

## Reconstruction of the Regional People's Representative Council (DPRD) Regulations in the Formation of Regional Regulations Based on the Values of Justice

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### **Abstract**

The position of the Regional People's Representative Council at the provincial and district/city levels essentially acts as a people's representative institution that exercises legislative power at the regional level. The purpose of research is: 1) analyze the DPRD's authority in forming regional regulations lacking justice values; 2) identify weaknesses in regulatory authority; and 3) reconstruct DPRD authority based on justice values. The research uses a constructivist paradigm, the research applies a normative legal approach and descriptive method. Data sources include primary, secondary, and tertiary legal materials. This research uses analysis of legal materials to assess DPRD legislation's alignment with justice principles. The result of research are: 1) DPRD's authority in forming regional regulations lacks justice values, with unclear roles between DPRD and regional government; 2) Weaknesses include unclear legal substance, structural flaws from Ministry annulments, and legal culture where compliance is driven by tradition, not legal understanding; 3) Reconstruction aligns DPRD's authority with justice values by clarifying roles, strengthening legal foundations, and promoting genuine public participation based on legal awareness. Norm reconstruction of DPRD's authority in forming regional regulations based on justice values refers to Law No. 9/2015 Article 101(1) and Law No. 23/2014 Article 236(4) on Regional Government.

**Keywords:** *Reconstruction; Regulation; Authority; DPRD; Regional Regulation*

### **Introduction**

Things to do understood in carry out development national for realize welfare all Indonesian people are that the Unitary State of the Republic of Indonesia consists of on thousands island, good island big and also island small. The Unitary State of the Republic of Indonesia is also divided on areas provinces and regions province That shared on districts and cities, so it is very Possible If development as

state efforts to realize people's welfare only handed over to government center and everything something controlled entirely by the government center. With Thus, the region must also follow play a role as well as for carry out development.

Article 18 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states: that: "The Unitary State of the Republic of Indonesia is divided on areas provinces and regions province That shared on districts and cities, each of which province, district and city That have government area, which is regulated with "law ". From the provisions of Article 18 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, then each and every province, district and city have government area.

With existence autonomy area, then government area has authority granted by the government center. Government to organize affairs the government that became his authority as set in regulation legislation.

Article 5 paragraph (4) of the Law Number 23 of 2014 concerning The local government said that: " The implementation of affairs government as referred to in paragraph (2) in the area implemented based on principle decentralization, deconcentration, and tasks assistance". Affairs government according to Article 1 number 5 of the Law Number 23 of 2014 is: " Power the government that became authority the president whose implementation carried out by state ministries and organizers government area for protect, serve, empower and prosper public ".

Affairs government according to Article 9 paragraph (1) of the Law Number 23 of 2014, consisting of on affairs government absolute, matter government concurrent, and business government general. Affairs devolved government to area and become base implementation autonomy area including in affairs government concurrent [Article 9 paragraph (4) of the Law Number 23 of 2014].

One of very important authority from a area that regulates and manages House the stairs Alone is authority For set regulation area.<sup>1</sup>

Regional Regulations according to Article 1 number 4 of the Regulation of the Minister of Home Affairs (Permendagri) Number 80 of 2015 concerning Formation Regional Legal Products are: " Provincial Regional Regulations " or other names and District /City Regional Regulations or other names, which are hereinafter referred to as called bylaw is regulation legislation formed by the DPRD with agreement together head area ".

Regulations (Perda) are determined by the head of the area after get agreement together with the Regional People's Representative Council (DPRD). Regulations area formed in frame organization autonomy area province / district / city and duties assistance. Regulations area is description more carry on from regulation more legislation tall with notice characteristics unique to each region. Regulation there No may contradictory with interest general and/ or regulation more legislation tall.<sup>2</sup>

Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia states: " Government area entitled set regulation regional and other regulations for carry out autonomy and duties assistance. Formation regulation area is manifestation delegated authority to area in frame implementation autonomy area For operate his obligations.<sup>3</sup> Although area given right For to form regulation regional and

<sup>1</sup> Irawan Soejito, *Making Techniques Regional Regulation*, Bina Aksara, Jakarta, 1989, p. 1.

<sup>2</sup> Abdilla Fauzi Achmad, *State Governance in Political Perspective*, Print First, Golden Terayon Press, Jakarta, 2012, p. 277.

<sup>3</sup> Eka NAM Sihombing, " Initiating Aspirational Regional Regulations" In Sophia Hadyanto, (Editor) Paradigma Post-Reformation Legal Policy, PT. Softmedia, Jakarta, 2010, p. 189

other regulations in frame carry out autonomy area ( paragraph (6) above), that No means that area may make conflicting regulations with the principle of a unitary state.<sup>4</sup>

Regulations (here in after referred to as Regional Regulations) called Regional Regulations) and other regulations for carry out autonomy and duties assistance determined by the government area No may contradictory with provision regulation legislation is taller interest general, and/ or morality. This is confirmed in Article 250 of the Law Number 23 of 2014 concerning Regional Government as has changed the last few times with Constitution Number 9 of 2015 concerning Change Secondly, under the Law Number 23 of 2014 concerning Regional Government (hereinafter called Constitution Local government).

Conflicting regulations with provision regulation more legislation high, interest general, and/ or morality, was canceled by the Central Government. Cancellation Regional Regulation Province carried out by the Minister of Home Affairs, temporarily cancellation Regional Regulation Regency / City is carried out by the Governor as the Representative of the Central Government. If the Governor doesn't cancel Conflicting regulations with provision regulation more legislation high, interest general, and/ or decency so Regional Regulations and Regional Head Regulations meant will canceled by the Minister of Home Affairs.

Regulation area be one of tool in do transformation social and democracy as embodiment public capable area answer rapid changes and challenges in the era of autonomy and globalization moment This as well as creation *good local governance* as part from sustainable development in the region. Through formation planned, aspirational and quality regulations in form Prolegda, then can expected bylaw will become mover main for change basic necessities area.<sup>5</sup>

Here the Regional People's Representative Council (DPRD) has it function formation regulation area, budget and supervision responsible for to form regulation region. The Regional People's Representative Council is institution legislature which is manifestation from people's sovereignty in the region.

Position Regional People's Representative Council institution at the level province or district / city level in essence play a role as institution the people's representatives run it power legislative at the level area. In perspective Currently, the position of the Regional People's Representative Council as holder local legislative authority the more and more get confession in a way firm with existence Constitution Number 17 of 2014.<sup>6</sup>

As institution legislative in the region, then the Regional People's Representative Council must active or follow as well as in supervision implementation regulation formed area. As mentioned that the Regional People's Representative Council has authority in to form legislation in the region, so that in formation regulation good and quality area is needed role as well as public For give inputs for the Regional People's Representative Council to made into material consideration in formation regulation area.

Participation various party in give input in formation regulation area, will make regulation law implemented by all parties, and law can Work in a way effective in society, because the law that was formed has accommodate interest all party.

<sup>4</sup> Assembly Republic of Indonesia Consultative Assembly, Op., Cit, p. 90

<sup>5</sup>Jazim Hamidi, *Legal Optics, Problematic Regional Regulations, Initiating Responsive and Sustainable Regional Regulations*, Print First, Prestasi Pustaka Publisher, Jakarta, 2011., pp. 60 and 61.

<sup>6</sup>King Faisal Sulaiman, *Theory of Regulation Legislation and Aspects Testing*, Printing First, Thafa Media, Yogyakarta, 2017, pp. 100 and 101.

As a country of law, one of pole main in organization government a country is formation regulation good, harmonious and easy legislation applied in society. As a discourse For carry out formation regulation good legislation required existence a regulations that can made into guidelines and references for the parties involved in formation regulation legislation, both at the level of center or at the level area.<sup>7</sup>

Still exist a number of matter ambiguity duties and authorities between the Regional People's Representative Council (DPRD) and the government area (executive), as already known that the Regional People's Representative Council (DPRD) and the government area are the two institutions that implement it discussion regulation area. Of course second institution the carry out duties and functions in accordance with corridor / path that has been set. However sometimes in implementation, duties and authorities about function legislation second institution Not yet clear. As example submission draft regional regulation originating from from initiative head area but sometimes draft regional regulation on initiative from the Regional People's Representative Council (DPRD) because existence delay submission drafts regional regulation by the head area to the Regional People's Representative Council (DPRD). This is show that authority in implementation function legislation between the Regional People's Representative Council (DPRD) and government area in a way general Already ok, just just need There is certainty and firmness in implementation regulation related the authority of the Regional People's Representative Council (DPRD) in the formation of regulation area.

East Kalimantan Regional Regulation Number 8 of 2013 concerning Implementation Official Reclamation and Post Mining revoked. The government center should do coordination with area before make policy centralized, regional regulation wants to revoked should There is clear narrative and literacy to the DPRD as form accountability performance to East Kalimantan community.

The issuance of Law Number 3 of 2020 concerning Amendment to Law Number 4 of 2009 concerning Mineral and Coal Mining, then since December 11, 2020, management mineral and coal mining start from licensing, coaching, monitoring until with supervision his authority carried out by the Central Government, in matter This is the Ministry of Energy and Mineral Resources. Regional Regulation Number 8 of 2013 was drafted with referring to to Constitution Number 4 of 2009 concerning Mineral and Coal Mining, so that Already no relevant Again its implementation

Based on explanation and description said, the author wants to researching about problem regulation the authority of the Regional People's Representative Council with title " **Reconstruction of the Regulation of the Authority of the Regional People's Representative Council (DPRD) in the Formation of Regional Regulations Based on Justice Values** "

### **Research Methods**

In research this, researcher choose use paradigm constructivism. According to view flow philosophy law *Legal Constructivism*, law is *law as relative and contextual consensus*. The meaning of expression This is law in essence is deal, okay written and also No written, which is of a nature relative and contextual.

The approach method used in study law This is legal normative. Research legal normative is focused research For to study implementation rules or norms in law positive,<sup>8</sup>which is in matter This

<sup>7</sup>Maria Farida Indrati S., *Science Legislation (2), Process and Techniques of Formation*, Kanisius, Yogyakarta, 2007, p. 1.

<sup>8</sup>Jhonny Ibrahim, *Theory and Methodology Normative Legal Research*, Bayumedia Malang, 2011, p. 295.

related with regulation the authority of the Regional People's Representative Council in the formation of regulation area based on mark Pancasila Justice.

Specification study This nature descriptive analytical, because researcher wish For describe or to expose on subject and object research, which then analyze and finally withdrawn conclusion from results study the.<sup>9</sup> It is said descriptive Because from study This expected can to obtain a clear, detailed and systematic picture, whereas it is said analysis because of the data obtained from study literature will analyzed For solve to problem in accordance with provision applicable law.

Data used in study This is secondary data. Secondary data is the data obtained from ingredients library through studies literature, and this data was also obtained from related agencies / institutions with objective study This.<sup>10</sup>

The analysis used in study This is *qualitative data analysis*, that is a procedure research that produces *descriptive data analytical*, namely what is obtained from study literature, which is researched and studied as something whole.<sup>11</sup>

## Discussion

### 1. Regulation The Authority of the Regional People's Representative Council (DPRD) in the Formation of Regional Regulations Not Yet Based on Justice Values

Provisions of Article 96 Paragraph (1) of Law no. 23 of 2014 is mentioned that: "DPRD has function legislation, budget, and oversight". The same thing about Functions of the Provincial and District / City DPRD set up in Article 149 Paragraph (1) which states that; "DPRD has function legislation, budget, and oversight", as well as in Article 2 Paragraph (1) of PP No. 12 of 2018. Furthermore, in PP No. 12 of 2018 it is emphasized that function legislation realized in to form regulation area, function budget realized in discuss and approve the RAPBD together head area, function supervision realized in supervise implementation regulation regions and APBD. Through function legislation This indeed placing the DPRD in a very strategic and honorable position, because the DPRD is involved as well as as partner parallel government area determine sustainability and future area. This should also be interpreted as trust For fight for and improve people's welfare.<sup>12</sup>

Mechanism performance legislation This can under scrutiny in two forms.<sup>13</sup> First, the mechanism conventional. Mechanism This tend similar with What is being done before implementation autonomy, namely move passive. DPRD accepts proposal Design Regional Regulation from executive, then discuss it until approved become A Regional Regulation new. Different phenomenon from previously, the current DPRD can also not just passive wait proposal executive, but urge executive For to propose a Design Regional regulations, especially those concerning things crucial and become source problems in the area.<sup>14</sup>

<sup>9</sup>Mukti Fajar ND and Yulianto Achmad, *Dualism Legal Research, Normative and Empirical*, Pustaka Pelajar, Yogyakarta, 2010, p. 183.

<sup>10</sup> Soeratno and Lincolin Arsyad, *Methodology Study For Economics and Business*, UPP AMP YKPN, Yogyakarta, 2003, p. 173.

<sup>11</sup> Soerjono Soekanto, *op.cit.*, p. 250.

<sup>12</sup>Sadu Wasistiono and Yonatan Wiyoso, 2009, Improving the Performance of the Regional People's Representative Council (DPRD), Fakusmedia, Bandung. p.35

<sup>13</sup> Wayne Sobari, et al., Innovation as Reference: Three Years of Regional Autonomy and Autonomy Award, Nailil Printika, Yogyakarta, 2004, p.105-106

<sup>14</sup> Moonti, RM (2017). The Nature of Regional Autonomy in the Regional Autonomy System State Administration In Indonesia. Allshlah: Journal Legal Science, 19(2), 26-37



Second, the review mechanism (assessment). In practice, now the DPRD has have initiative for Want to to study repeat The old regulations in force and the current regulations new which is considered experience resistance from society. The goal that is besides see effectiveness the walk Regional Regulation, also for look for possibility do revision to Regional Regulation Third, the use of right initiative. DPRD formed committees Work for do study. Study results committee Work in the form of a draft design Regional Regulation discussed internally in the DPRD, which then submitted in discussion together executive, up to approved Regional Regulation mentioned. Function legislation, oversight, and justified budget in Constitution This is legal capital for the DPRD to act out its function as institution people's representatives at the level local, so that can wake up dynamics of checks and balances in organization government area. Outside third DPRD functions such as mentioned above, actually Still There is other functions are function representation whose meaning and significance are very basic.<sup>15</sup>

In order for the implementation right initiative can give output in the form of Design Quality regulations so implementation right initiative This need inputs in the implementation process The intended result This Good from side quantity and also quality Design Regional Regulation, where quantity concerning amount Design The regulations produced, while quality concerning Design Regional Regulation the fulfil established criteria in the process of formation Good regulation including fulfil aspirations and desires public wide so that if Design Regional Regulation the set become Regional Regulation so will effective For enforced.

Next, things that can be done done in the relation for to obtain Design Regional regulations that fight for it the interests of the people are existence participation society. Implementation role as well as public in formation Regional Regulations include ; the implementation of meeting hear opinion general or meetings others that aim absorb aspiration society, it is done visit by DPRD members to get input from society, or holding seminars or similar activities in frame do assessment or take action continue various study For prepare a Design Local regulation.

Regulation the authority of the Regional People's Representative Council (DPRD) in the formation of Regional Regulations not yet based on mark justice that Still existence a number of matter ambiguity duties and authorities between the Regional People's Representative Council (DPRD) and the government area (executive), as already known that the Regional People's Representative Council (DPRD) and the government area are the two institutions that implement it discussion regulation area. Sometimes in implementation, duties and authorities about function legislation second institution Not yet clear. As example submission draft regional regulation originating from from initiative head area but sometimes draft regional regulation on initiative from the Regional People's Representative Council (DPRD) because existence delay submission drafts regional regulation by the head area to the Regional People's Representative Council (DPRD).

## **2. Weaknesses Regulation The Authority of the Regional People's Representative Council (DPRD) in the Formation of Current Local Regulations**

### **a. Weaknesses of Aspects Legal Substance**

Weakness aspect substance law that is that based on Constitution Number 9 of 2015 concerning Change Secondly, under the Law Number 23 of 2014 concerning Regional Government (here in after called Constitution Regional Government) reads: (1) Regional Regulations and Regional Head Regulations as meant in Article 249 paragraph (1) and paragraph (3) is prohibited contradictory with provision regulation more legislation high, interest general, and/ or morality. The conflicting regulations

<sup>15</sup> Soetandjo Wignosubroto, et al., The Ebb and Flow of Regional Autonomy: Sketches 100 Years of Journey, Institute for Local Government, Jakarta, 2005, p. 421

with provision regulation more legislation high, interest general, and/ or morality, was canceled by the Central Government. Even though bylaw must be customized with condition area local.

#### **b. Weaknesses of Aspects Legal Structure**

Weakness aspect structure law that is There is a number of Forced regulation cancelled by the Minister of Home Affairs (Mendagri) because after evaluated stated contradictory with interest general. Cancellation Regional Regulation Province carried out by the Minister of Home Affairs, temporarily cancellation Regional Regulation Regency / City is carried out by the Governor as the Representative of the Central Government. If the Governor doesn't cancel Conflicting regulations with provision regulation more legislation high, interest general, and/ or decency so Regional Regulations and Regional Head Regulations meant will was canceled by the Minister of Home Affairs. This required synergy between institution government.

#### **c. Weaknesses of Aspects Legal Culture**

Weakness aspect culture law that is officers law obeyed No Because reasons - reasons his compliance to state law but because of culture though there is a process of publication and participation society, but this process it seems Still nature artificial, because only very public invited talk for give input during the preparation and discussion process Draft Regional Regulation.

### **3. Reconstruction Regulation The Authority of the Regional People's Representative Council (DPRD) in the Formation of Regional Regulations Based on Justice Values**

#### **a. Comparison of Foreign Countries' Authority of the Regional People's Representative Council (DPRD) in the Formation of Local regulation**

##### **1) Dutch**

The Council of States of the Netherlands (Dutch: Staten- Generaal der Nederlanden) is the legislative body of the Netherlands. the Dutch bicameral house, consisting of from First Room or Senate and Tweede Kamer or House of Representatives. The State Council implements meetings, trials and gatherings at the Binnenhof Complex in The Hague.

The term Staten comes from from old Dutch which means the original related class feudal (estate or stand in Dutch) which is stratification socialite in the middle ages Europe which consists of from race clergy, nobles and commoners. The word Staten is used for refer to to a political body that represents every stratification socialite. Every The provinces of the Habsburg Netherlands had their respective states. Representative Body -Representative Body This in a way take turns own representative in known assembly as Staten- General.

Based on notes history, members of the Staten- Generaal consists of from delegates from from the existing countries (provinces) such as the State of Brabant, and was recorded in the middle 15th century under reign of the Duke of Burgundy. Session important First was the Estates General in 1464 which met on 9 January 1464 in Bruges, Flanders. initiative from States-Holland, States-Flanders and States-Brabant which are regulated in A agreement organized by Philip III. Then trial normal held in Coudenberg, Brussels, Brabant. Important things furthermore happened at the time the trial of the States-General by the Council of the Duchies on 3 February 1477 after death of Charles the Bold. At the trial said, the States-General was forced for granting Great Privileges to Mary of Burgundy by condition that State-General rights For convene on proposal from that body Alone still allowed.

Function main from the Staten-General to to form a body that is intended to government center for to discuss problems that are considered important with for the States from provinces. Affairs legislative and executive Still is at under the King's control in the years This.

When the beginning Dutch Revolution, Staten- General still loyal to The Sovereign King of the Habsburg Netherlands Felipe II (Felipe II in law No hold thrones the Kingdom of the Netherlands, but He hold a number of the position of Duke and Count in some province and position in the Habsburg Dutch Empire only limited to Lord). In 1576 Staten- Generaal do action disobedience against the Spanish Kingdom, then in 1579 the Staten- Generaal split become a number of Councils based in the Habsburg Dutch Provinces. After agreed upon Act Abjuration in 1581, the states (provinces) in the northern region replace Felipe II's position as Lord and these territories known as United Provinces (Dutch Republic).

Confederation This put all its functions and authorities to the States of the Republic of the Netherlands and the Authorities Local like Vroedschappen. States This Then lift kind of ambassador for the State- General with A a mandate limited by orders and consultations mandatory. States-General runs almost all of them authority executive after the Dutch Council of State (Raad van State) formed under influence English consequence Nonsuch Treaty. States- Generaal still Keep going convene until its dissolution in 1795. Position President States- General rotated every Sunday based on level seniority of the existing representatives. Below Treaty of Utrecht Union, States- Generaal in a way official own authority equal sovereign with kingship, representing the Republic within affairs abroad and make agreement with the monarchs of other countries. And act he continued, appeared title held in a way collectively by the members of the States- Generaal as a My Lords, My Lords.

## 2) Belgium

There are three regions (Flemish Region, Brussels-Capital Region, and Walloon Region). During the reform of both countries in 1980, the Flemish Region and the Walloon Region were given Parliament and Government them. On the other hand, the Brussels-Capital Region is just given his institution during the third reform of the State in 1988-89. The region has a legislative and executive body: known as as Regional Parliament and Regional Government.

However, in Flanders, the institution Community and Region are combined. Therefore, that, there is One parliament and one government. The Walloon Region runs regional competence over second area linguistics However, the Region has different part competence the to Community speak German for area linguistics German- speaking. In addition, the Walloon Region is only operating a number of competence transferred communities in the English -speaking Region France. With Thus, the study This No will discuss in a way Details about subdivision competence this is on geometry variable.

The region has authority legislative in related fields with the region or territory they in the broadest sense of the term. Therefore, that, the area can emit regional decisions that have strength law. In addition, this means entity federation Belgium responsible answer on connection external related competencies that have been assigned to them and have right for send delegation they Alone to bilateral position. There is no connection hierarchical between the territories and the federal authorities. Authority includes: Policy urban and spatial planning; Environment and water policy; Conservation nature; work general (infrastructure); Transportation; Trade overseas; Agriculture and Fisheries; Energy; Housing general; Policy economy; employment; taxation; supervision law cities and provinces; Research scientific related regional competence, and relations external in all thing entrusted to areas and the import, export and transit of arms.

There are ten provinces, plus Commission for Community of the Brussels-Capital Region, which is responsible answer to implement all federal, community, and regional regulations; Affairs general province; Maintenance infrastructure; Planning urban, and



Launching initiative in field education, culture, sports, medicine preventive, and policy social. (As mentioned above, some big competence This has uploaded to level Community in Flanders) Responsibility answer administrative communes, There are 581 communes, authorized for: Maintenance order general; Implementation election General; Registration Office general; Permission planning; Maintenance infrastructure road; Welfare social, and affairs general city.

One specialty Belgium is "communes à facilités ". Municipalities This must provide facility administrative for the people who speak in Language besides Language official. The formation of " facilities administrative " is consequence from Constitution language that governs use language in Belgium. Outside nine twelve municipalities in the bilingual region of Brussels, all municipality must use Language official language of the linguistic area (French, Dutch, or German) in actions and relationships they with inhabitant his country. This is cause problem for municipalities inhabited by minorities (or even majority) of people who use other languages. Facilities has given to resident a number of municipality that allows they to obtain deeds, information, certificates and documents other in Language besides Language general, and use Language the in connection they with city. There are twenty in total seven municipalities with facilities.

In addition, in some municipality said, the regulations ensure right political second split parties, both those who speak English or Indonesian language. components sensitive society For prevent government area take decisions that can be made harm part public.<sup>16</sup>

### 3) Italy

Parliament nature bicameral and consists of from the House of Representatives and the Senate. All members of the House of Representatives (assembly) low) selected in a way popular through system representative proportional, which functions for profitable parties small. Most of member Senate (assembly) height) selected with the same way, but The Senate also includes a number of members appointed by the president and former the president acting ex officio, all of whom take office lifelong life.

In general theory, Senate must represent area and with method This different from assembly low, but in the practice the only one difference real between both of them lies at the minimum required age for voters and candidates: 18 and 25 years respectively for deputy and 25 and 40 years old for senators. Both deputies and senators are elected for a term of five years, which can be extended only If happen war. Member parliament No can punish Because opinion expressed or the votes cast, and the deputies or senators do not require for give voice in accordance with desire constituents them. Except If removed by action parliament, member parliament and senators enjoy immunity from arrest, trial criminal, and searches. Salary they established by law, and they fulfil condition for get pension.

Second assembly in a way official organized become party parliament. Every assembly was also organized become committee remains, which reflects proportion group parliament. However, the leadership committee parliament is not monopoly exclusive majority. In addition to studying design laws, committees This act as a legislative body. The rules parliament follows the United States pattern and has give committee still broad powers for control government and administration. All feature This explain Why government own ability limited for controlling the legislative agenda and why member parliament often can give conflicting voices with Instructions party and avoid accountability electoral. Elimination collection voice secret in part big problem parliament at the end 1980s No change situation This in a way significant.

Majority special required for Constitution constitutional and for election president republic, judge of the court Constitution, and a member of the High Council of Magistrates. Both assembly meet together

<sup>16</sup> <https://portal.cor.europa.eu/divisionpowers/Pages/Belgium-Introduction.aspx> accessed January 11, 2024

for elect and inaugurate president republic and choose one third members of the High Magistrates' Council and one third of the judges of the Court Constitution. They can also convene for to accuse president republic, president of the Council of Ministers, or minister individual.

Every fiscal year annual and reports expenditure for year budget previously submitted to parliament for approved. However, the budget the No covers all expenditure public, also not covers details budget from many public bodies, for which reason, parliament No own adequate control. Agreement international ratified through Constitution special.

Function the most important parliament is legislation usual. The bill can propose in parliament by the government, by member individuals, or by bodies such as the National Council for Economy and Labor, various regional councils, or commune, as well as through petition of 50,000 citizen voters or through a referendum. The bill was passed both by committee still or by parliament in a way overall. In both case said, the procedure basically same. First, there is debate general followed with collection vote; then, each article of the bill is discussed and voted on; finally, the vote voice final done for the entire bill. All bills must approved by both assembly before become law; with Thus, every time one assembly submit amendment to draft approved by the assembly others, the last assembly must agree amended draft the.

Official government area certain also have task government center : among others is president committee area which, in direct function administrative powers delegated by the state to area, do certain state duties ; and the mayor a the commune which, in its capacity as agent government center, register birth, death, marriage, and migration, maintaining order general ( although in the practice matter This handled by the police national ), and can, in case emergency, issue regulation about health community, planning city, and police local.<sup>17</sup>

#### **b. Reconstruction of Regulatory Values The Authority of the Regional People's Representative Council (DPRD) in the Formation of Regional Regulations Based on Justice Values**

Reconstruction desired value achieved in study This that regulation the authority of the Regional People's Representative Council (DPRD) in the formation of regulation the area that was once Not yet based on justice now based on mark justice.

#### **c. Reconstruction of Regulatory Norms The Authority of the Regional People's Representative Council (DPRD) in the Formation of Regional Regulations Based on Justice Values**

Here are some examples the bylaw that was cancelled is Regional Regulation Number 6 of 2002 Groundwater Extraction Canceled with the Decree of the Minister of Home Affairs Number 12 of 2006 concerning Cancellation Regional Regulation of Central Java Province Number 6 of 2002 concerning Groundwater Extraction ( Retribution) Permission Groundwater Extraction ) because contradictory with Constitution Number 18 of 1997 concerning Regional Taxes and Regional Levies as has changed with Constitution Number 34 of 2000, Law Number 7 of 2004 concerning Water Resources, Government Regulations Number 66 of 2001 concerning Regional Retribution, because authority giving permission provision, allocation, use and exploitation of groundwater as well as source water power in river basins in one district /city area is authority Regency /City.

<sup>17</sup> <https://www.britannica.com/place/Italy/Regional-and-local-government> accessed January 11, 2025

Based on description on so presented reconstruction table like under:

Table 5.1. Reconstruction The Authority of the Regional People's Representative Council (DPRD) in the Formation of Regional Regulations Based on Justice Values

No.	Construction	Weakness	Reconstruction
1.	Constitution Number 9 of 2015 Concerning Change Secondly, under the Law Number 23 of 2014 Concerning Local government Article 101 Verse 1 letter a Provincial DPRD have duties and authorities: a. to form Regional Regulation Province together governor	Not based on mark justice	Reconstruction Constitution Number 9 of 2015 Concerning Change Secondly, under the Law Number 23 of 2014 Concerning Regional Government, in Article 101 Paragraph 1 letter a with add words based on mark justice, so that reads: Article 101 Verse 1 letter a Provincial DPRD have duties and authorities: a. to form Regional Regulation Province together governor based on mark justice
2	Constitution Number 23 of 2014 Concerning Local government Article 236 Verse 4 Apart from the material load as referred to in paragraph (3) of the Regional Regulation can load material load local in accordance with provision regulation legislation	In general substance Still Not yet clear word load local	Reconstruction Constitution Number 23 of 2014 Concerning Regional Government, in Article 236 Paragraph 4 with replace the load word local with the appropriate words with dynamics need public local, so that reads : Article 236 Verse 4 Apart from the material load as referred to in paragraph (3) of the Regional Regulation can load appropriate material with dynamics need public local in accordance with provision regulation legislation

## A. Closing

Regulation the authority of the Regional People's Representative Council (DPRD) in the formation of Regional Regulations not yet based on mark justice that Still existence a number of matter ambiguity duties and authorities between the Regional People's Representative Council (DPRD) and the government area (executive), as already known that the Regional People's Representative Council (DPRD) and the government area are the two institutions that implement it discussion regulation area. Weaknesses regulation the authority of the Regional People's Representative Council (DPRD) in the formation of Current Regional Regulations This among other weaknesses aspect substance law that is based on Constitution Number 9 of 2015 Paragraph (1) Regional Regulations and Regional Head Regulations as meant in Article 249 paragraph (1) and paragraph (3) is prohibited contradictory with provision regulation more legislation high, interest general, and/ or morality. Weakness aspect structure law that is There is a number of Forced regulation cancelled by the Minister of Home Affairs (Mendagri) because after evaluated stated contradictory with interest general. Weaknesses aspect culture law that is officers law obeyed No Because reasons - reasons his compliance to state law but because of culture though there is a process of publication and participation society, but this process it seems Still nature

artificial. Reconstruction regulation the authority of the Regional People's Representative Council (DPRD) in the formation of Regional Regulation based on mark justice among others: reconstruction desired value achieved in study This that regulation the authority of the Regional People's Representative Council (DPRD) in the formation of regulation the area that used to be Not yet based on justice now based on mark justice. Reconstruction of regulatory norms the authority of the Regional People's Representative Council (DPRD) in the formation of regulation area based on mark justice in law Number 9 of 2015 Concerning Change Secondly, under the Law Number 23 of 2014 Concerning Regional Government, in Article 101 Paragraph 1 and the Law Number 23 of 2014 Concerning Regional Government, in Article 236 Paragraph 4.

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