

## **Implementation Of Legislation Function In The Regional Representatives Of The Situbondo Regency**

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**ABSTRACT:** *This study aims to determine the implementation of legislation in the Regional Representative Council (DPRD) of Situbondo Regency. The method used in this study is a qualitative study method. The type of study used in this study is a descriptive study type. Based on the results of the study it was concluded that the implementation of the legislation by Situbondo Regency DPRD Situbondo was still not optimal. This can be seen from the lack of quantity of product legislation proposed by the Situbondo Regency DPRD initiative which was passed into a Regional Regulation, when compared to the quantity of products proposed by executive executives. The cause of the lack of optimal implementation of legislation in the DPRD of Situbondo Regency is caused by several factors, including: 1). Less optimal involvement of parties (stakeholders). 2). Less careful in formulating problems and prioritizing issues of legislation policy. 3). The influence of the interaction dynamics of community groups is quite strong, 4). Weak coordination and cooperation of DPRD with executives and stakeholders. 5). Weak and limited Human Resources (HR) of the Situbondo Regency DPRD.*

**Keywords:** *Implementation, Function, Legislation and Effectiveness*

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### **I. PRELIMINARY**

739/5000 Realizing the synergy between the executive and the legislature in the region is not easy, there are many dynamics that accompany the two relations, one of the dynamics that often arises is when executives as regulators administer government are less able to articulate good governance of autonomy, namely lack of transparency, accountability, participation, responsibility and consensus in the administration of regional government. Whereas on the other hand, the DPRD as an executive control institution in many regions faces problems with its own establishment, such as the limitations of the quality of professional Human Resources (HR) in carrying out their functions and the existence of pragmatic attitudes towards members of the DPRD.

Based on this explanation, it seems that the conditions that are not much different also occur in the Situbondo Regency DPRD. Where in carrying out its functions, especially in the legislative process until now it seems that it is still not optimal. These facts the authors found in the preliminary observations in this study. Based on the results of preliminary observations, preliminary data found that there is a tendency in most members of the Situbondo Regency DPRD not to evaluate their performance, especially in the performance of legislation. Because there is an assumption as a Member of the DPRD Situbondo which states that: First, the DPRD of Situbondo Regency as a political institution does not need a performance report. Second, there is no standard format for DPRD performance / memory reports in general, which results in a neglect of the importance of performance measurement. Third, the performance / memory report of the Situbondo Regency DPRD is considered to be merely a formality, because there are no legal consequences. Fourth, the performance / memory report of the DPRD of Situbondo Regency is more filled with clippings of news in the print media and the Situbondo Regency DPRD magazine. More dominated by photos of the leadership activities and other DPRD Regency equipment, compared to the description of the performance of the Situbondo Regency DPRD that had been achieved. Fifth, the performance / memory report of the Situbondo Regency DPRD cannot be a reference and guideline for the Situbondo DPRD for the next term, because it does not contain clear and applicable recommendations, and sixth, the low demands on the Situbondo DPRD performance report so far.

On the other hand, the deterioration in the performance of the DPRD Situbondo District in carrying out its functions, especially in the legislative function, was thought to be due to the low quality and individual capacity of members of the Situbondo Regency DPRD and the influence of the interaction of community group dynamics. Further related to the low quality and capacity of Situbondo Regency DPRD members and the existence of these community groups can be explained as follows:

1. Regarding the low quality and capacity of Situbondo Regency DPRD members, it is reflected in the educational background of some members of the Situbondo Regency DPRD, which are only high school

graduates, equivalent to 13 people or 28.9 percent. While those who have the latest Diploma IV (DIV) / Bachelor (S1) education are 27 people or 28.9 percent, and the last education is as many as 5 people or 11.1 percent.

2. The strong interaction of the dynamics of the community groups in the administration of the government in Situbondo Regency which affects the patterns and attitudes of some Members of the Situbondo Regency DPRD. The strong influence of the interaction of the dynamics of the community groups in Situbondo Regency is caused by the culture of religious and religious Situbondo people and the majority of santri, so that Situbondo Regency is known as the city of santri and bumi sholawat nariyah, as seen from the many Islamic boarding schools. Based on data from the Ministry of Religion of Situbondo in 2017 there were 309 Islamic boarding schools. On the other hand, the culture of the Situbondo community which is mostly santri is also reflected in political affiliation in each General Election (Election). Where political parties that are the winners of the Election in Situbondo Regency are always political parties that have a cultural base of pesantren, such as the 2009 United Development Party (PPP), with 11 seats in the Situbondo Regency DPRD, and in 2014 the National Awakening Party (PKB) ) with 11 seats.

Based on the explanation above, the writer further considers it important to conduct further studies with the title of the study of: Situbondo Regency, especially related to "**Implementation of Legislation Policy at the Regional Representative Council of Situbondo Regency**".

### **1.1 Study Formulation**

Based on the background above, the formulation of the problem in this study is how the implementation of legislation in the Regional Representative Council (DPRD) of Situbondo Regency ?.

### **1.2 Purpose of Study**

The purpose of this study was to find out and analyze the implementation of legislation in the Regional Representative Council (DPRD) of Situbondo Regency.

### **1.3 Conceptual Framework**

#### **A. Regional People's Representative Assembly**

The concept of separation of power divides power into executive, legislative and judicial branches. Legislative power must not be made into executive power to avoid tyranny. Legislative power is also a power that provides the basis for the administration of the state through the establishment of laws. The existence of a legislative body begins with the desire of the community to take over the power of the state which begins to focus on a king or head of state. The desire which eventually led to the center of power of the community that gained legitimacy and institutionalized within the legislature.

In the DPRD there are seats for political parties, factions and equipment for DPRD that have a very important function in the implementation of regional autonomy. The legislative function is part of the process of functions possessed by the DPRD and has an important role in the implementation of the role of the DPRD as a regional legislative body, and this study will also discuss the substance of the right of initiative possessed by DPRD members.

As a legislative body, the DPRD also functions as a legislative body. Through this function the DPRD actualizes itself as a people's representative, the Constitution and the law regulate the right of initiative for the Draft Regional Regulation (Raperda) and the right to change (Raperda). The ability of the legislature to carry out representative functions and legislative functions can be seen from the perceptions of the members in raising various problems within the community to be discussed in the legislative forum or the ability of the legislature to carry out aggregation and articulation of the interests of the people represented.

#### **B. Function of the Regional People's Representative Council**

The Regional Representative Council is the regional representative body of the people as an element of regional government administration. In general, this role is manifested in three functions, namely: First, the regulator: Regulates all regional interests, both those which include regional household affairs (autonomy) as well as the affairs of the central government which are delegated to the regions (co-administration). Second, Policy Making: Formulating development policies and planning development programs in the region, and. Third, budgeting: Regional budget planning (APBD) In its role as a representative body, the DPRD places itself as a balanced power that balances and exercises effective control of the Regional Head and all levels of regional government.

#### **1.4 Study Type**

The type of study used in this study is a descriptive study type, namely to provide an overview or explanation of the extent of the implementation of legislation in the Regional Representative Council (DPRD) of Situbondo Regency. The informants in this study include:

1. Head of Situbondo Regency DPRD;
2. Members of the Situbondo Regency DPRD;
3. The executive, and
4. Non-governmental organizations.

#### **1.5 Results of the Study and Discussion**

##### **A. Process (Normative) Compilation of Legislation**

In accordance with Law (Law) No. 12 of 2011 concerning the Establishment of Regulations on Laws and Law No. 23 of 2014 concerning Regional Government, there are two different mechanisms for submitting draft legislation between the executive and the legislature. The Executive will be regulated through a Presidential Regulation. While for the legislature regulated according to PP No. 16 of 2010 concerning Guidelines for Preparation of the Rules of Procedure of the Regional People's Representative Council (DPRD). In Government Regulation (PP) No. 8 of 2014 concerning the DPRD Regulations, Article 31 states that: The procedure for submitting Regional Regulations on an initiative that is at least 5 (five) members of the DPRD can submit a proposal for a Regional Regulation Draft initiative (Draft Regional Regulation)

In the context of this study, the proposal of the initiative was submitted to the Chairperson of the Situbondo Regency DPRD in the form of a draft regulation accompanied by a written explanation and given the Principal Number by the Situbondo Regency DPRD Secretariat. The proposal of the initiative was made by the Chairperson of the Situbondo Regency DPRD at the Plenary Session of the DPRD in Situbondo, after receiving consideration from the Consultative Body. In the Plenary Session of the DPRD in Situbondo, the proposers were given the opportunity to give an explanation of the proposal.

Talks about a proposal for an initiative were carried out by giving the opportunity to other Situbondo Regency DPRD members to give their views on the initiative and then ask the District Head to give an opinion or explanation. Where finally the proposers gave answers to the views of the members of the Situbondo Regency DPRD and the opinion of the Regent of Situbondo. Proposed initiatives before it was decided to become the initiative of the Situbondo Regency DPRD, the proposers were entitled to submit changes and / revoke them. The discussion ended with the decision of the Situbondo Regency DPRD to accept or reject the proposed initiative as the initiative of the Situbondo Regency DPRD. The procedure for discussing the Regional Regulation Draft on the initiative of the DPRD follows the provisions that apply in the discussion of the Regional Regulation Draft on the initiative of the Regional Head.

The mechanism for making a draft regulation into a local regulation is regulated in a regulation in the Situbondo Regency DPRD No. 1 of 2015, after which a Special Committee (Pansus) was formed and coordinated with the accompanying team. From these results a draft Academic Script (NA) and an initial Raperda were made. Then an internal committee meeting was held and the escort team, when it could also be included opinions and suggestions from the Regent in this case were the regional government and the accompanying team. In this process, a comparative study can be carried out before or after the meeting with the technical team. Because a Regional Regulation (Perda) is very closely related to the needs and interests of the community, it is ideal to hold a public hearing with relevant stakeholders, in order to obtain input and results from the public hearing it will be followed up at a meeting. However, it seems that the public hearing mechanism has not been optimally carried out by the Situbondo District Parliament in the process of drafting the draft regulation so far.

Furthermore, before a draft regulation is stipulated as a regional regulation, then based on Minister of Home Affairs Regulation number 80 of 2015 concerning the formation of regional legal products, the draft legal product in the form of draft regional regulations must obtain corrections or reviews from the government in this case the governor is authorized and subsequently the results of the corrections were returned to the local government to do a common perception between the special committee and the executive in the form of joint discussions.

After completing the Raperda discussion between the DPRD Situbondo Regency and the Situbondo Regency Government, the Raperda agreement was carried out together with the mechanism of the Situbondo Regency DPRD Leadership to convey to the Regent of Situbondo to be stipulated as a regional regulation. The submission shall be carried out no later than 7 (seven) days after the joint agreement. With the approval of the Raperda, the Regent of Situbondo stipulates the Raperda to be a Regional Regulation by signing a signature no later than 30 (thirty) days. If within a period of 30 days there has not been a signature from the Regent of Situbondo, then the Raperda is valid to become a Regional Regulation and included in the regional sheets. The

regulation that has been determined by the Regent of Situbondo to have legal strength and binding on the community must be promulgated in the regional sheets carried out by the Regional Secretary.

With the promulgation in the regional sheets, everyone is considered to have known the said regulation. For this reason, the government is obliged to disseminate to the public so that the public knows the contents and intentions contained in the local regulations. Dissemination can be through print and electronic media in the area. From the normative and empirical mechanisms above, it can be seen that the mechanism is in accordance with Article 29 of Government Regulation (PP) No. 25 of 2004 concerning Guidelines for Preparation of DPRD Rules and Regulations stating that in submitting a Raperda by the legislature at least 5 (five) members of the DPRD can submit a proposal for a draft Raperda. The proposal of the initiative referred to, was submitted to the Chairperson of the DPRD in the form of a Draft Regional Regulation accompanied by an explanation in writing and given the Principal Number by the DPRD Secretariat. The proposal of the initiative by the DPRD Chairperson was delivered at the DPRD Plenary Meeting, after receiving consideration from the Deliberation Committee. In the Plenary Meeting, the proposers were given the opportunity to provide an explanation of the proposal referred to in Article 29 Paragraph (2) PP No. 25 of 2004 concerning Guidelines for Preparation of DPRD Regulations, which read: Proposed initiative as referred to in paragraph (1), submitted to the DPRD Leadership in the form of Draft Regional Regulations along with written explanations and given the Number by the DPRD Secretariat.

#### B. Process (Empirical) and Results of Regional Legislation

The use of the legislative function in the Regional Representative Council (DPRD) of Situbondo Regency for the 2014-2019 period is less validated, compared to the executive proposal. Where there are 8 (eight) Draft Regional Regulations (Raperda) proposed by the DPRD of Situbondo Regency, only 4 (four) Draft Regulations are passed into Regional Regulations (Perda). While the Executive proposal was 11 (eleven) draft regulations, all of which were approved and ratified as regional regulations. Based on the results (output) of the legislation, it can be explained further, that the capacity of the DPRD Regency in the legislative process is still relatively minimal, compared to the Executive. On the other hand, with the large number of draft Executive Proposals agreed to as Perda, it shows that the Executive is more able to convince the Situbondo DPRD and stakeholders in the process of drafting legislation. More broadly, the draft regulation proposed by the executive can be interpreted as being better able to articulate public needs and interests.

#### C. Inhibiting the Process of Formulating Legislation

The author's study shows that the lack of optimal local legislative council (DPRD) of Situbondo Regency in the implementation of the legislative process was caused by several factors, including:

1. Less optimal involvement of stakeholders (stakeholders). So far, the involvement and involvement of the parties in the implementation of the legislative process is still very minimal, one of the impacts of which is that productivity in drafting legislation is very minimal. Because the absorption of aspirations obtained by the DPRD in Situbondo is still minimal.
2. Less careful in formulating problems and prioritizing issues of legislation policy. The lack of carefulness of the legislators in the process of drafting legislation is actually important in order to have the right impact and create a multiplier effect. Because in the formation of a process that is planned appropriately it will minimize the occurrence of failure in the proposal of the Raperda to become a Regional Regulation.
3. The strong influence of the dynamics of community groups influences the process of drafting the draft regulation, so that the process of drafting the draft regulation by the DPRD of Situbondo Regency is not fully oriented to the needs and interests of the public at large.
4. Weak coordination and cooperation of the Situbondo Regency DPRD with executives and stakeholders.
5. Weak and limited Human Resources (HR) of the Situbondo Regency DPRD. Based on the study of the author, out of 12 (twelve) members of the Regional Representative Council (DPRD) of Situbondo Regency DPRD who sit in the Baleg (Baleg) DPRD of Situbondo, only 3 members have educational backgrounds in the field of law. There are even DPRD members who are only from high school education. It should be to balance the capabilities of executive human resources, it is fitting that all members of the Legislation Body have a formal education level of Stata 1 (S1), because it is in accordance with the function of the Legislative Body as a tool for the DPRD Regency in Situbondo Regency DPRD. currently inadequate.

#### 1.6 Conclusion

Based on the results of the study and discussion. So it can be concluded that the implementation of the legislation by Situbondo Regency DPRD Situbondo is still not optimal. This can be seen from the lack of quantity of product legislation proposed by the Situbondo Regency DPRD initiative which was passed into a Regional Regulation, when compared to the quantity of products proposed by executive executives. The cause of the lack of optimal implementation of legislation in the DPRD of Situbondo Regency is caused by several

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