the president, but rather by the House of Representatives (DPR). In this case, the president only submits draft laws. Similarly, in regional government, the Regional People's Representative Council (DPRD) has greater authority to create Regional Regulations (Perda) than the regional head. Since the enactment of Law No. 22 of 1999 concerning the Principles of Regional Government, there has been a paradigm shift in the formation of regional legislation. The most prominent shift is the shift in the focus of authority to create laws from the executive to the legislative.

This law regulates the principles or principles of regional governance, particularly the relationship between the DPRD and the Regional Head, with a new paradigm of democratization of regional governance. This includes the authority to create regional regulations (Perda). Government Regulation No. 12 of 2018 concerning the Drafting of Rules of Procedure for the Provincial, Regency, and City Regional Representative Councils, Article 80 concerning the implementation of members' rights states that: First, every DPRD member has the right to submit draft regional regulations. Second, the initiative proposal referred to in paragraph (1) is submitted to the leadership of the Regional People's Representative Council (DPRD) in the form of a draft regional regulation accompanied by a written explanation and assigned a primary number by the DPRD secretariat. Based on the data obtained, the DPRD should be able to act as a medium to bridge public aspirations in the formation of Regional Regulations that favor the public's interests. The DPRD conducts public aspirations through formal procedures and has provided a forum through statutory regulations through DPRD member recesses to their chosen districts (Dapil) to build communication with constituents. Informally, DPRD members are required to be inclusive in establishing communication with the general public. Unfortunately, the DPRD's communication with the public has not been able to be articulated by the DPRD to influence government policy, particularly in the formation of Buton Regency Regional Regulations. The Buton Regency DPRD, as representatives of the people, must be a source of initiatives, ideas, and concepts regarding various regional regulations that bind the community, because they are the ones who accurately understand the needs and desires of the community, thus producing Regional Regulations that favor the community.

Based on this background, the author formulated a research problem focusing on two main aspects. First, how does the Regional People's Representative Council (DPRD) perform in exercising its right of initiative in the formation of Regional Regulations in Buton Regency, reflecting the legislative institution's

strategic role in formulating regional policies for the benefit of the community. Second, this study also aims to identify and analyze various factors that hinder the DPRD in exercising its right of initiative, both internal factors such as member capacity and political dynamics, and external factors such as budget constraints, low public participation, and weak inter-agency coordination. These two problem formulations serve as the basis for evaluating the effectiveness of the DPRD's legislative function and seeking strategic solutions to strengthen its role in a democratic and participatory regional governance system.

The purpose of this study is to analyze the performance of the Buton Regency DPRD in exercising its right of initiative in the formation of Regional Regulations and to identify factors that hinder the optimal implementation of this right. This research is expected to provide an empirical overview of the effectiveness of the DPRD's legislative role in carrying out its legislative function independently and responsively to community needs. The benefits of this research include providing academic contributions to the study of constitutional law and regional governance, becoming a reference for the DPRD in improving legislative performance through the right of initiative, and providing input for regional governments and the community in encouraging active participation in the process of forming regional regulations that are more transparent, accountable, and democratic.

## **2. Methods**

**Method** This research method uses an empirical legal approach with qualitative methods, aiming to describe the performance of the Buton Regency DPRD in implementing the right of initiative to form Regional Regulations. The research was conducted directly through field research at the Buton Regency DPRD Office in May 2024. Data sources consisted of primary and secondary data. Primary data were obtained through interviews with the Chairman of the DPRD and the Chairman of Bapemperda, while secondary data were obtained from legal literature and related official documents, such as the 1945 Constitution, Law No. 17 of 2014, Law No. 23 of 2014, and Regulation of the Minister of Home Affairs No. 80 of 2015. Data collection techniques included observation of field conditions, structured and unstructured interviews to gather in-depth information, and documentation of relevant archives. Data analysis was carried out in three stages: simplification and grouping of data, presentation of data in narrative form, and drawing conclusions based on the patterns found. To ensure the validity of the data, triangulation techniques were used, namely by comparing data from various sources and methods to ensure the scientific validity of the research findings.

## **3. Findings and Discussions**

### **3.1 DPRD Performance in Implementing the Right of Initiative in the Formation of Regional Regulations in Buton Regency.**

Law Number 23 of 2014 concerning regional government places full regional autonomy in the hands of provincial, district, and city governments to formulate and implement policies based on the initiatives and aspirations of local communities. Article 1, paragraph (4) of Law Number 23 of 2014 reaffirms the position of the Regional People's Representative Council (DPRD) as the regional government organizer. This shift in the DPRD's position from a Regional Legislative Body to an element of regional government organizer is based on several dominant perspectives adopted by the drafters of Law Number 32 of 2004, as amended by Law Number 23 of 2014. Article 236 states that to implement Regional Autonomy

and Assistance Tasks, the DPRD, with the approval of the Regional Head, establishes Regional Regulations. Regional regulations are one manifestation of the granting of authority from the Central Government to Regional Governments regarding the implementation of regional autonomy. A regional regulation is a regulation created jointly by the Head of a Province or Regency/City and the Regional People's Representative Council (DPRD) of both the Province and Regency/City, in order to implement Regional Autonomy. It serves as the legal basis for the implementation of Regional Government. Draft Regional Regulations can be obtained from proposals from the executive branch, namely the Regional Government, or from proposals from the Regional People's Representative Council (DPRD) using its right of initiative. According to the author, the DPRD's commitment as a representative body can be seen in its use of its right of initiative to create Regional Regulations that align with the needs and aspirations of the community. This right of initiative can be defined as the right to submit a proposed Draft Law (RUU) to the government. This means that the DPRD's right of initiative is the right to submit draft regional regulations upon the DPRD's initiative. This right of initiative belongs to every DPRD member, as representatives of the people directly elected by the people, with the hope of channeling and championing their aspirations.

The Buton Regency DPRD's exercise of its right of initiative in the formation of Regional Regulations can be seen from the number of draft Regional Regulations generated by the DPRD's initiatives within a specific time period. The following is data on Buton Regency Regional Regulations for 2020-2024, both those originating from the Executive and those using the DPRD Members' right of initiative.

**Table 1.** Buton Regency Regional Regulation Data for 2020-2024

| No            | Tahun | Jumlah Perda |           |
|---------------|-------|--------------|-----------|
|               |       | Legislatif   | Eksekutif |
| 1.            | 2020  | 0            | 7         |
| 2.            | 2021  | 0            | 7         |
| 3.            | 2022  | 0            | 6         |
| 4.            | 2023  | 0            | 7         |
| 5.            | 2024  | 0            | 0         |
| <b>Jumlah</b> |       | <b>0</b>     | <b>27</b> |

*Source: Buton Regency Regional Regulation Data for 2020-2024*

From the table above, it can be seen that from 2020 to 2024, there were 27 Regional Regulations that had been established, but none of these Regional Regulations came from the initiative of the Buton Regency DPRD. Based on the results of an interview with Mr. La Subu, S.H., M.H as the chairman of the Bapemperda DPRD Buton Regency on May 19, 2024, he said that: "It is true that there were no draft regional regulations proposals from the DPRD during that period, then the 27 Regional Regulations that were established all came from executive proposals". Based on the data above, it is known that the Buton Regency DPRD did not carry out its legislative function, namely the use of the right to initiate the formation of regional regulations. Whereas with the existence of regional

autonomy whose implementation further increases the role and function of the regional legislative body, both as a supervisory function, budget function and legislative function for the implementation of regional government, the Buton Regency DPRD as the people's representative who was given the authority should be able to form regional regulations that are in accordance with the needs of the people.

The DPRD's right of initiative, the right to propose draft regional regulations, is one of the DPRD's rights to carry out its function in formulating regional regulations. According to the author, legislative power is the core of popular sovereignty, therefore all representative bodies (the DPR RI, the Provincial DPRD, and the Regency/City DPRD) have this right of initiative. The DPRD's right of initiative is clearly evident in several regulations. Article 149 Paragraph (1) letter a of Law Number 23 of 2014 concerning Regional Government states that the Regency/City DPRD has the following functions: Formulating Regency/City Regulations. Article 150 explains that the function of formulating Regency Regulations, as referred to in Article 149 Paragraph (1) letter a, is implemented by: submitting proposals for Draft Regency/City Regulations. Furthermore, Article 21 of the Minister of Home Affairs Regulation Number 80 of 2015 concerning the Formation of Regional Legal Products states that proposals for Draft Regional Regulations can come from both the regional head and the DPRD. Several references to these laws indicate that the DPRD is an element of regional government administration that functions to formulate regional regulations. This function is carried out within the framework of public representation in the region. However, the Buton Regency DPRD did not implement the right of initiative, the author believes that the Buton Regency DPRD does not reflect its role as a representative of the people who should pay attention to every aspiration of the people to be fought for through regulations, in this case regional regulations, as a guide in implementing pro-people programs and policies.

### **3.2 Inhibiting Factors of the DPRD in Implementing the Right of Initiative in the Formation of Regional Regulations in Buton Regency.**

Based on the data obtained, the factors inhibiting the DPRD in implementing the Right of Initiative in the Formation of Regional Regulations in Buton Regency include:

#### **3.2.1 Human Resources**

Based on the results of an interview with Mr. La Subu, S.H., M.H as the Chairperson of the Bapemperda DPRD of Buton Regency on May 19, 2024, said that the human resource factor is part of the obstacle to the minimal use of the right of initiative of the DPRD of Buton Regency. Human resources are the ability at the individual, organizational or institutional level, as well as the system to carry out its functions or authorities to achieve its goals effectively and efficiently. Every DPRD member has a legislative function in forming regional regulations and is required to master legal drafting techniques, so it is hoped that it will increase the productivity of the DPRD in forming quality regional regulations that are needed by the community. It is ironic when the institution tasked with creating legal products is filled with people with minimal experience in legal drafting. Not all members of the Council are critical and aspirational, so the right of initiative is very difficult to implement. The elected members of the Buton Regency DPRD come from various circles with different educational and backgrounds. This means that each DPRD member has a varied mindset, so the right of initiative is very difficult to implement because Buton Regency DPRD members who have a critical nature cannot act alone without the role of other DPRD members. In accordance with the definition

of Human Resources which have a function that is able to contribute to certain achievements, it can be concluded that the thoughts of the members of the Buton Regency DPRD are very necessary in terms of implementing and using the Right of Initiative.

### 3.2.2 Characteristics of the DPRD as a Democratic Institution

The DPRD institution cannot create special standards in recruiting new members, such as selecting members from the community who have more legal knowledge because the DPRD is characterized by democracy, which means that anyone can become a DPRD member as long as they are elected by the people.

### 3.2.3 Dissent

Based on the results of an interview with Mr. La Subu, S.H., M.H as the Chairperson of the Bapemperda DPRD of Buton Regency on May 19, 2024, he said that the factor of differences of opinion is one of the reasons why the right of initiative does not arise from council members. When there are ideas and thoughts about proposing regional regulations, there are several factions that do not agree to submit these ideas or ideas to be submitted so that they can become regional regulations so that these ideas or ideas do not become reality. Such things are also obstacles that are often experienced in the use of the Right of Initiative. The task of DPRD members themselves is to provide subjective assessments which will later become material for DPRD recommendations to the Regent to be appointed as Directors. In providing this assessment, differences of opinion occur between DPRD members, because in essence all DPRD members have the same right to provide assessments according to their respective wishes, but in general all decisions made in the DPRD end up in DPRD decisions, not based on individuals because they carry the name of the institution, namely the DPRD, not on behalf of each individual DPRD member.

### 3.2.4 Time Factor

Based on the results of an interview with Mrs. Nurnia, S.H. as Chairperson of the Buton Regency DPRD on May 19, 2024, said that one of the factors that hinders the difficulty of achieving the right of initiative is the time factor. Each member of the Buton Regency DPRD has a busy agenda so that the discussion of Regional Regulations through initiatives is almost difficult to implement. In reality, Buton Regency DPRD members can only gather in full during plenary sessions or other meetings, the rest of the time the Buton Regency DPRD members carry out their responsibilities in the field.

## 4. Conclusion

Based on the research results, it can be concluded that the implementation of the legislative function of the Buton Regency DPRD in the use of the right of initiative in the formation of Regional Regulations has not been running optimally. This is evident from the absence of a single Regional Regulation originating from the DPRD's initiative during the 2019–2024 period, even though the DPRD has a crucial role in realizing community aspirations through regulations that favor the public interest. Evaluation of the DPRD's performance using indicators of productivity, service quality, responsiveness, responsibility, and accountability shows the weak initiative of the regional legislative institution. In addition, there are several main inhibiting factors in the use of the DPRD's right of initiative, such as the low quality of human resources, the DPRD's characteristics as a democratic institution that often faces internal differences of opinion, and the busy work agenda of DPRD members which leads to a lack of focus on the legislative function.

Therefore, it is necessary to increase the capacity of DPRD members in understanding social dynamics and legal substance as well as the ability to manage differences of opinion constructively. The DPRD is also expected to be more proactive in overcoming internal obstacles and oriented towards the interests of the people in order to implement the right of initiative more effectively and impactfully.

### References

- Adha Enggarita, 2020, "Pelaksanaan Fungsi Legislasi DPRD Kabupaten Bengkalis Tahun 2016-2020 Dalam Pembuatan Peraturan Daerah Menurut Fiqih Siyasah", Skripsi. Riau, UIN Sultan Syarif Kasim Riau.
- Agus Dwiyanto, Mewujudkan Governance Melalui Pelayanan Publik, Gadjah Mada University Press, Yogyakarta, 2008.
- Agus Dwiyanto. 2008. *Reformasi Birokrasi Publik di Indonesia*. Yogyakarta: PPSKUGM
- Arianty,, 2013, *konflik kepentingan antar fraksi di DPRD dalam penisian jabatan pada perusahaan daerah pelabuhan Gorongkong Kabupaten Baru*. Makasar. Fisip. UNHAS.
- Arifuddin N, Implementasi Fungsi Legislasi Dewan Perwakilan Rakyat Daerah pada Pembentukan Peraturan Daerah, Al-Ishlah Jurnal Hukum Vol. 23, No.1 (Mei 2020).
- Dadang Suwanda, Peningkatan Fungsi DPRD, PT Remaja Rosdakarya, Bandung 2016.
- H.A.W. Widjaja. 2005. *Penyelenggaraan Otonomi di Indonesia dalam Rangka Sosialisasi UU No.32 Tahun 2004 tentang Pemerintahan Daerah*. Jakarta: Raja Grafindo Persada.
- Indriasari, 2008, *Pengaruh Kapasitas Sumber Daya Manusia*. Pontianak: Sinopsis Nasional Akuntansi.
- Ishaq. 2017. *Metode Penelitian Hukum dan Penulisan Skripsi, Tesis, Serta Disertasi*. Bandung: CV Alfabeta.
- Jimly Asshiddiqie, 2006. *Pengantar Ilmu Hukum Tata Negara*, Jakarta: Sekretariat Jendral dan Kepaniteraan Mahkamah Konstitusi.
- Juanda , *Hukum Pemerintahan Daerah, Pasang Surut Hubungan Kewenangan antara Dprd dan Kepala Daerah*, PT. Alumni, Bandung.
- M Solly Lubis. 2008. *Hukum Tata Negara* (Cet.VII). Bandung: Mandar Maju.
- Maria Farida Indrati S. 2007. *Ilmu Perundang-undangan Cet. Ke-7*. Yogyakarta: Kanisius.
- Marianus Watungadha, 2015, *Pelaksanaan Hak Inisiatif DPRD Dalam Pembentukan Peraturan Daerah Di Kabupaten Ngadha Pada Tahun 2009-2014*. Yogyakarta: Universitas Atma Jaya Yogyakarta. Artikel Tesis.

### Perundang-Undangan

- Undang-Undang Dasar Republik Indonesia 1945.
- Undang-Undang No. 23 Tahun 2014 Tentang Pemerintahan Daerah.
- Peraturan Pemerintah Nomor 12 tahun 2018 Tentang Penyusunan Tata Tertib Dewan Perwakilan Rakyat Daerah Provinsi, Kabupaten Dan Kota.

### Internet

- [http://JDIH - Kabupaten Buton \(butonkab.go.id\)](http://JDIH - Kabupaten Buton (butonkab.go.id)) di akses pada tanggal 15 Mei 2024 pukul 19.45 Wita.